

**CONSTITUTION  
OF THE  
AUSTRALIAN KARTING ASSOCIATION INC**

**STATEMENT OF PURPOSES**

The purposes of the Association are:-

- (a) To promote and protect the sport of Kart Racing
- (b) To promote excellence and just and honourable practices in the sport and to suppress malpractice
- (c) To promote and organise Kart meetings and other functions for members
- (d) To do all such acts which, in the opinion of the Association are for the general benefit of members or of Karting.

**RULES**

**R1 Name**

The name of the Association is the Australian Karting Association Inc.

**R2 Membership**

The member associations of the Association are the State Karting Associations of the six States of Australia and of the Northern Territory:-

Australian Karting Association (New South Wales) Inc.  
Australian Karting Association (Northern Territory) Inc.  
Australian Karting Association (Queensland) Inc.  
Australian Karting Association (South Australia) Inc.  
Australian Karting Association (Tasmania) Inc.  
Australian Karting Association (Western Australia) Inc.  
Victorian Karting Association Inc.

and such other incorporated karting associations which all existing members agree to admit to membership.

**R2A Life Membership**

The Annual General Meeting on the recommendation of the National Karting Council may elect a person who has given long and exceptional service to the association as an honorary life member of the association. Life members are non-voting members.

**R3 Cessation of Membership**

A member association ceases to be a member:-

- (a) (i) one year after notification in writing to the National Secretary of intention to withdraw from the Association, unless within that year the notification is withdrawn.
- (ii) six months after notification by the National Secretary of the member that there are membership fees owing and that failure to pay within six months will result in cessation of membership, unless within that time the membership fees are paid.
- (b) a member association shall cease to be a member if it affiliates with any other motor sport body unless prior to its affiliation explicit authority is granted by the Australian Karting Association to that affiliation.

- R4 Register of Members**  
The Chief Executive Officer must keep a Register of members, the name, contact address and date of joining each member association.
- R5 Subscription**  
The annual subscription for the following calendar year is determined at the Annual General Meeting of the Association. There is no joining fee.
- R6 Discipline of Members**
- (a) The Council may discipline a member association of the Association by:-
    - (i) expelling the member; or
    - (ii) warning the member that it may be expelled if it continues to act in the specified manner of which it disapproves; or
    - (iii) fining the member.
  - (b) If a motion is proposed at a meeting of the Council for the disciplining of a member association the President shall first put a motion that the member be called upon to explain its conduct to the Council.
  - (c) If that motion is carried by a simple majority of those present and voting, the motion for the disciplining of the member must be adjourned to a meeting not less than fourteen days later.
  - (d) The member association named in the motion must be given notice by delivering to its contact address in the Register of Members:
    - (i) of the conduct complained of, and
    - (ii) that it is entitled to present oral or written evidence or arguments to the Council at a meeting on a given date.
  - (e) At the later meeting, the Council must:
    - (i) give the member association, if requested by one or more of its members, the opportunity to be heard, and
    - (ii) consider any written document presented by it or on its behalf
  - (f) The Council may then, by an absolute majority of its members, determine:
    - (i) whether to discipline the member association and
    - (ii) whether the penalty should be expulsion, a warning or a fine.
  - (g) A decision of the Council in accordance with the procedure set out above to discipline a member and to impose a penalty is final and no appeal to a General Meeting is permitted.
  - (h) The disciplinary powers contained in this rule are separate from any disciplinary powers exercised by the Council under the competition rules of the National Karting Council.
- R7 The Council**  
The Association is managed by a Council to be known as the National Karting Council, consisting of one delegate from each member association as voting members, and the members of the Secretariat as non-voting members. An NKC delegate at the time of nomination must be a delegate to, a member of, or a member of the executive of, a State Council.
- R8** Subject to any decision of a General Meeting of the Association, the Council has the entire management and control of the Association and has power to do anything necessary or convenient to achieve the purposes of the Association including:

- (a) the delegation to the State Karting Councils with power to withdraw such delegation of such powers and responsibilities as may from time to time be deemed desirable;
- (b) the arrangement of the National Kart Calendar and the allocation of the Australian Kart Championships;
- (c) the drawing up and amendment from time to time of Kart Formulae;
- (d) the compilation and amendment from time to time of General Kart Regulations;
- (e) the issue of licences to competitors and drivers in Kart competitions, and of permits to organisers of such competitions in accordance with the General Kart Regulations;
- (f) the imposition of such levies, penalties, fees, fines, contributions and subsidies as may seem to the Council necessary, and the enforcement of collection of such amounts from any State Karting Council, Club, group or individual as permitted by the General Karting Regulations;
- (g) the negotiation of insurance for member associations, their clubs, drivers, officials and spectators;
- (h) the maintenance of a central registry of Kart licences;
- (i) the enforcement of any legal instruction relating to Karting issued on behalf of the Federation International de l'Automobile;
- (j) the consideration and adoption of any suggestion made by State Karting Councils;
- (k) the maintenance of due liaison and information regarding Karting matters with the Confederation of Australian Motor Sport;
- (l) the arbitration of disputes between State Karting Councils or between clubs in different States;
- (m) the establishment, coordination and support of specialist committees;
- (n) the appointment from time to time of advisory or executive sub-committees to discharge such functions and to hold office for such time as the Council shall deem fit;
- (o) the reimbursement of any member, servant or agent for any out of pocket expenses properly incurred on the Council's behalf and the payment to any such member, servant or agent of such wage, honorarium or return for services rendered as the Council shall think fit.

R9 The Council may make regulations not inconsistent with these Rules or the International Sporting Code of the Federation International de l'Automobile for the better management of the sport of karting in Australia.

## R10 **Election of Officers**

### **Secretariat and Officers**

- (a) The elected officers of the association are:

#### ***Secretariat***

National President,  
 National Vice President  
 National Secretary  
 National Treasurer.

#### ***Other Elected Officers***

National Medical Officer  
 National Technical Coordinator  
 National Steward Coordinator  
 National Track Safety Coordinator  
 National Publicity Officer  
 National Championship Liaison Officer

- (b) The Council may make regulations prescribing the duties and the responsibilities of the individual elected officers.

- R10A
- (a) The elected officers of the Association are elected by the delegates at the Annual General meeting from persons who have:
    - (i) been nominated in writing to the chief executive officer at least 60 days before the meeting by the member association; and
    - (ii) must (unless the meeting otherwise agrees) be present at the meeting.
  - (b) If a person was a delegate at the time of his election as an officer, he ceases to be so on election.
  - (c) If there is a tied vote on the election, the ballot shall continue until a simple majority decision is reached.

R10B **Chief Executive Officer**

- (a) A Chief Executive Officer may be appointed by the Council on such terms and conditions as are agreed upon
- (b) The Chief Executive Officer is a non voting member of the Secretariat.
- (c) The Chief Executive Officer may not hold any elected office in the Association or in any member association.
- (d) The Secretariat and the Council may by resolution delegate any of its powers to the Chief Executive Officer except the power of delegation and the power to make regulations, and may withdraw the delegation at any time.
- (e) The Chief Executive Officer in conjunction with the Secretariat has the power to defer and refer back any decisions made by the NKC that don't comply with the Incorporation Act of the State in which the AKA is incorporated OR the Acts in the member's States or Territory.
- (f) The Chief Executive Officer in conjunction with the Secretariat has the power to defer and refer back any decisions made by the NKC that don't comply with the Insurance Company's cover, legal advice, CIK, etc.

- R11
- (a) The elected officers of the Secretariat take office at the conclusion of the Annual General Meeting and hold office for the period expiring at the conclusion of the next Annual General Meeting.
    - (i) in the case of the secretary and treasurer in the second year of their election.
    - (ii) in the case of all other officers in the year after the year of their election.
  - (b) All officers are eligible for re-election
  - (c) An officer of the Secretariat may be removed by at least  $\frac{3}{4}$  of those NKC members eligible to vote.

R12 **Powers of the Secretariat**

Subject to any specific provision elsewhere in these Rules the Secretariat has power:

- (a) to administer and control the sport in accordance with the regulations in the periods between Council meetings
- (b) to interpret and enforce the Regulations
- (c) to propose items for discussion and resolution at a General Meeting.

R13 **Vacancies on the Council**

A delegate remains a member of the Council until:

- (a) they resign
- (b) a new delegate is nominated by their State association to replace them
- (c) their State association ceases to be a member association of the Association (AKA)
- (d) they are removed in accordance with R11(c).

R14 An officer member of the Council or member of any sub-committee of the Association who has any direct or indirect interest in any present or anticipated contract agreement or arrangement with the Association must declare that interest at the first meeting of the Council or the sub-committee (as the case may be) after he becomes aware of the interest or the contract agreement or arrangement, and must not vote in respect of the matter.

R15 **Vacancies on the Council**

A person ceases to be an officer of the Secretariat:

- (a) at the end of their term of office, unless he is re-elected
- (b) on receipt of their written resignation from that office
- (c) on removal in accordance with R11(c).

R16 **Filling Casual Vacancies**

A casual vacancy in any of the offices of the Secretariat may be filled from amongst eligible persons nominated by the member associations by a telephone conference of the delegates.

R17 A casual vacancy in the number of delegates on the Council must be filled by the nominee of the member association of which the retiring delegate was a member.

R18 **Quorum at Council Meetings**

The quorum at a meeting of the Council is five delegates.

R19 **Number of Council Meetings**

The Council must meet at least once in each year. A meeting of the Council must be called if a majority of delegates so request. A meeting called as the result of a request must be held within two months of the receipt by the Chief Executive Officer of the request. If a majority of delegates agrees any meeting of the Council other than the meeting held in conjunction with the Annual General Meeting may be conducted by telephone conference.

R20 **Notice of Council Meetings**

At least one month's notice must be given of a Council meeting unless a majority of delegates agree or at the President's request that it is necessary to hold the meeting, either in person or by telephone conference, with a shorter period of notice.

R21 **Council Meetings Not Public**

Meetings of the Council are conducted in private but the Council may determine that part of the meeting be opened to the press or other observers. The Council may permit a person other than a delegate or officer of the Secretariat to address it.

R22 **Decisions of Council Meetings**

All decisions at Council meetings are made by simple majority of those delegates present and voting. The person presiding does not have a casting vote. A tied vote shall be deemed to be resolved in the negative.

R23 **General Meetings**

**Time for Annual General Meeting**

An Annual General Meeting must be held each year in the months of July or August or such other month as the Council determines.

**R24 Business of the Annual General Meeting**

The business of the Annual General Meeting is to:

- (a) receive the President's Report
- (b) receive and consider the financial statement required by Section 30 (3) of the Associations Incorporation Act 1981 (Victoria)
- (c) elect officers of the Secretariat and the other national officers
- (d) appoint an auditor, and
- (e) consider such other business of which at least two month's notice has been given to the Chief Executive Officer.

**R25 Special General Meetings**

A special General Meeting must be called if a majority of delegates requests one. Unless so requested, it is not necessary to hold a Special General Meeting in any year.

The only business which can be considered at a Special General Meeting is that set out in the Notice of the Meeting.

**R26 Period of Notice of General Meetings**

At least one month's notice of every General Meeting, including the Annual General Meeting, must be given.

**R27 Form of Notice of General Meetings**

A notice stating:

- (a) the place, date and time of the General Meeting
- (b) the nature of the business to be considered
- (c) if any special resolution has been proposed, the text of any such motion and a statement that it is intended at the meeting to propose the motion as a special resolution must be delivered to the State Secretary of each member association at the address notified in the Register of Members and to each delegate at the address last notified to the Chief Executive Officer by that delegate.

R28 A document which is posted and correctly addressed, unless the contrary is proved, is deemed to have been given to the addressee at the time at which the letter would have been delivered in the ordinary course of post.

**R29 Quorum at General Meeting**

Five delegates present in person or by proxy constitutes a quorum at a General Meeting.

**R30 Proxies at Council Meetings and General Meetings**

Each member association must appoint, in addition to its delegate, an alternate delegate who must also be eligible under these rules to be a delegate member of the State Association. An alternate delegate can exercise all powers given by these Rules to a delegate, if the delegate is unable to do so.

R31 If neither the delegate nor the alternate delegate of a member association is able to attend a General Meeting or a Council meeting, the member association by an authority signed by its President or Secretary and produced to the Chief Executive Officer may grant a proxy to the delegate of another member association. No delegate may exercise more than one proxy.

**R32 Decisions at General Meetings**

All decisions at General Meetings other than

- (a) a resolution to alter the name, the Statement of Purposes or the Rules of the Association,

OR

- (b) any other resolution required by the Associations Incorporation Act 1981 to be a special resolution,
  - (c) a re-submission of any resolution
- are decided by a simple majority of votes cast.  
Any decisions referred to in sub-rules (a), (b) or (c) of this rule must be decided by special resolution.

R32A In circumstances where NKC approval is required to implement rules within the AKA Manual a phone or fax vote may be held/taken.

R33 **Special Resolution**

As prescribed by the Associations Incorporation Act 1981, a special resolution is a resolution agreed to by at least three-quarters of the delegates of member associations who are present in person or by proxy and who vote on the resolution at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in the manner required by these Rules, at least 21 days prior to the meeting.

R34 **Management of Funds**

- (a) All moneys received by the Association must be deposited in a bank account or accounts in the name of the Association.
- (b) All payments must be made by cheque.
- (c) All cheques must be signed by two (2) persons from a number appointed by the National Karting Council for that purpose.
- (d) The National Karting Council may approve the use by specified persons, of a credit card to draw on an account of the Association, and must specify the terms under which the card may be used.

R35 **Financial Year**

The financial year of the Association ends on the 30<sup>th</sup> June.

R36 **Deprivation of Funds**

The funds of the Association are derived from subscriptions, licence fees, meeting permits, fines and such other sources as the Council agrees to.

R37 **Common Seal**

The Chief Executive Officer is responsible for the custody of the Common Seal, which must only be affixed in accordance with a resolution of the Council, and in the presence of two delegates or one delegate and one officer of the Secretariat.

R38 **Books and Records**

The Chief Executive Officer is responsible for the custody of the books, records and securities of the association.

R39 **Inspection of Documents**

Any book or record of the Association may be inspected upon reasonable notice to the Chief Executive Officer by any member of the National Karting Council or by any person authorised in writing by a member association to do so.

R40 **Alteration of Statement of Purposes or Rules**

The Statement of Purposes and Rules may only be amended by a Special Resolution passed at a General Meeting of the Association. Any alteration so passed does not take effect until it has been lodged with the Registrar of Incorporated Associations.

**R41 Disposal of Assets on Winding Up**

The Association is prohibited from making any distribution to its members, whether in money, property or otherwise howsoever, of any assets belonging to the Association and provided however that this shall not prevent payment in good faith of remuneration to any officers or servants of the Association or of benevolent payments for which provision may be made from time to time in this Constitution.

If upon the winding up or dissolution of the Association there remains after satisfaction of its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among its members but shall be given or transferred to some other institution having objects similar (wholly or in part) to its object and which shall prohibit the distribution of its or their income and property amongst its members, such institutions to be determined by the members at or before the time of dissolution and if and so far as effect cannot be given to the aforesaid provision then to some charitable object or objects.

**END OF REGISTERED RULES**