

**Constitution**

**of the**

**STREET MACHINE ASSOCIATION OF SOUTH  
AUSTRALIA INCORPORATED**

**Revision 9, XX 2018**

## Contents

1	Name .....	3
2	Revocation .....	3
3	Transition .....	3
4	Definitions .....	3
5	Objectives of the Association and Membership .....	4
6	Management of the Association .....	4
7	Elections .....	5
8	Function of Executive Committee .....	6
9	Duties of Office Bearers .....	6
10	Funds and Accounts .....	9
11	Meetings .....	9
12	Voting Rights .....	10
13	Affiliation .....	11
14	Club Affiliation with the Association .....	11
15	Vehicle Club Registration .....	11
16	Use of the Association's Assets .....	11
17	Internal Review Panel .....	12
18	Breaches of Appropriate Conduct .....	13
19	Conduct at Events .....	14
20	Inappropriate or Detrimental Behaviour .....	14
21	Expulsion from the Association .....	14
22	Life Membership .....	14
23	Security and Police Checks .....	16
24	Privacy Policy .....	16
25	Amendments to Constitution .....	16
26	Survival .....	16
27	Non Profit Status .....	16
28	Dissolution .....	17
29	Powers of an incorporated association .....	17
	FIRST SCHEDULE .....	18
	STANDING RULES .....	18
1	Restriction on Disbursements .....	18
	SECOND SCHEDULE .....	19
	THIRD SCHEDULE .....	23
	CONSTITUTIONAL REVISIONS .....	24

## 1 Name

1.1 The name of the Association is the Street Machine Association of South Australia Incorporated.

## 2 Revocation

2.1 The acceptance of this Constitution, by a majority of the Financial Members at an AGM, shall revoke all previous Constitutions and its effects in relation to matters occurring after the acceptance.

## 3 Transition

3.1 Any outstanding matters pre-dating the Date of Acceptance will be subject to this Constitution, unless the matter in question has been commenced under a previous Constitution, and it is otherwise impractical for this Constitution to deal with the matter in question.

## 4 Definitions

4.1 Title names and abbreviations used in this Constitution shall be defined as follows and unless the context implies otherwise, words suggesting the singular shall include the plural and vice versa, and words suggesting the masculine gender shall include the feminine gender.

**'Affiliated Club'** means group of not less than **SIX (6)** persons that representing a common automotive interest that has:

- (a) Completed and signed the Association Affiliated Club Membership Form;
- (b) Paid, or been gifted the prescribed fee for affiliation with the Association.

**'Affiliated Club Delegate'** means an elected representative of an affiliated club who has the authority of that club to vote at all General Meetings of the Association.

**'AGM'** means the Annual General Meeting of the Association.

**'Casting Vote'** means the single vote by the President that applies to break a voting deadlock in any matter being voted upon.

**'Club'** means a group of not less than six (6) persons that represent a common automotive interest.

**'Club Delegate'** means the elected or nominated representative of the said club.

**'Club Registration'** means the scheme for registering historic vehicles, prescribed left hand drive vehicles, street rod vehicles and modified vehicles under the Motor Vehicles Act 1959 and regulations thereunder and the MR334 Code of Practice.

**'Date of Acceptance'** means the date upon which this constitution is accepted by the membership in accordance with clause 25 hereof.

**'EGM'** means an Extraordinary General Meeting convened in accordance with clause 11.4.

**'Executive Committee'** means the officers of the Association set out in clause 6.

**'Member'** and **'Financial Member'** means any natural person that has:

- (a) Paid or been granted the prescribed fee for the given financial year or
- (b) A Life Member that has completed and signed a membership form for the given financial year.

**'Prescribed Fee'** means any fee for Membership, product or service of the Association that may be set from time to time by the Executive Committee in accordance with this Constitution.

**'Quorum'** means the required minimum number of members voting to pass a motion at any meeting, or the minimum number of members required to constitute a meeting.

**'the Association'** means the Street Machine Association of South Australia Incorporated.

**'Special Majority'** means a vote where no less than 75% of the members present and eligible to vote cast a vote in favour of a resolution.

**'Standing Rules'** means rules of administrative governance promulgated from time to time by the Executive Committee appearing in Schedule 1 hereto.

**'Street Machine'** means any original or custom modified vehicle.

## 5 Objectives of the Association and Membership

- 5.1 To encourage people who have an interest in automotive pursuits including the restoration, preservation and modification of historic vehicles, left hand drive vehicles and hot rods and to represent these pursuits of Members in South Australia to any relevant authority.
- 5.2 To advise on the building, rebuilding, modification and restoration of Members' vehicles where possible.
- 5.3 To promote events and activities with the aim of enabling Members and their families to enjoy social interaction with other like-minded people.
- 5.4 To protect the good reputation of the Association in the eyes of the public and the various authorities and prevent where possible any undue or unfair exploitation of its Members.
- 5.5 To liaise with government bodies on a State and National level when necessary for the advancement of the pursuit of Members' interests.
- 5.6 Membership is open to any person who shares the objectives and passions of the Association, pays the appropriate joining and membership fee(s) and agrees to comply with the applicable constitution of the Association and has not otherwise been prohibited by the Executive Committee from being a Member.
- 5.7 The Executive may from time to time create classes of membership of the Association in order to accommodate the needs of the members and to provide fairness and equity to all Members.

## 6 Management of the Association

- 6.1 The Association shall be administered by an Executive Committee comprising office bearers elected at the Annual General Meeting.
- 6.2 To be eligible for election to an Executive Committee position, the nominated person must be a Financial Member of the Association for at least **ONE** (1) financial year prior to taking the position.
- 6.3 The membership shall elect the following office bearers by a majority vote from amongst its members at the AGM who shall constitute the Executive Committee of the Association:
  - (a) The President;
  - (b) The Vice President;
  - (c) The Secretary;
  - (d) The Minutes Secretary (optional)
  - (e) The Treasurer;

- 6.4 The Executive Committee shall meet at least four times in any year at dates and venues that are mutually suitable to all members.
- 6.5 The Quorum for Executive Committee meetings shall be four members.
- 6.6 Any member of the Executive Committee may resign in writing and the Executive Committee may appoint another member of the organisation to fill such casual vacancy.
- 6.7 If a position of the Executive Committee becomes vacant by the death, ill health, retirement of the person holding the position due to work or other competing commitments or if a dysfunctional relationship within the Association Executive Committee arises, then subject to Clause 6.2 of this Constitution, the Association Executive Committee must elect either an interim Office Bearer or assume the vacant role themselves until the next Members' meeting where the Financial Members may by majority vote confirm the Executive Committee's nomination or appoint a new Member to the position.
- 6.8 The Executive Committee may from time to time appoint any of the following officers of the Association as the needs may arise and who shall not be members of the Executive Committee by virtue of such appointment:
- (a) Public Relations Officer;
  - (b) Membership Officer
  - (c) Cruise Coordinator;
  - (d) Events Coordinator;
  - (e) Newsletter Editor
  - (f) Website Editor;
  - (g) Show and Shine Coordinator;
  - (h) Chief Club Registration Officer;
  - (i) Club Registration officers;
  - (j) Merchandising officer;
  - (k) Marketing Officer
  - (l) Any other position that may be deemed necessary as the need arises.
- 6.9 As all position on the Executive Committee and non executive officers are volunteer positions each member who performs a service to the Association in any of the roles will be entitled to free membership, including a club registration fee waiver, for the year of service or part thereof.
- 6.10 The Executive Committee may from time to time as the need arises develop and promulgate administrative rules which shall form the Standing Rules and which must be approved at a Members' meeting by majority resolution and which will be noted in Schedule 1 hereto.

## 7 Elections

- 7.1 The Executive Committee positions:
- a) Shall be for a term of **TWELVE** (12) months from being elected at an AGM until the next AGM.
  - b) Shall become vacant at the next AGM from when each member was appointed.

- 7.2 Nominations can be submitted to the Secretary at any time before or during the AGM on the nomination form released to the members prior to the AGM or verbally at the AGM
- 7.3 Elections are to be by a majority show of hands by Members present and entitled to vote and all candidates shall leave the room with no less than **THREE** (3) electoral officers being sought from Members attending and who shall preside over the calling for and counting of all votes. When all results are arrived at candidates shall be re-admitted to the meeting and outcomes announced.

## 8 Function of Executive Committee

- 8.1 The Executive Committee must ensure the adequate management and conduct of the Association's Day-to-day affairs including:
- (a) Management of Bank accounts, investments and any other financial duties;
  - (b) Procedures to process memberships for Members and Affiliated Clubs;
  - (c) Planning and executing the various club events and activities; and
  - (d) The production and delivery of annual reports of membership, finances, and activities to all Members.

## 9 Duties of Office Bearers

The following respective duties must be complied with, and if necessary delegated appropriately, to ensure the efficient administration of the Association:

### 9.1 The President shall:

- (a) Preside at all meetings of the club, and of the Executive Committee, and shall preserve good order so that the business may be properly conducted;
- (b) Ensure that the minutes of previous meetings are read and confirmed, and upon such reading and confirmation, sign his/her name;
- (c) Attend, wherever possible, all official the Association meetings and functions;
- (d) Represent the Association at external meetings, official business and functions, and act as spokesperson for the Association when necessary;
- (e) Engage in correspondence on behalf of the Association where appropriate; and
- (f) Present an annual report to the Financial Members at each AGM.

### 9.2 The Vice President shall:

- (a) Shall assist the President in the administration of his/her office and to chair meetings of the Association and the Executive Committee in the absence of the President.
- (b) Assume the duties of President where the President is not present or otherwise unable to act; and
- (c) Carry out other such duties as required.

### 9.3 The Treasurer shall:

- (a) Supervise the financial affairs of the organisation, keep proper accounts that show all monies collected and paid out by the organisation, and prepare financial reports for presentation to the Executive Committee and membership.
- (b) Keep a record of membership fees due by each Member from time to time, recording the date of payment;

- (c) Collect all membership fees and other money due and/or payable to the club;
- (d) Issue an official receipts and pay such monies into the Association's accounts with whichever banks and/or financial institution(s) the Executive Committee shall from time to time select, having proper regard for the integrity and security of the institution so selected;
- (e) Receive all accounts and submit them to the Executive Committee for approval of payment;
- (f) Effect payment of all accounts so approved;
- (g) Maintain proper books of accounts;
- (h) Present a report of the club's financial position to each meeting;
- (i) Present at each AGM a statement of Income and Expenditure for the preceding financial year and a statement of the Association's Assets and Liabilities as at the financial year's end. Such statements shall have been duly audited by an honorary auditor who shall not be a member of the Executive Committee;
- (j) Prepare an Annual Financial Budget as at the 30th April each year to be presented to the Executive Committee prior to the AGM; and
- (k) Carry out other such duties as required.

**9.4 The Secretary shall:**

- (a) Keep records of all meetings, prepare and circulate the agendas for meetings in consultation with the President, maintain a membership list and deal with correspondence.
- (b) Deal with all Club correspondence;
- (c) Give all such notices as may be required;
- (d) Arrange all insurance policies on behalf of the Association when and where necessary;
- (e) Keep a record of all the Association's fees;
- (f) Carry out other such duties as required;
- (g) Present an annual report to the Members at each AGM; and
- (h) Ensure the incoming Executive Committee at the AGM is aware of and has read the Association Constitution.

**9.5 The Minutes Secretary shall:**

- (a) Record the minutes of all properly convened meetings and shall submit same to the next ensuing meeting for confirmation; and
- (b) Carry out other such duties as required.

**9.6 The Membership Officer shall:**

- (a) Follow up on all enquiries for membership;
- (b) Process all memberships and issue membership cards in a timely manner; and
- (c) Maintain a current list of Financial Members and their addresses and other relevant details.
- (d) Carry out other such duties as required.

**9.7 The Public Relations Officer shall:**

- (a) Be responsible for the promotion of the Association;
- (b) Recruit new members, and have current members continue; and
- (c) Inform other clubs within SA and more broadly of the Association's activities.
- (d) Carry out other such duties as required.

**9.8 The Cruise Coordinator shall:**

- (a) Plan in conjunction with the Executive Committee a calendar of events for a period of **TWELVE** (12) months, ending **THREE** (3) months after the next general meeting; and
- (b) Carry out other such duties as required.

**9.9 The Events Co-ordinator shall:**

- (a) Arrange and co-ordinate the Association events and functions;
- (b) Provide a calendar of pending events and functions to the Newsletter Editor for publication;
- (c) Carry out other such duties as required.

**9.10 The Newsletter Editor shall:**

- (a) Be responsible for collating and distributing a newsletter on a quarterly basis;
- (b) Present a draft copy of the newsletter to the Executive Committee prior to releasing it to the nominated printer; and
- (c) Be responsible for at least **ONE** (1) review of printing and postage costs per yearly term and report the findings to the rest of the Executive Committee Members for review.

**9.11 The Website Editor shall:**

- (a) Keep the Association web-site up to date, and monitor input from the public and Members;
- (b) Keep the Web Hosting and Domain Name registrations paid for and up to date;
- (c) Undertake the administration and moderation of any the Association web presence;
- (d) Be responsible for the delegation of any other Administrator/Moderator, (who must be a Financial Member(s) of the Association and whose term shall terminate at the same time as the Website Editor); and
- (e) Maintain any and all internet presence in the best interests of the Association at all times.

**9.12 The Show and Shine Coordinator shall:**

- (a) Plan the annual event in conjunction with the Executive Committee;
- (b) Liaise with all external parties and service providers to ensure all required services and amenities are provided;
- (c) Recruit Members who are prepared to volunteer for the event to ensure its success.

**9.13 The Chief Club Registration Officer and Registration Officers shall for the purpose of Club registration:**

- (a) Assist members in processing Club Registration documentation and the proper handling of monies collected for the purpose.

- (b) Be responsible for vehicle inspections.
- (c) Be responsible for record keeping of all documentation required in order to comply with the prevailing Code of Practice.

**9.14 The Merchandising officer shall:**

- (a) Manage the design and purchase of all Association merchandise and memorabilia to be offered to Members or the general public which promotes the Association and its objectives in a professional and appropriate manner.

**9.15 The Marketing Officer shall:**

- (a) Devise strategies for the Executive to pursue to promote the interests of the Association and to maximise the support from sponsors and sponsorship.
- (b) Seek and recruit sponsors of the Association in return for promotion of the sponsor's products or services;
- (c) Ensure that during the year the commercial relationship with all sponsors is maintained and that the Association honours its obligations to sponsors.

## 10 Funds and Accounts

10.1 The assets and income of the Association must be applied solely in furtherance of its objects, and no portion shall be distributed directly or indirectly to its Members, except as bona fide:

- (a) Compensation for services rendered; or
- (b) Expenses incurred on behalf of the Association.

10.2 All accounts are to be paid by EFT or cheque upon the Treasurer's receipts of invoices.

10.3 No **TWO (2)** Financial Members who are first degree relatives (including de facto relationships) or living in the same household can be signatories of any account that has any the Association affiliation.

## 11 Meetings

11.1 General meetings will be held on every third Monday of each month, except where otherwise advised by the Executive Committee.

11.2 Executive Committee Meetings shall be held when required at a place and time that is convenient for all Executive Committee members.

11.3 The AGM must be held once each year on or before the 30 June on a date to be decided by the Executive Committee.

- (a) All members shall be given at least **FOURTEEN (14)** days' notice of the date, place and time of Annual General Meeting and shall be entitled to attend and vote.
- (b) The quorum for the AGM shall be **TWENTY (20)** members who are present and entitled to vote.
- (c) The business of the AGM shall include:
  - (i) Confirmation of previous AGM minutes;
  - (ii) President's report;
  - (iii) Treasurer's report;

- (iv) Election of Executive Committee members;
- (v) Any other matter as decided by the Executive Committee.

11.4 An EGM must be called by the Executive Committee to:

- (a) Address matters of immediate concern, where a delay to the next general meeting would cause harm, damage or otherwise be inappropriate; or
- (b) Deal with the expulsion of a Member from the Association; or
- (c) If called upon by not less than **TEN** (10) Members of the Association, to resolve issues that require urgent attention and where all Members are given at least **SEVEN** (7) days notice of the Extraordinary Meeting stating clearly the nature of the matters to be discussed.
- (d) The Quorum for an EGM shall be in the case of a meeting called pursuant to sub-clause (c); every member who called for the meeting plus 10 other members present and entitled to attend and vote and in every other case; **TWENTY** (20) members present who are entitled to attend and vote.

## 12 Voting Rights

12.1 At either a Members' meeting, AGM or EGM a Quorum must be present in order for the meeting to commence.

12.2 A Quorum for each meeting consists of:

- (a) At least half of the Executive Committee, and
- (b) At least **TWENTY** (20) current Financial Members of the Association.

12.3 Voting Eligibility.

- (a) Voting rights will only be granted to Members who have attended at least **THREE** (3) of the previous **FIVE** (5) meetings.
- (b) The attendance book will be checked if necessary and it will be the only evidence accepted of a Member's attendance should there be a dispute.

12.4 Vote Rigging

- (a) Financial Members shall not deliberately conspire, plan or devise a strategy with any other person (including other Members) that influences the outcome of any particular vote.
- (b) Such behaviour if proven will be deemed to be in breach of the code of conduct and renders all participants liable to disciplinary proceedings pursuant to clause 18 hereof.

12.5 Method of Voting

- (a) The President will address the members at a general meeting, AGM or EGM where a decision needs to be taken with respect to a particular matter, and call for:
  - (i) **ONE** (1) Member who is eligible to vote, to move the motion; and
  - (ii) A subsequent Member who is eligible to vote, to second the motion.
- (b) Eligible voters may then either:
  - (i) Vote in favour of,
  - (ii) Vote against, or
  - (iii) Abstain

- (c) The method of voting is by the raising of hands where each Financial Member who qualifies pursuant to clause 12.3 has one vote and the President has a casting vote in the event of a deadlock.
- (d) Votes shall be cast by secret ballot in all cases where the expulsion of a member is being voted upon or any issue arises and the Executive Committee considers it appropriate for a secret ballot to be held.
- (e) The following shall apply to a secret ballot vote:
  - (i) The voting rights specified in clause 12.3 shall apply;
  - (ii) Members participating in the vote shall write their vote on a pre-numbered vote sheet by indicating their decision from the options presented (e.g. for/against or yes/no) as the situation requires.
- (f) Votes are to be counted by an Executive Committee Member in the presence of the Executive Committee.

## 13 Affiliation

- 13.1 The Association may affiliate with any State or National body as may be deemed necessary or advantageous to the Association by a majority of Members at a Members' meeting.
- 13.2 Clubs may affiliate with the Association providing they agree to abide by this Constitution.

## 14 Club Affiliation with the Association

- 14.1 To obtain affiliation with the Association a Club must:
  - (a) Complete and return an Affiliation Application form;
  - (b) Forward a copy of their Constitution for the Executive Committee to note; and
  - (c) Satisfy the Executive Committee (who retains the discretion to decline affiliation) that the Club will act:
    - (i) In accordance to the Association Constitution; and
    - (ii) Not in a manner that will bring the Association's reputation into disrepute.

## 15 Vehicle Club Registration

- 15.1 Under the Club Historic Registration Scheme of the South Australian Government the Executive Committee and Club Registration Officers will have the right to request a visual inspection of a Member's vehicle at any time.
- 15.2 Refusal to permit full access for such inspection of a reasonable request by a Club Registration Officer may result in the cancellation of Club Registration.
- 15.3 The Club Registration Officers may refuse registration of a vehicle if that vehicle is deemed inappropriate. Examples include but are not limited to the following:
  - (a) The vehicle is obviously dangerous to members of the public or animals;
  - (b) The vehicle is unroadworthy and/or in poor condition with no obvious signs that any attempts to repair has occurred.
  - (c) The vehicle is otherwise not in the spirit of the Association's objectives.

## 16 Use of the Association's Assets

- 16.1 The Association's Asset shall include, but is not limited to any:

- (a) Physical things purchased by or donated to the Association including:
  - (i) Vehicles and Trailers;
  - (ii) Computer equipment including printers;
  - (iii) Post Office Box address and rights to use same;
  - (iv) Envelopes and stationery;
  - (v) Merchandise including shirts and other items of clothing; or
  - (vi) Signs, flags and other advertising or promotional materials.
- (b) Software licences or other electronic services and intellectual property purchased by or donated to the Association such as:
  - (i) Domain names;
  - (ii) e-mail addresses;
  - (iii) Software and operating systems; or
  - (iv) Internet storage (Cloud).

16.2 Use of the Association's assets shall only be exclusively for the Association's purposes and activities.

16.3 At no time are the Association assets to be used for personal use of any person unless permission is granted by a majority vote of members at a general meeting.

16.4 Transfer of ownership of assets from the Association to another person or business shall only be allowed by majority vote at a general meeting.

## 17 Internal Review Panel

17.1 If required, a body of **THREE (3)** independent Financial Members will be nominated at a general meeting or EGM to form an Internal Review Panel to investigate any complaints that arise within the Association.

17.2 The Internal Review Panel must:

- (a) Be independent, and not:
  - (i) Obtain any personal or vested interest in the outcome beyond that of any other Financial Member; and
  - (ii) Be related by family to either the complainant or respondent to avoid a conflict of interest.
- (b) Reasonably investigate and deliberate the merits of the complaint and any response provided,
- (c) Correspond, by whatever means necessary, between each other, the complainant, the respondent, and Executive Committee, as required for the purposes of its investigation; and
- (d) Make a final decision, within **FOURTEEN (14)** days of their deliberations on any matter referred to them, and issue:
  - (i) A Form 3 (as set out in the Second Schedule) notifying the respondent of the decision, as soon as practicable; and
  - (ii) A Form 4 (as set out in the Second Schedule) notifying the Executive Committee of the decision, as soon as practicable.

- (e) A completed copy of the Form 3 and Form 4 must be lodged on the appropriate database.

## 18 Breaches of Appropriate Conduct

18.1 If either the Executive Committee or a Financial Member identify that another Member has:

- (a) Contravened a provision of this Constitution;
- (b) Brought the Association or any Member into disrepute;
- (c) Discriminated, prejudiced, or otherwise unjustly tarnished the reputation of another Member;
- (d) Caused detriment to the pursuit of the Objectives of the Association;
- (e) Caused unwarranted disruption to the effective and efficient management of the Association;
- (f) Initiated or aggravated a dispute between two (or more) Members, without good cause, and due regard to its consequences on the Association; or
- (g) Caused any other type of harm or damage to the Association.

a written submission detailing the alleged breach must be addressed and submitted to the Executive Committee in confidence.

18.2 The Executive Committee must within **FOURTEEN** (14) days of receiving the complaint, write to the person against whom the allegations have been raised as having breached the appropriate code of conduct or a provision of this Constitution using the Form 1 appearing in the Second Schedule, which must identify:

- (a) When the alleged breach(es) is said to have occurred;
- (b) The particulars of the Member's conduct which constitutes the alleged breach(s);
- (c) The member's right to respond within **FOURTEEN** (14) days to explain their version of the facts, or raise any mitigating factors for the alleged breach; and
- (d) That the Executive Committee:
  - (i) If unsatisfied with the Member's response to the allegations, will then forward the complaint to the Internal Review Panel for deliberation of the appropriate course of action;
  - (ii) If satisfied with the Member's response to the allegations, write to the Member as soon as reasonable practicable, dismissing the complaint made against them, using the Form 2, as set out in the Second Schedule.

18.3 The original complaint, response, and any finding(s) of the Internal Review Panel must be confidentially archived on the appropriate database.

18.4 If the determinations of the Internal Review Panel are not complied with within **SEVEN** (7) days, then the Internal Review Panel must notify the Executive Committee to convene an EGM to enable the Members determine whether to:

- (a) Expel the non-complying party; and
- (b) Take any further action (if required) to ensure compliance, and the protection of the Association's reputation.

- 18.5 Any false or unsubstantiated accusations must be immediately dismissed, and the Executive Committee must issue a formal warning against the complainant for an abuse of this provision, and archive the false complaint on the appropriate database.

## 19 Conduct at Events

- 19.1 Any Member attending or assisting with an Association event or an Association sanctioned event must:
- (a) Observe and abide all laws, rules, regulations, and codes of practise that are implemented within that particular event or community;
  - (b) Reasonably adhere to the requests or instructions of a the Association representative, unless such requests or instructions are contrary to superseding instructions, rules or laws;
  - (c) Act in accordance with appropriate social standards, especially when in representing the Association to or within the public;
  - (d) Endeavour to promote the goodwill and name of the Association in the wider community;
  - (e) Not engage, convene or otherwise associate with behaviour that will damage the reputation of the Association or its members; and
  - (f) Not be abusive, non-compliant, or otherwise act in counter-productive manner, which obstructs the effective and efficient administration of the Association event or the Association sanctioned event.
- 19.2 Any Member who does not behave in an appropriate manner or risking harming the Association's reputation in the public or wider community, must either:
- (a) Immediately cease such behaviour upon being requested to do by any Officer of the Association; or
  - (b) Risk being expelled from Association for a breach of the Code of Conduct.

## 20 Inappropriate or Detrimental Behaviour

- 20.1 A complaint should be made in writing to the Executive Committee for breaching this Constitution if either a Financial Member or Executive Committee Member has acted (or omitted to act) in a particular way that has:

## 21 Expulsion from the Association

- 21.1 If it is determined at an EGM that a particular Member or Club Delegate is to be expelled from the Association, then that person or Delegate must:
- (a) Return to the Executive Committee, as soon as practicable:
    - (i) Their the Association Membership Card; and
    - (ii) Any the Association issued documents, such as Club Registration, Logbooks, etc.
  - (b) Cease to engage in any and all representations that relate to the Association or purport to relate to the Association;
  - (c) Be refused future membership with the Association;
  - (d) Be removed from all the Association social media accounts;
  - (e) Not attend any further meetings; and
  - (f) Forfeit any and all Fees paid to the Association for that financial year.

## 22 Life Membership

- 22.1 Process of Awarding Life Membership:

- (a) A nomination for the Life Membership must be submitted to the Executive Committee at least **THREE (3)** months prior to the AGM;
- (b) The Executive Committee must verify the nomination before the AGM;
- (c) Before the Executive Committee has relinquished their positions at the AGM, notify the Financial Members of the nomination(s) for Life Membership, and disclose the nominee's qualifications for Life Membership; and
- (d) After the Executive Committee has relinquished their positions at the AGM, a majority vote of the Financial Members will decide whether Life Membership should be granted to the nominee(s).

#### 22.2 General Rules:

- (a) A Life Membership shall hold the same rights and responsibilities as a Financial Membership;
- (b) Life Memberships do not attract the Prescribed Fee or any alternate Fees, however the Life Member must complete the appropriate membership form annually, before the conclusion of any Financial Year; and
- (c) Only TWO (2) Life Memberships can be awarded per financial year.

#### 22.3 Qualifications for Life Membership

- (a) A nominee for Life Membership must have been a continuous Financial Member of the Association over the last 10 years and either:
  - (i) Held an Executive Committee position for at least three (3) years;
  - (ii) Engaged in a supportive role, recognisable by the Executive Committee, for at least five (5) years; or
  - (iii) Both the above.

#### 22.4 Refusal of Life Membership:

- (a) If either the Executive Committee or Financial Members decide to refuse the nominee(s) Life Membership, they must state the reason(s) for the refusal to the nominee(s), at the AGM.

#### 22.5 Disqualifications for Life Membership:

- (a) If a Life Member revokes their Life Membership with the Association for any period of time, and subsequently re-joins the Association, they must join as a Financial Member and re qualify according to clause 24.3 of this Constitution before they are able to be nominated for Life Membership again; and
- (b) If a Life Member contravenes this Constitution, they may be held liable to clauses 18, 19, 20 and 21 of this Constitution in the same respect as a Financial Member.

#### 22.6 Record of Life Membership:

- (a) Details of a Life Membership conferred by this Constitution must be:
  - (i) Stored on the general Membership Database; and
  - (ii) Listed in the Third Schedule of this Constitution, along with:
    - The Life Member's details;
    - The Life Member's Membership Number; and
    - The year the member was granted Life Membership (if known).

## 23 Security and Police Checks

- 23.1 Any person holding any of the following positions shall at any time upon the request of the Association Executive Committee, or a vote by Members at a general meeting, apply for and obtain a Police clearance certificate:
- (a) The Association Executive Committee Member;
  - (b) Authorised person of any Bank account or Cheque Signatory; or
  - (c) Person with access to the Association Member Database.
- 23.2 If any offences are present on the Police Check Record It shall be at the discretion of the Executive Committee, or Members decision by vote at a general meeting, to determine if the person continues in their role having regard to the nature and severity of the offences.

## 24 Privacy Policy

- 24.1 Any and all personal information of Members collected by the Association by way of physical paperwork or electronic media shall only ever be used for the Association business and not released to any private or public party for any reason whatsoever.
- 24.2 At no point will a representative of the Association release any Member's personal information without consent of that Member unless such release is required by law or is already in the public domain.
- 24.3 In the case of any person or organisation requesting to contact a current or past the Association member, any Association representative may only pass on the contact details of the requestor to the Member in question.
- 24.4 The Executive and Association Officers (including external parties) are permitted to use generic and de-identified data collected in the ordinary course of business relating to Members for the purpose of promotion, research, or furthering the Objectives of the Association.

## 25 Amendments to Constitution

- 25.1 This Constitution may be amended from time to time provided that no less than **FORTY FIVE (45)** days notice of the proposed changes is given to every member or the proposed changes are advised by any electronic means available and a Special Resolution adopting the changes is passed at a general meeting or EGM:
- 25.2 Once an amendment has been adopted, it shall be the duty of the Secretary to complete the required forms and submit the updated Constitution to the appropriate State Government Authorities.

## 26 Survival

If any provision of this Constitution is deemed unfair, oppressive or redundant, and is consequently struck out by either a decision of the Membership, or a Court, then the remainder of this Constitution shall survive as if that provision had not existed.

## 27 Non Profit Status

- 27.1 The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.
- 27.2 If the organisation is wound up or its endorsement as a deductible gift recipient is revoked (whichever occurs first), any surplus of the following assets shall be transferred to another organisation with similar objects, which is charitable at law, to which income tax deductible gifts can be made:
- (a) Gifts of money or property for the principal purpose of the organisation

- (b) Contributions made in relation to an eligible fundraising event held for the principal purpose of the organisation
- (c) Money received by the organisation because of such gifts and contributions.

## 28 Dissolution

- 28.1 The Association may be voluntarily dissolved after a Special Resolution is passed by the Financial Members at a general meeting or EGM called for that purpose.
- 28.2 All funds and assets of the Association must be realised and liquidated to pay for the following (in descending order of priority):
- (a) All outstanding accounts, fees, liabilities, or disbursements owed at the time of dissolution;
  - (b) All costs associated with the administration of the dissolution, including that of any professional services rendered for the administration of the Association’s funds and assets; and
  - (c) Any other provable debts against the Association.
  - (d) If there are insufficient funds to disburse all provable debts against the Association, each provable debt shall rank equally and be paid proportionately.
  - (e) If it seems that a surplus of funds or assets will exist after the administration of the Association’s estate, then the Financial Members must decide, before dissolution, by a majority vote, which other organisation with similar objects and purposes, which is charitable at law, and which has rules prohibiting the distribution of its assets and income to its members, shall receive the surplus by way of donation.

## 29 Powers of an incorporated association

- 29.1 The association shall have all the powers conferred by section 25 of the act

Constitution Adopted by Special Resolution at meeting held

on the                      day of                      20

.....

President

.....

Secretary

.....

Vice President

## FIRST SCHEDULE

### STANDING RULES

#### 1 Restriction on Disbursements

- 1.1 All the Association cash withdrawals and cheques must, before being disbursed, contain two signatories, who:
- (a) Are not:
    - (i) First degree relatives or related by marriage;
    - (ii) Co-habiting; or
    - (iii) Involved in a de facto relationship;
  - (b) Are independent from one another;
  - (c) Do not have a conflicting interest by disbursing the Association's money; and
  - (d) Do not attain a vested interest that is greater than that of any other Financial Member.
  - (e) Any withdrawal or disbursement of the Association's money that totals an amount greater than **TWO THOUSAND** (\$2,000) dollars must be approved by a majority vote of the Financial Members at a general meeting.
- 1.2 Any withdrawal or disbursement of the Association's money that totals an amount greater than **ONE THOUSAND** (\$1,000.00) dollars must be accompanied by at least **THREE** (3) separate and individual quotes and be approved by a majority vote of the Financial Members at a general meeting.

# SECOND SCHEDULE

FORM 1

## PRIVATE AND CONFIDENTIAL

[13 November 2018]

[Mr][Mrs][Ms][Miss] [Insert Full Name]

[insert address]

[SUBURB] SA [Postcode]

Dear [Mr][Mrs][Ms][Miss] [Insert Full Name],



**Postal Address:**

PO Box 853 MARLESTON  
SA 5033

**Web-site:**

www.smasa.com.au

**Hotline:**

0421 155 400

### NOTIFICATION OF AN ALLEGED BREACH OF SMASA'S CONSTITUTION

We refer to the complaint [complaints] lodged against you for a breach of the Association's Constitution that allegedly occurred on [insert date] or [[insert dates], respectively] (the **Alleged Contravention[s]**).

#### 1. PARTICULARS OF THE ALLEGED CONTRAVENTION

Item 1:

You are said to have contravened section [insert] of the Constitution by [insert description of the alleged breach, as described in the complaint].

Item 2:

You are said to have contravened section [insert] of the Constitution by [insert description of the alleged breach, as described in the complaint].

#### 2. Your Response

In accordance with clause 18.2 of the Constitution you have **FOURTEEN (14)** days to provide a written explanation to the Secretary on whether you deny or concede having contravened the Constitution as alleged, and:

- (a) outline why you felt compelled to act (or omit) in the alleged particular manner that is said to have led to the contravention;
- (b) detail any mitigating factors (e.g. defending your personal integrity) that you wish for the Executive Committee to consider relevant before making a determination; and
- (c) Provide any supporting documentation you feel is relevant to establishing your defence.

#### 3. Outcome of Your Response

If you either concede to the contravention as alleged, or otherwise provide an unsatisfactory justification for your action (or omission), then this complaint will be forwarded to an Internal Review Panel at the next Members' General Meeting. The Internal Review Panel will then consider the complaint and your response, and make an appropriate determination within **FOURTEEN (14)** days after the Members' General Meeting on what course of action should be taken for your contravention. You will receive notification of the Internal Review Panel's determination in writing.

Alternatively, if you deny the allegation(s), and convince the Executive Committee that you have a valid reason or reasons to act (or omit to act) in the manner alleged, then you will be notified by the Executive Committee of the dismissal of the complaint against you for a breach of the Constitution in writing, as soon as practicable.

Regards,

.....

.....



FORM 2

**PRIVATE AND CONFIDENTIAL**

[13 November 2018]

**Postal Address:**

PO Box 853 MARLESTON  
SA 5033

**Web-site :**

www.smasa.com.au

[Mr][Mrs][Ms][Miss] [Insert Full Name]  
[insert address]  
[SUBURB] SA [Postcode]

Dear [Mr][Mrs][Ms][Miss] [Insert Full Name],

**re: NOTICE OF DISMISSAL OF COMPLAINT**

We refer to your response dated [insert date] regarding the alleged complaint made against your for breach of the Association's Constitution.

**1. OUTCOME OF COMPLAINT**

The Executive Committee have reviewed the complaint made against you, and your response. On this occasion the Executive Committee is satisfied that the complaint should be dismissed on the basis of reasons you have provided.

**2. WHAT HAPPENS NEXT**

All correspondence to date that relates to this matter, including a copy of this letter will be archived on our database for future reference. The file of information stored on the database is confidential, and will only be accessed if this matter is to be re-opened or audited.

Regards,

.....

.....

[Insert Name]

**President**

[Insert Name]

**Secretary**

FORM 3

## PRIVATE AND CONFIDENTIAL

[13 November 2018]

[Mr][Mrs][Ms][Miss] [Insert Full Name]  
[insert address]  
[SUBURB] SA [Postcode]

**Postal Address:**

PO Box 853 MARLESTON  
SA 5033

**Web-site:**

www.smasa.com.au

Dear [Mr][Mrs][Ms][Miss] [Insert Full Name],

**re: NOTICE OF INTERNAL REVIEW PANEL'S DECISION**

We refer to complaint [complaints] made against you and have made the following final determination [determinations] as follows:

### 1. OUTCOME OF [FIRST] COMPLAINT

We find that the complaint against you for allegedly breaching section [insert specific section number] of the Constitution should be dismissed on this occasion.

[or]

We find that you have misappropriated yourself and subsequently breached section [insert specific section number] of the Constitution. Consequently, we ask that you:

- (a) [insert determination]; and
- (b) [insert determination].

Your failure to comply **within SEVEN (7) days** of receipt of this letter will have us notify the Executive Committee to convene an Extraordinary General Meeting to have the Financial Members determine whether you should be expelled from the Association, and whether it is necessary to take any further action against you to ensure your compliance with our instructions.

### 2. OUTCOME OF SECOND COMPLAINT

We find that the complaint against you for allegedly breaching section [insert specific section number] of the Constitution should be dismissed on this occasion.

[or]

We find that you have misappropriated yourself and subsequently breached section [insert specific section number] of the Constitution. Consequently, we ask that you:

- (a) [insert determination]; and
- (b) [insert determination].

Your failure to comply **within SEVEN (7) days** of receipt of this letter will have us notify the Executive Committee to convene an emergency Special Member's Meeting to have the Financial Members determine whether you should be expelled from the Association, and whether it is necessary to take any further action against you to ensure your compliance with our instructions.

Regards,

**PRIVATE AND CONFIDENTIAL**



[13 November 2018]

**Postal Address:**

PO Box 853 MARLESTON  
SA 5033

**Web-site:**

www.smasa.com.au

SMASA Executive Committee  
C-/ the Secretary  
PO Box 853  
MARLESTON SA 5033

**Hotline:**

0421 155 400

Dear Executive Committee,

**Sent:**

**NOTICE OF INTERNAL REVIEW PANEL’S DECISION**

We refer to complaint [complaints] made against [insert name]. We have made the following final determination [determinations] as follows:

**1. OUTCOME OF [FIRST] COMPLAINT**

We find that the complaint for an alleged breach of section [insert specific section number] of the Constitution should be dismissed on this occasion. We confirm that [insert name of respondent] has been sent a Form 3 notification of our determination.

[or]

We find that [insert name of respondent] has breached section [insert specific section number] of the Constitution and outlined that they must comply with the following:

- (a) [insert determination]; and
- (b) [insert determination].

**2. OUTCOME OF SECOND COMPLAINT**

We find that the complaint for an alleged breach of section [insert specific section number] of the Constitution should be dismissed on this occasion. We confirm that [insert name of respondent] has been sent a Form 3 notification of our determination.

[or]

We find that [insert name of respondent] has breached section [insert specific section number] of the Constitution and outlined that they must comply with the following:

- (c) [insert determination]; and
- (d) [insert determination].

Regards,

.....

## THIRD SCHEDULE

### Association FOUNDING MEMBERS

NAME	MEMBERSHIP NUMBER	POSITION
Jim "Jimmy" Wolf	2	Chairman
Trevor Cass	7	Secretary
Kevin McCall	8	Vice Chairman/PR

(Dennis Gauchi, Founding Executive Committee Member)

### Association LIFE MEMBERS

NAME	MEMBERSHIP NUMBER	DATE OF LIFE MEMBERSHIP
Mark Thomas	3	Unknown
Justin Lang	4	Unknown
Warren Day	6	Unknown
Garry Hubbard	11	July 2010
David Polklaser	34	July 2011
Steve Dobson	69	March 1988
Steve Westmacott	76	July 2010
Gary Watson	289	July 2010
Steve Walter	427	Unknown
Glenn Stankevicius	455	July 2011
Brett Unsworth	350	July 2012
Jan Leonard	1116	July 2015

## CONSTITUTIONAL REVISIONS

Revision Number	Revision Date	Revision Details
0	August 2002	Earliest electronic copy of the Constitution
1	July 2004	Minor updates to some sections. Duties of Officers section added.
2	August 2008	Minor updates
3	August 2010	Rules for Life Members added
4	August 2011	Affiliated Club rules changes
5	August 2012	Small changes to Fees section. Security and Police Checks section added. Rules for Cheque signatories added. Rules for accessing the Association Membership database added.
6	August 2014	Major re-write, most sections updated. Added Revocation and Transition sections. Definitions updated. Voting section updated and added to. Quorum requirements changed. Internal review panel section added. Complaints section added. Inappropriate or Detrimental Behaviours section added. Survival section added. Definition and use of the Association Assets added. Privacy Policy added. Powers of an Incorporated Association added. Revision History section added. Second, Third, Fourth & Fifth Schedules added (letter templates).
7	April 2015	Logo removed and full association name inserted to front cover . Section 1.13 added to the first schedule on page 15 . Life Member updates – Steve Dobson – Jan Leonard on page 20 .
8	July 2017	- Added extra information to Sixth Schedule - Life Member table to recognise founding members. - Added 31 Vehicle Conditional Registration.
9	July 2018	Radically re-organised the document to accommodate the growth in membership numbers, prepare for non profit status and to correct many typographical and grammatical errors