

## NAME

The club will be called:

**BMW Touring Club of New South Wales.**

## AIMS OF THE CLUB

- 1/ To provide association and friendship to all BMW motorcyclists and to all persons with a common interest in motorcycles.
- 2/ To arrange day and weekend runs, social nights, extended trips and to encourage participation by all members in these events.
- 3/ To establish contact with other clubs.
- 4/ To present a responsible and respectable image of motorcycling to the general public.
- 5/ To be a non-profit making organization.

## RULES

### 1.DEFINITIONS

- 1.1 In these rules, an
- 1.2 **Ordinary Member** means a member of the committee who is not an Office Bearer of the club, as referred to in Rule 3.2.2.2
- 1.3 **Secretary** means
  - 1.3.1 The person holding office under these rules as secretary of the club; or
  - 1.3.2 If no such person holds that office – The Public Officer of the club.
- 1.4 **General meeting** means a general meeting of the club other than an annual general meeting.
- 1.5 **The Act** means the Associations Incorporations Act 1984.
- 1.6 **The Regulation** means the Associations Incorporation Regulation 1999.
- 1.7 **Club** means the BMW Touring Club of NSW
- 1.8 In these rules:
  - 1.8.1 A reference to a function includes a reference to a power, authority and duty;
  - 1.8.2 A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- 1.9 The provisions of the Interpretation Act 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

### 2.COMMITTEE (Powers of)

- 2.1 The committee is to be called the committee of management of the club and, subject to the Act, the Regulation and these rules and to any resolution passed by the club in general meeting:
  - 2.1.1 Is to control and manage the affairs of the club; and
  - 2.1.2 May exercise all such functions as may be exercised by the club, other than those that are required by these rules to be exercised by a general meeting of members of the club; and
  - 2.1.3 Has power to perform all such acts and do all such things that as appear to the committee to be necessary or desirable for the affairs of the club.

### 3.COMMITTEE (Constitution and Membership)

- 3.1 The committee is to be elected at the Annual General Meeting of the club under rule 10.
- 3.2 The committee will consist of;
  - 3.2.1 The Public Officer

3.2.2 Four office Bearers, in accordance with the Act.

#### 3.2.2.1 Executive Committee

- The President
- The Vice-President
- The Secretary
- The Treasurer

3.2.2.2 Six Ordinary Members, in accordance with section 21 of the Act.

- The Regalia Officer
- The Membership Secretary
- The Editor
- BMW Clubs Australia Delegate
- The Spare Parts Officer
- The Assets and Archives Registrar

3.2.3 The Executive Committee consists of the presiding office bearers.

## 4.DUTIES OF THE COMMITTEE

### 4.1 The President

- 4.1.1 Be the presiding officer at committee and general meetings.
- 4.1.2 Be the official representative of the club.
- 4.1.3 To provide leadership, vision and guidance to the clubs affairs and its members.
- 4.1.4 To manage and coordinate the committee of the club.
- 4.1.5 To oversee and ensure correct governance of the club, and it's members according to the constitution.

### 4.2 The Vice-President

- 4.2.1 Be the presiding officer in the Presidents absence.
- 4.2.2 Be the official representative of the club in the Presidents absence
- 4.2.3 Keep a point score for recording the progress of the **Clubman of the Year**.

### 4.3 The Secretary

- 4.3.1 Be the presiding officer in the President's and Vice-Presidents absence.
- 4.3.2 It is the duty of the secretary to keep minutes of
  - 4.3.2.1 all appointments of the committee
  - 4.3.2.2 the names of members of the committee present at a committee or a general meeting, and
  - 4.3.2.3 all proceedings at a committee and general meetings
- 4.3.3 Minutes of proceedings at a general meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

4.3.4 Is responsible for the correspondence of the club.

### 4.4 The Treasurer

- 4.4.1 Be the presiding officer in the Secretaries absence
- 4.4.2 That all money due to the club is collected and received and that all payments authorised by the club are made.
- 4.4.3 That correct books, accounts and financial reports are kept showing the financial affairs of the club, including full details of all receipts and expenditure connected with the activities of the club.
- 4.4.4 Request and receive financial reports from relevant committee members.

### 4.5 The BMW clubs Australia Delegate

4.5.1 Is responsible for liaising with BMW and BMW Clubs Australia and reporting to the Club.

### 4.6 The Membership Secretary

**4.6.1** Maintain an up to date register of members of the club specifying the name and address of each person who is a member of the club together with the date on which the person became a member and ceased to be a member. In accordance with Rule 15.2

**4.7** The Assets and Archives Registrar

**4.7.1** Is responsible for the collection and custody of club assets including tools.

**4.7.2** Is responsible for the archives of the club in a location as nominated by the committee.

**4.7.3** The assets and archives are to be stored in locations as nominated by the committee.

**4.8** The Editor

**4.8.1** Will produce the Newsletter in accordance with the committee's guidelines.

**4.8.2** Will be responsible for distributing the Newsletter.

**4.8.3** Will accept no responsibility for the Newsletters not received due to negligence of any member in notifying change of address.

**4.9** Regalia

**4.9.1** Will be responsible for the supply, sale and delivery of club regalia in accordance with the committee's guidelines.

**4.10** Spare Parts

**4.10.1** Will be responsible for the supply, sale and delivery of club spares in accordance with the committee's guidelines.

**5.PUBLIC OFFICER**

**5.1** The Public Officer can hold any other position or office of the club.

**5.2** If the person nominated under Rule 7.1 declines the nomination or the position becomes vacant then the Secretary shall be appointed as acting Public Officer, until a Public Officer is appointed/elected.

**6. DUTIES OF THE PUBLIC OFFICER**

**6.1** Is responsible for the up to date register of members of the club specifying the name and address of each person who is a member of the club together with the date on which the person became a member and ceased to be a member. In accordance with Rule 15.2

**6.2** Is responsible for the custody of the common seal of the club in compliance with the Act.

**6.3** Is responsible for the lodgement of documents required to keep the public record of the club up to date.

**6.4** Is responsible for the custody of records, books and other documents relating to the association.

**6.5** Is responsible for the clubs' compliance with the constitution.

**7. ELECTION OF COMMITTEE**

**7.1** Nominations of candidates for election as office-bearers of the club, ordinary members of the committee and Public Officer:

**7.1.1** Must be made in writing, signed by two members of the club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and,

**7.1.2** Must be delivered to the secretary of the club at least six weeks before the date fixed for the

holding of the annual general meeting at which the election is to take place.

**7.2** If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.

**7.3** If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

**7.4** If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken as elected.

**7.5** If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

**7.6** The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting by financial members only, in such usual and proper manner as the committee may direct.

**8.COMMITTEE (Casual Vacancies)**

**8.1** For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

**8.1.1** Dies; or

**8.1.2** Ceases to be a member of the club; or

**8.1.3** Becomes an insolvent under administration within the meaning of the Corporations Law; or

**8.1.4** Resigns office by notice in writing given to the secretary; or

**8.1.5** Is removed from office, in accordance with the Regulation and Rule 9.1, or

**8.1.6** becomes a mentally incapacitated person, or

**8.1.7** is absent without consent of the committee from all meetings of the committee held during a period of 6 months

**9. COMMITTEE (Removal of Member)**

**9.1** The club in general meetings may by resolution remove any member of the committee from the office of member before the expiration the members term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

**9.2** If a member of the committee to whom a proposed resolution referred to in rule 9.1 relates makes representations in writing to the secretary or president (not exceeding reasonable length) and requests that the representation be notified to the members of the club, the secretary or the president may send a copy of the representations to each member of the club or, if the representations are not to be sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

**9.3** Removal of President

The president may be removed for a serious breach of governance including committing the club to a financial liability, unauthorised expenditure, or for acts or decisions outside the authority of the president to manage the affairs of the club and the committee.

**9.4** The president will be notified of the removal of authority to act as the representative of the club by a notice under seal in accordance with Rule 31.2.

**9.5** The president has right of appeal in accordance with Rule 17.

**9.6** The committee in its deliberation must acknowledge the necessity of correct governance by the president and cannot endorse or permit and deterioration.

#### **10.COMMITTEE (Meetings and Quorums)**

**10.1** The committee must meet at least three times in each period of twelve months at such a place and time as the committee may determine.

**10.2** Additional meetings of the committee may be convened by the president or by any member of the committee.

**10.3** Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.

**10.4** Notice of a meeting given under rule 10.3 must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business, which the committee members present at the meeting unanimously agree to treat as urgent business.

**10.5** Any six members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.

**10.6** No business is to be transacted by the committee unless a quorum is present and if, within ½ an hour of the time appointed for the meeting a quorum is not present, the meeting is to stand adjourned until such other period as may be unanimously agreed on by the members of the committee.

**10.7** At a meeting of the committee and at all general meetings,

**10.7.1** The President or in the Presidents absence, the Vice-president is to preside; or

**10.7.2** If the President and the Vice-president are absent the Secretary will preside and,

**10.7.3** If the Secretary is absent the Treasurer will preside.

**10.7.4** In the event of the President, Vice-President, Secretary and Treasurer all being absent from a general meeting, a member chosen at the meeting by way of voting will chair the meeting.

#### **11.COMMITTEE (Voting and Decisions)**

**11.1** Questions arising at a meeting of the committee are to be determined by a majority of the votes of the members present at each meeting.

**11.2** Each member present at a meeting of the committee is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

**11.3** Subject to the Act and rule 10.5 the committee may act despite any vacancy on the committee.

**11.4** Any act or thing done or suffered, or purporting to have been done or suffered, by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee.

#### **12.DELEGATION BY THE COMMITTEE TO A SUB-COMMITTEE**

**12.1** The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the club as the committee thinks fit) the exercise of

such functions of the committee as are specified in the instrument, other than:

**12.1.1** this power of delegation, and

**12.1.2** a function, which is a duty, imposed on the committee by the act or by any other law.

**12.2** A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

**12.3** A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation

**12.4** Despite any delegation under this rule, the committee may continue to exercise any function delegated.

**12.5** Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

**12.6** The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

**12.7** A sub-committee may meet and adjourn, as it thinks proper.

#### **13.MEMBERSHIP (Nomination)**

**13.1** A person is qualified to be a member of the club if, but only if:

**13.1.1** The person is a person referred to in the Act and has not ceased to be a member of the club at any time after incorporation of the club under the Act; or

**13.1.2** the person is a natural person:

**13.1.2.1** Who has been nominated for membership of the club as provided by rule 13.2.

**13.1.2.2** Who has been approved for membership of the club by the committee of the club.

**13.2** A nomination of a person for membership of the club:

**13.2.1** Must be made by a member of the club or a recognised BMW Dealer, in writing in the form set out in Appendix 1 of these rules; and

**13.2.2** Must be lodged with the secretary of the club.

**13.3** As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination for membership to the committee, which is to determine whether to approve or reject the nomination.

**13.4** If the committee determines not to approve a nomination for membership, the secretary must, as soon as practicable after that determination, notify the nominee and the treasurer will refund the full membership-joining fee.

**13.5** Upon acceptance of a nomination for membership under the Regulation and Rule 13.3 the membership secretary must enter the nominee's name in the register of members and on the name being so entered; the nominee becomes a member of the club.

#### **(Cessation)**

**13.6** A person ceases to be a member of the club if the person:

**13.6.1** Dies; or

**13.6.2** Resigns membership; or

**13.6.3** Is expelled from the club

## **(Entitlements)**

- 13.7** A right, privilege or obligation, which a person has by reason of being a member of the club:
- 13.7.1** Is not capable of being transferred or transmitted to another person; and
- 13.7.2** Terminates on cessation of the person's membership.
- 13.8** Each member has available to them a copy of the BMW Touring Club of N.S.W. Newsletter and a membership card renewed annually.
- 13.9** Each membership application will be entitled to one membership number.
- 13.10** Each membership number will only be entitled to one vote in any club elections and one entry of the clubman of the year point score, and thus only one trophy will be awarded per membership number at the annual presentation in regards to the final positions in the clubman of the year point score list.

## **(Resignation)**

- 13.11** A member of the club is not entitled to resign that membership except in accordance with this rule.
- 13.11.1** A member of the club who has paid all amounts payable by the member to the club in respect of the member's membership may resign from membership of the club by first giving the secretary written notice of at least one month (or such other period as the committee may determine). Of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member, or
- 13.11.2** By non-renewal of membership by non-payment of fees within 1 months after due date.
- 13.12** If a member of the club ceases to be a member under the Regulation and Rule 13.11.1, and in every other case where a member ceases to hold membership, the membership secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.
- 13.13** Any member determined by the committee to be responsible for an act contrary to the ideals of the club, will be asked for their resignation

## **14.MEMBERSHIP (Fees)**

- 14.1A** A member of the club must pay to the club a joining fee on admission to membership.
- 14.2** In addition to any amount payable by the member under Rule 14.1, a member of the club must pay to the club an annual membership fee.
- 14.2.1** Except as provided by rule 14.2.3, before the 1<sup>st</sup> July in each calendar year.
- 14.2.2** If the member becomes a member on or after 1<sup>st</sup> May, on becoming a member the member fee is valid until the 30<sup>th</sup> June of the following year.
- 14.3** Any changes to annual membership fees will be agreed by the membership at a general meeting.
- 14.4** Part year membership fees are not refundable.

## **15.MEMBERS (Liabilities and Register)**

### **(Liabilities)**

- 15.1** The liability of a member of the club to contribute towards the payment of the debts and liabilities of the

club or the costs, charges and expenses of the winding up of the club is limited to the amount, if any, unpaid by the member in respect of membership of the club as required by the Rule 14.

### **(Register)**

- 15.2** The register of members must be kept at the principal place of administration of the club and must be open for inspection, free of charge, by any member of the club at any reasonable hour in accordance with the Act.
- 15.3** A member of the club may obtain a copy of the register on payment of a fee of \$1 for each page copied or, if some other amount is determined by the committee, that other amount.

## **16.DISCIPLINING OF MEMBERS**

- 16.1** A complaint may be made, by any member of the club, that some other member of the club:
- 16.1.1** Has persistently refused or neglected to comply with a provision or provisions of these rules; or
- 16.1.2** Has persistently and wilfully acted in a manner prejudicial to the interests of the club.
- 16.2** On receiving such a complaint, the committee:
- 16.2.1** Must cause notice of the complaint to be served on the member concerned; and
- 16.2.2** Must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint; and
- 16.2.3** Must take into consideration any submissions made by the member in connection with the complaint.
- 16.3** The committee may, by resolution, expel the member from membership of the club or suspend the member from membership of the club if, after considering the complaint and any submissions made in connection with the complaint, if it is satisfied that the facts alleged in the complaint have been proved.
- 16.4** If the committee suspends or expels a member, the secretary must, within 7 days after the action is taken, cause notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the members right of appeal under Rule 17.
- 16.5** The expulsion or suspension does not take effect:
- 16.5.1** Until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
- 16.5.2** If within that period the member exercises the right of appeal, unless and until the club confirms the resolution under Rule 17.5.

## **17.RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 17.1** A member may appeal to the club in general meeting against a resolution of the committee under Rule 16.3 within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 17.2** The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- 17.3** On receipt of a notice from a member under Rule 17.1, the secretary must notify the committee, which is to convene a general meeting of the club to be held within

28 days after the date on which the secretary received the notice.

**17.4** At a general meeting of the club convened under Rule 20.3.

**17.4.1** No business other than the question of the appeal is to be transacted; and

**17.4.2** The committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and

**17.4.3** The members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

**17.5** If at the general meeting, the club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed

## **18 GENERAL MEETINGS**

### **(Holding, Calling of & Business at)**

#### **(Holding)**

**18.1** The club must, at least once in each calendar year and within a period of 6 months after the expiration of each financial year of the club, convene an annual general meeting of its members.

**18.2** Meetings will be generally held on the last Wednesday of each month, at the designated venue except for December when no meeting shall be held.

**18.3** The annual general meeting of the club is subject to Rule 18.1, to be convened at such a date and such a place and time as the committee thinks fit.

**18.4** In addition to any other business, which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following;

**18.4.1** To confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;

**18.4.2** To receive from the committee reports on the activities of the club during the last preceding financial year;

**18.4.3** To elect office-bearers of the club and ordinary members of the committee;

**18.4.4** To receive and consider the statement, which is required to be submitted to members in accordance with the Act.

**18.5** An annual general meeting must be specified as such in the notice convening it.

### **19.SPECIAL GENERAL MEETINGS (Calling of)**

**19.1** The committee may, whenever it thinks fit, convene a special general meeting of the club.

**19.2** The committee must, on the requisition of at least 5% of the total number of members, convene a special general meeting of the club.

**19.3** A requisition of members for a special general meeting:

**19.3.1** Must state the purpose or purposes of the meeting; and

**19.3.2** Must be signed by the members making the requisition; and

**19.3.3** Must be lodged with the secretary; and

**19.3.4** May consist of several documents in a similar form, each signed by the members making the requisition.

**19.4** If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who

made the requisition may convene a special general meeting to be held not later than three months after that date.

**19.5** A special general meeting convened by a member or members as referred to in Rule 19.4 must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee. Any member who consequently incurs expense is entitled to be reimbursed by the club for any expenses incurred.

## **20.GENERAL MEETING (Notice & Procedure)**

### **(Notice)**

**20.1** Except in the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each members address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

**20.2** If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in Rule 20.1 specifying, in addition to the matter required under Rule 20.1, the intention to propose the resolution as a special resolution.

**20.3** No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under Rule 18.4.

**20.4** A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting after receipt of the notice from the member.

### **(Procedure)**

**20.5** No item of business is to be transacted at a general meeting unless a quorum of members entitled to vote under these rules is present during the time the meeting is considering that item.

**20.6** Five percent of eligible members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

**20.7** If within ½ an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

**20.7.1** If convened on the requisition of members, is to be dissolved; and

**20.7.2** In any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

**20.8** If at the adjourned meeting a quorum is not present within ½ an hour after the time appointed for the commencement of the meeting, the members present (being at least 3 per cent of eligible members) is to constitute a quorum.

## **21.GENERAL MEETINGS (Presiding Member)**

- 21.1** The President or in the Presidents absence, the Vice-president, is to preside as chairperson at each general meeting of the club.
- 21.2** If the President or Vice-president are absent or unwilling to act the Secretary will preside and if the Secretary is absent or unwilling to act the Treasurer will preside.
- 21.3** If the office bearers are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

## **22.GENERAL MEETINGS**

### **(Adjournments & Making of Decisions)**

#### **(Adjournments)**

- 22.1** The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 22.2** If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjournment of the club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 22.3** Except as provided in Rule 22.1 and 22.2, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **23.GENERAL MEETINGS (Making of Decisions)**

- 23.1** A question arising at a general meeting of the club is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried by a particular majority or lost, or an entry to that effect in the minute book of the club, is evidence of the fact without proof of the number or proportion of the votes in favour of or against that resolution.
- 23.2** At a general meeting of the club, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- 23.3** If a poll is demanded at a general meeting, the poll must be taken:
- 23.3.1** Immediately in the case of a poll, which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
- 23.3.2** In any other case, in such a manner and at such a time before the close of the meeting as the chairperson directs,
- 23.4** The resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **24.GENERAL MEETINGS (Special Resolution)**

- 24.1** A resolution of the club is a special resolution:
- 24.1.1** If it is passed by a majority, which comprises of at least 90% approval of the votes of the members present at the meeting including proxies on hand, at a general meeting of which at least 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or

- 24.1.2** Where it is made to appear to the Director General that it is not practicable for the resolution to be passed in the manner specified in Rule 24, if the resolution is passed in a manner specified by the Director General.

## **25.GENERAL MEETINGS (Voting)**

- 25.1** On any question arising at a general meeting of the club a member has one vote only.
- 25.2** All votes must be given personally or by proxy but no member may hold more than 5 per cent of eligible members.
- 25.3** In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 25.4** A member or proxy is not entitled to vote at any annual general meeting of the club unless all money due and payable by the member or proxy to the club has been paid, other than the amount of the annual subscription payable in respect of the then current year.

## **26.GENERAL MEETINGS (Appointment of Proxies)**

- 26.1** Each member is entitled to appoint another member as proxy by notice given to the secretary prior to commencement of the meeting in respect of which the proxy is appointed.
- 26.2** The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

## **27.LIFE MEMBERSHIP**

- 27.1** Eligibility for nomination to life membership of the club will be open to any financial member of the club who has made a significant ongoing contribution to the club and it's running and;
- 27.1.1** who has been a financial member for a minimum of 15 consecutive years and,
- 27.1.2** has retired from all active executive committee positions being.
- 27.2** Any member may nominate an eligible member for life membership to the life membership committee.
- 27.3** All life membership nominations are to be ratified by 90% of the life membership committee consisting of all committee members and all current recipients of life memberships.
- 27.4** Any life member nomination approved by the life membership committee will be advised to the membership in the newsletter as a motion to the next general meeting.
- 27.5** A member will become a life member upon the membership at a general meeting by 90% approval of the votes of the members present at the meeting including proxies on hand.

## **28.FUNDS (Source)**

- 28.1** The funds of the club are to be derived from entrance fees and annual subscriptions of members, donations and other sources as the committee determines.
- 28.2** All money received by the club must be deposited as soon as practicable and without deduction to the credit of the clubs bank account.
- 28.3** The club must, as soon as practicable after receiving any money, issue an appropriate receipt.

## **29.FUNDS (Management)**

- 29.1** Subject to any resolution by the club in general meeting, the funds of the club are to be used in pursuance of the objectives of the club in such manner as the committee determines.
- 29.2** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments, must be signed by any two authorised signatories of the committee of the club, being members authorised to do so by the committee. Any exception of financial liabilities other than normal operating expenditure impacting on the financial health of the club exceeding \$300 must be approved by a ¾ majority of the full committee and tabled at the next general meeting for approval.
- 29.3** Should the BMW Touring Club of N.S.W. cease to exist, the funds will be held in trust for two years, after which they will be donated to charity voted on by the last committee, except in accordance with Rule 29.4.
- 29.4** If the club is reformed within two years, the funds will be made available, subject to the approval of the last committee.

### **30.ALTERATION OF OBJECTIVES AND RULES**

- 30.1** The statement of objectives and these rules may be altered, rescinded or added to only by a special resolution of the club.
- 30.2** No change to the objectives or rules will be made unless approved by a ¾ majority vote in accordance with Rule 24.

### **31.COMMON SEAL**

- 31.1** The common seal of the club must be kept in the custody of the public officer in accordance with the Act.
- 31.2** The common seal must not be affixed to any instrument except by the authority of the committee and the affixing must be attested to by the signatures either of 2 members of the committee.
- 32.3** The seal shall consist of the word **SEAL** encircled by the clubs name.

### **33.CUSTODY OF BOOKS**

- 33.1** Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the club.

### **34.INSPECTION OF BOOKS**

- 34.1** The records, books and other documents of the club must be open to inspection, free of charge, by a member of the club at any reasonable hour.

### **35.SERVICE OF NOTICE**

- 35.1** For the purpose of these rules, a notice may be served on or given to a person:
- 35.1.1** by delivering it to the person personally, or
- 35.1.2** by sending it by pre-paid post to the address of the person, or
- 35.1.3** by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving notice.
- 35.2** For the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
- 35.2.1** in the case of a notice given personally, on the date it is received by the addressee, and

**35.2.2** in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and

**35.2.3** in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date

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**APPENDIX 1 [RULE (10.2.1)] APPLICATION FOR MEMBERSHIP/RENEWAL**



**APPLICATION FOR NEW MEMBERSHIP/RENEWAL OF MEMBERSHIP**

**BMW Touring Club of New South Wales Incorporated**  
(Incorporated under the Associations Incorporation Act, 1984)



The BMW Touring Club of NSW was founded in 1965, with an initial membership of 15 and we celebrated our 35<sup>th</sup> anniversary in October 2000. The aim of the club is to provide a social medium for BMW riders and motorcycle touring. It is not necessary for you to own a BMW motorcycle to join the club. There are a wide range of activities throughout the year, ranging from regular day rides, rallies (local, interstate and other BMW club rallies), runs with interstate BMW clubs and camping weekends. We have gained a large number of trophies from our attendance at rallies. The club also has regular maintenance days (where you can tap into a vast range of knowledge from our members). We have spare parts available at a slight discount for members and a variety of special tools for use when servicing, repairing or replacing components. We also have social evenings, an annual presentation night/dinner and a Christmas party. The club encourages family involvement in all events.

**Current Membership Number:** \_\_\_\_\_

I, \_\_\_\_\_ and \_\_\_\_\_  
(full name of applicant) (additional person/s)

of \_\_\_\_\_  
Postcode: \_\_\_\_\_  
(Address)

Preferred Telephone Numbers. 1) \_\_\_\_\_ 2) \_\_\_\_\_

E-Mail: \_\_\_\_\_ Do you wish to be on the Club's E-Mail list? Yes/No

Motorcycle/s Make, Model & Year: \_\_\_\_\_

I hereby apply to join/renew my membership of the above named incorporated association and I agree to be bound by the rules of the club for the time being in force.

\_\_\_\_\_  
(Signature of Applicant) Date: \_\_\_\_\_

I, \_\_\_\_\_  
(Full Name & Membership No.)

a member of the BMW TC of NSW or a BMW dealer, nominate the applicant to the committee, for membership of the BMW TC of NSW.

\_\_\_\_\_  
(Signature of Proposer) Date: \_\_\_\_\_

I, \_\_\_\_\_  
(Full Name & Membership No.)

a member of the BMW TC of NSW, second the nomination of the applicant, for membership of the BMW TC of NSW.

\_\_\_\_\_  
(Signature of Proposer) Date: \_\_\_\_\_

If an existing member introduced you: Introduced by: \_\_\_\_\_

Is this a  Renewal  New Application or  Joint Application (please circle one)  
Joining fee \$ 10  
Annual Membership fee \$ 50 per year (city or country membership)  
Total amount payable \$ \_\_\_\_\_

**Mail to:**  
**BMW Touring Club of NSW**  
**PO Box 53**  
**Rydalmere BC**  
**NSW 1701**

(Make all cheques and money orders payable to **BMW Touring Club of NSW**)

**NOTE: 1/ All membership fees are due by 1<sup>st</sup> July each year.**  
**2/ Membership not renewed by 1<sup>st</sup> August will be considered as a resignation of membership.**

**FORM OF APPOINTMENT OF PROXY**

**BMW Touring Club of New South Wales Incorporated**

(Incorporated under the Associations Incorporation Act, 1984)

I, \_\_\_\_\_, Membership no: \_\_\_\_\_  
(full Name)

of, \_\_\_\_\_  
(Address)

Postcode: \_\_\_\_\_

being a member of the BMW Touring Club of New South Wales Incorporated.

Hereby appoint \_\_\_\_\_  
(full name of Proxy)

of, \_\_\_\_\_  
(Address)

Postcode: \_\_\_\_\_

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the club (annual general meeting or special general meeting, as may the case may be) to be

held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of that meeting.

My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution  
(insert details)

*To be inserted if desired*

\_\_\_\_\_  
(Signature of member appointing proxy)

Date: \_\_\_\_\_

NOTE: A proxy vote may not be given to a person who is not a member of the association/club