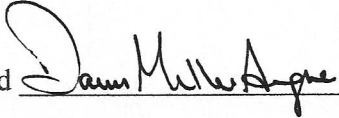


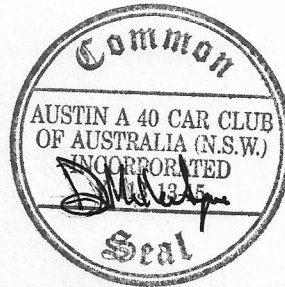
# RULES AND CONSTITUTION

OF THE

## AUSTIN A40 CAR CLUB OF AUSTRALIA (NSW) INCORPORATED

The rules of the Austin A40 Car Club of Australia (NSW) Incorporated contained herein are in accordance with Section 11 and contain those matters specified in schedule 1 of the Associations Incorporation Act 1984

Signed   
Applicant



Part 1  
**PRELIMINARY**

1 INTERPRETATION

1. Definitions

In these rules, except in so far as the context or subject-matter otherwise indicates or requires:-

Ordinary Member means:-

A Full member or Associate member of the association, as referred to in rule Section 13.2;

Full Member means:-

A member of the association owning a motor vehicle that meets the RMS requirements for Conditional Registration as per 1.1

- a. Does have the power to vote; and
- b. Can hold office.

Associate Member means:-

A member of the association not owning a motor vehicle as per 1.1.

- a. Does not have the power to vote; and
- b. Cannot hold office.

Family Membership means:-

Husband, wife and children up to the age of 17. The spouse of a Full member;

- a. Does have the right to vote; and
- b. Can hold Office.

Secretary means:-

- a. The person holding office under these rules as Secretary of the association; or
- b. Where no such person holds that office – the Public Officer of the association.

General Meeting means:-

A monthly meeting of the association other than the Annual General Meeting or a Special General Meeting.

Special General Meeting means:-

A meeting of the association other than the Annual General Meeting, at which special circumstances are addressed.

Annual General Meeting means:-

The first Meeting after the 30<sup>th</sup> day of September each year.

Financial Year means:-

The twelve (12) month period commencing on first day of July and concluding on the thirtieth day of June.

The Act means the Associations Incorporation Act 1984.

The Regulation means:-

The Associations Incorporation Regulation 1985.

Vehicle means:-

All Vehicles (Cars,Bikes,Trucks,Trailers) that meet the RMS requirements for Conditional Registration.

1.2 Function in these rules:-

- duty; and
- a. A reference to a function includes a reference to a power, Authority and
  - b. A reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

1.3 Interpretation Act

The provisions of the Interpretation Act, 1897, 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.

1.4 The Association

Hereafter, in these rules the "Association" shall mean Austin A40 Car Club of Australia (NSW) Incorporated.

1.5 Objects of the Association

- A. To bring together persons with a common interest, to encourage the use, maintenance and preservation firstly of all Austin Vehicles produced and or manufactured by the Austin Motor Vehicle Company and any other vehicle that meets the RMS requirements for Conditional Registration.
- B. To promote friendship and courtesy on the road, socially and in competitions between members of the Association and other organizations with similar objectives.
- C. To conduct meetings whereby members may obtain knowledge enabling them to become better drivers and to maintain their vehicles to a high standard of efficiency.
- D. To provide and maintain spare parts for the use and purchase by members of the association.
- E. To publish a news-letter containing technical information, words of encouragement, items of interest, lists of vehicles and spare parts wanted and for sale.
- F. To maintain a library of books and literature pertinent to Austin Motor Vehicles and maintenance of motor vehicles.
- G. To encourage new members into the Association.



Part 2  
**MEMBERSHIP QUALIFICATIONS**

2 MEMBERSHIP QUALIFICATIONS

A person is qualified to be a member of the association if, but only if:-

- a. The person is a person referred to in section 15 (1) (a), (b), or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
- b. The person is a natural person who –
  - (i) Has applied for membership to the association as provided by rule Section 3: and
  - (ii) Has been approved for membership of the association by the committee of the association.

3 APPLICATION FOR MEMBERSHIP

3.1 Application

Application for membership of the association shall be:-

- a. Made in writing on the form set out in Appendix 1 to these rules and be accompanied by the sum payable under these rules by a member as annual subscription; and
- b. Lodged with the Secretary of the association.

3.2 Committee Consideration

As soon as practicable after receiving the application for membership, the secretary shall refer the application to the committee which shall determine whether to approve or to reject the application.

3.3 Disapproval of Application

Where the committee determines to disapprove an application for membership, the secretary shall, as soon as practicable after that determination, notify the nominee of that disapproval.

3.4 Acceptance of Application

The secretary shall on acceptance of the applicant by the committee, enter the applicant's name on the Register of Members and, upon the name being so entered, the applicant becomes a member of the association.

4 CESSATION OF MEMBERSHIP

A person ceases to be a member of the association if the person:-

- a. Dies;
- b. Resigns that membership;
- c. Is expelled from the association;



- d. Fails to pay the appropriate membership fees within 35 days of such fees falling due.

## 5 MEMBERSHIP ENTITLEMENTS (not transferable)

A right, privilege or obligation which a person has by reason of being a member of the association:-

- a. Is not capable of being transferred or transmitted to another person; and
- b. Terminates on cessation of the person's membership.

## 6 RESIGNATION OF MEMBERSHIP

- 6.1 A member is not entitled to resign that membership except in accordance with this rule.
- 6.2 A member of the association who has paid all amounts payable by that member to the association in respect of the members membership may resign from membership of the association by first giving notice (being not less than one month or not less than such other period as the committee may determine) in writing to the secretary of the members intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- 6.3 Where a member of the association ceases to be a member pursuant to clause Section 6.2, and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceases to be a member.
- 6.4 A member, upon resigning that membership, forfeits all fees and contributions paid to the association.

## 7 REGISTER OF MEMBERS

- 7.1 The Public Officer of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association.
- 7.2 The register of members shall be kept at the principle place of administration of the association and shall be open for inspection, free of charge, by any member of the association at any reasonable hour.

## 8 FEES, SUBSCRIPTIONS, etc.

- 8.1 A member of the association shall, upon admission to membership, pay to the association an annual membership fee.
  - 8.1.1 Where the member becomes a member on or after 1<sup>st</sup> January in any calendar year – that fee shall be a pro-rata amount.
- 8.2 A member of the association shall pay the association an annual membership fee as determined by the committee, being the "Annual Dues".
  - 8.2.1 Except as provided by paragraph Section 8.2.2, before 1<sup>st</sup> July in each calendar year; or

8.2.2 Where the member becomes a member on or after 1<sup>st</sup> July in any calendar year – upon becoming a member and thereafter before the 1<sup>st</sup> July in each succeeding calendar year.

8.2.3 “Annual Dues” shall be set by the committee within one calendar month immediately preceding the Annual General Meeting. “Annual Dues” for a Pensioner Member is half the amount of that for members of the association not being Pensioners.

## 9 MEMBERS’ LIABILITIES

The liability of a member to the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule Section 8.

## 10 DISCIPLINING OF MEMBERS

10.1 Where the committee is of the opinion that a member of the association:-

- a. Has persistently refused or neglected to comply with a provision or provisions of these rules; or
- b. Has persistently and willfully acted in a manner prejudicial to the interests of the association; the committee, by resolution may:-
  - i. Expel the member from the association; or
  - ii. Suspend the member from membership of the association for a specified period.

10.2 A resolution of the committee under clause Section 10.1 is no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on the member of a notice under clause Section 10.3, confirms that resolution in accordance with this rule.

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10.3 Where the committee under clause Section 10.1, the secretary shall, as soon as practicable, cause a notice in writing to be served on the member.

- a. Setting out the resolution of the committee and the grounds on which it is based.
- b. Stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice;
- c. Stating the date, time and place of that meeting; and
- d. Informing the member that member may do either or both of the following:-
  - i. Attend and speak at that meeting;

- ii. Submit to the committee at or prior to the date of that meeting written representation relating to the resolution.
- 10.4 At a meeting of the committee held as referred to in clause Section 10.3, the committee shall:-
  - a. Give the member an opportunity to make oral representations;
  - b. Give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
  - c. By resolution determine whether to confirm or to revoke the resolution.
- 10.5 Where the committee confirms a resolution under clause Section 10.4, the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under rule Section 11.
- 10.6 A resolution confirmed by the committee under clause Section 10.4 does not take effect:-
  - a. Until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
  - b. Where within that period the member exercises the right of appeal, unless and until the association confirms the resolution in pursuant to rule Section 11.4.

## 11 RIGHT OF APPEAL OF A MEMBER

- 11.1 A member may appeal to the association in general meeting against a resolution of the committee under clause Section 10.4, within 7 days after the notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 11.2 On receipt of a notice under clause Section 11.1, the secretary shall notify the committee which shall convene a Special general meeting of the association to be held within 21 days after the date on which the secretary received the notice.
- 11.3 At a Special general meeting of the association convened under clause Section 11.2:-
  - a. No business other than the question of the appeal shall be transacted;
  - b. The committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
  - c. the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 11.4 If at the Special general meeting the association passes a special resolution in favor of the confirmation of the resolution, the resolution is confirmed.



Part 3  
**THE COMMITTEE**

12 POWERS OF THE COMMITTEE

The committee shall be called the committee of management of the association and, subject to the Act, the Regulations and these Rules and to any resolution passed by the association in general meeting:-

- a. Shall control and manage the affairs of the association;
- b. May exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by a general meeting of the members of the association; and
- c. Has the power to perform all such acts and do all such things as to appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

13 CONSTITUTION AND MEMBERSHIP

13.1 Subject in the case of the first members of the committee to Section 21 of the Act, the committee shall consist of:-

- a. The office-bearers of the association; and
- b. Three ordinary members, each of whom shall be elected at the Annual General Meeting to the association pursuant to rule 14.

13.2 The office-bearers of the association shall be:-

- a. The President
- b. The Secretary; and
- c. The Treasurer.

13.3 Each member of the committee shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.

13.4 In the event of the casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

13.5 The committee may co-opt general members onto the committee as and when it is considered appropriate, to deal with unusual circumstances which may arise from time to time.

14 ELECTION OF MEMBERS

14.1 Nomination of candidates for election as office-bearers of the association or as ordinary members of the committee:-

- a. Shall be made in writing, signed by two members of the association and accompanied by written consent of the candidate (which may be endorsed on the form of nomination);

- b. Shall be delivered to the secretary of the association not less than 7 days before the date fixed for holding of the Annual General Meeting at which the election is to take place; or
  - c. Can be made in person, at the Annual General Meeting, by a member of the association and seconded by another member of the association.
- 14.2 If insufficient nominations are received to fill all vacancies on the committee, the candidates nominations shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 14.3 If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- 14.4 If the number of nominations received is equal to the number of vacancies filled, the person nominated shall be deemed to be elected.
- 14.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 14.6 The ballot for election of office-bearers and ordinary members of the committee shall be conducted at the Annual General Meeting in such usual and proper manner as the committee may direct.
- 14.7 A nomination of a candidate for election as an office-bearer, under this clause, is not valid if that candidate has been nominated for election to another office-bearer position at the same election.

#### 15 SECRETARY

- 15.1 The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- 15.2 It is the duty of the secretary to keep minutes of:-
- a. All appointments of office-bearers and members of the committee;
  - b. The names of the members of the committee present at all meetings; and
  - c. All proceedings at all meetings.
- 15.3 Minutes of proceedings at a meeting shall be signed by the chairperson of the next succeeding meeting

#### 16 TREASURER

- It is the duty of the treasurer of the association to ensure that:-
- a. All money due to the association is collected and received and that all payments authorized by the association are made; and
  - b. Correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.

## 17 CASUAL VACANCIES

For the purpose of these rules, a casual vacancy in the office of a member of the committee occurs if the member:-

- a. Dies;
- b. Ceases to be a member of the association;
- c. Becomes insolvent under administration within the meaning of the Companies (New South Wales) Code;
- d. Resigns office by notice in writing given to the secretary;
- e. Is removed from office under rule Section 18;
- f. Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- g. Is absent without consent of the committee from all meetings of the committee held during a period of 6 months.

## 18 REMOVAL OF A MEMBER

- 18.1 The association in a general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another to hold office until the expiration of the term of office of the person so removed.
- 18.2 Where a member of the committee to whom a proposed resolution referred to in clause Section 18.1 relates makes representation in writing to the secretary or president (not exceeding a reasonable length) and requests that representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if they are not sent, the member is entitled to require that the representations be read out at the meeting where the resolution is considered.

## 19 MEETINGS AND QUORUMS

- 19.1 The committee shall meet at least 3 times in each period of 12 months at such a place and time as the committee may determine.
- 19.2 Additional meetings of the committee may be convened by the president or by any member of the committee.
- 19.3 Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such a period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- 19.4 Notice of a meeting given under clause Section 19.3 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- 19.5 Any 3 members of the committee constitutes a quorum for the transaction of the business at a meeting of the committee, and any 3 members of the committee plus 2



ordinary members constitutes a quorum at a General , Special or Annual General Meeting.

- 19.6 No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to a date and time to be set by the committee.
- 19.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 19.8 At a meeting:-
- a. The president or in the president's absence, the vice-president shall preside; or
  - b. If the president and the vice-president are absent or are unwilling to act as such, one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

## 20 DELEGATION TO SUB-COMMITTEE

- 20.1 The committee may delegate to one or more sub-committee (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified, other than:-
- a. This power of delegation; and
  - b. A function which is the duty imposed on the committee by the Act or by any other law.
- 20.2 A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains un-revoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

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20.3 A delegation under this section may be subject to such conditions and limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified by the committee.

20.4 Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.

20.5 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.

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

20.7 A sub-committee may meet and adjourn as it thinks proper.

## 21 VOTING AND DECISIONS

21.1 Questions arising at a meeting shall be determined by a majority of the votes of the members present at the meeting.

21.2 Each member present at a meeting 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.

- 21.3 Subject to rule 19.5, the committee may act notwithstanding any vacancy on the committee.
- 21.4 Any act or thing done or suffered,, or purported to have been done or suffered, by the committee or by the sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.
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#### Part 4

### GENERAL MEETINGS

#### 22 ANNUAL GENERAL MEETINGS – HOLDING OF

- 22.1 With the exception of the first Annual General Meeting of the association, the association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an Annual General Meeting of its members.
- 22.2 The association shall hold its first Annual General Meeting:-
- a. within the period of 18 months after its incorporation under the Act; and
  - b. Within the period of 2 months after the expiration of the first financial year of the association.
- 22.3 Clause 22.2 and 22.2 have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

#### 23 ANNUAL GENERAL MEETINGS – CALLING OF AND BUSINESS AT

- 23.1 The Annual General Meeting of the Association shall, subject to the Act and rule 22, be convened on such date and at such place and time as the committee thinks fit.
- 23.2 In addition to any other business which may be transacted at an annual General Meeting, the business of the Annual General Meeting shall be:
- a. To confirm the minutes or the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
  - b. To receive from the committee reports upon the activities of the association during the last preceding financial year;
  - c. To elect office-bearers of the association and ordinary members of the committee; and
  - d. To receive and consider the statement which is required to be submitted to the members pursuant to section 26(6) of the Act.

23.3 An Annual General Meeting shall be specified as such in the notice convening it.

#### 24 SPECIAL GENERAL MEETING – CALLING OF

24.1 The committee may, whenever it thinks fit, convene a Special General Meeting of the association.

24.2 The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a Special General Meeting of the association.

24.3 A requisition of members for a Special General Meeting:-

- a. Shall state the purpose or purposes of the meeting;
- b.. Shall be signed by the members making the requisitions;
- c. Shall be lodged with the secretary; and
- d. May consist of several documents in a similar form, each signed by one of the members making the requisition.

24.4 If the committee fails to convene a Special General Meeting to be held 1 month after the date on which the requisition of the 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 3 months after that date.

24.5 A Special General Meeting convened by a member or members as referred to in clause 24.4 shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any expense so incurred.

#### 25 NOTICE

25.1 Except where the nature of the business proposed to be dealt with at general meetings requires a Special resolution of the association, the secretary shall, 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 member at the member's 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.

25.2 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, 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 clause 25.1 specifying, in addition to the matter required under 25.1, the intention to propose the resolution as a special resolution.

25.3 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to rule 23.2.

25.4 A member desiring to any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the notice calling a general meeting given after receipt of the notice from the member.



## 26 PROCEDURE

- 26.1 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 26.2 Five members present in person (being members entitled under these rules to vote at a general meeting), constitutes a quorum for the transaction of the business of the general meeting.
- 26.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if conveyed upon the requisition of the members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of 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.
- 26.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

## 27 PRESIDING MEMBER

- 27.1 The president or, in the president's absence, the vice-president shall preside as chairperson at each general meeting.
- 27.2 If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.

## 28 ADJOURNMENT

- 28.1 The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of the members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than business left unfinished at the meeting at which the adjournment took place.
- 28.2 Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 28.3 Except as provided in clause 28.1 and 28.2, notice of an adjournment of a general meeting or the business to be transacted at an adjourned meeting is not required to be given.

## 29 MAKING OF DECISIONS

- 29.1 A question arising at a general meeting of the association shall be determined by 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 the resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- 29.2 At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.
- 29.3 Where a poll is demanded at a general meeting, the poll shall be taken:-
- a. Immediately in the case of the poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
  - b. In any other case, in such manner and at such time as before the close of the meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on the matter.

### 30 SPECIAL RESOLUTION

A resolution of the association is a special resolution if:-

- a. It is passed by a majority which comprises not less than three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 day's written notice specifying the intention to propose the resolution was given in accordance with these rules; or
- b. Where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph 30(a) – the resolution is passed in a manner specified by the Commission.

### 31 VOTING

- 31.1 Upon any question arising at a general meeting of the association a member has one vote only.
- 31.2 All votes shall be given personally or by proxy but no member may hold more than 3 proxies.
- 31.3 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.
- 31.4 A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

### 32 APPOINTMENT OF PROXIES

- 32.1 Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of meeting in respect of which the proxy is appointed.
- 32.2 The notice appointing the proxy shall be in the form set out in Appendix 2 to these rules.

Part 5  
**MISCELLANEOUS**

33 INSURANCE

- 33.1 The association shall effect and maintain insurance pursuant to section 44 of the Act.
- 33.2 In addition to the insurance required under clause 33.1, the association may effect and maintain other insurance.

34 FUNDS – SOURCE

- 34.1 The Funds of the association shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- 34.2 All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- 34.3 The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

35 FUNDS – MANAGEMENT

- 35.1 Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- 35.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the committee, being members authorized to do so by the committee.

36 ALTERATION OF OBJECTS AND RULES

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

37 COMMON SEAL

- 37.1 The common seal of the association shall be kept in the custody of the public officer.
- 37.2 The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of two members of the committee or of 1 member of the committee and of the public officer or secretary.

38 CUSTODY OF BOOKS, etc.

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



### 39 INSPECTION OF BOOKS, etc.

The records, books and other documents of the association shall be opened to inspection, free of charge, by a member of the association at any reasonable hour.

### 40 SERVICE OF NOTICES

- 40.1 For the purpose of these rules, a notice may be served by or on behalf of the association upon any member at the member's address shown in the register of members.
- 40.2 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is provided, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

### 41 SURPLUS PROPERTY

- 41.1 At the first general meeting of the association, the association shall pass a special resolution nominating an incorporated association as the association in which is to vest surplus property pursuant to Section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the association.
- 41.2 The incorporated association so nominated shall be one which fulfills the requirements specified in Section 53(2) (a) – (c) of the Act.

### 42 BY-LAWS

All the By-laws of the Association are an extension of the Rules contained herein. All By-laws must comply with the Rules and Objects of the Association, and not conflict with the Laws of Australia nor the state of New South Wales.

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AUSTIN A40 CAR CLUB OF AUSTRALIA N.S.W. (INC.)  
BY-LAWS.

CONDITIONAL REGISTRATION FOR HISTORIC VEHICLES.

The following are the By-Laws governing the usage of Roads and Maritime Services (RMS) Number Plates whilst a member of "The Austin A40 Car Club of Australia" N.S.W. (Inc.) hereafter referred to as "The Club" or "The Association"

**1. Ownership.**

Number plates always remain the property of the RMS.

**2. Termination of Permit.**

The Association has the right to notify the RMS within (3) three days in the event of:

- a. The vehicle being disposed of; or
- b. The member becoming un-financial; or
- c. The owner of the vehicle ceasing to be a member of the Association; or
- d. The member breaking any of the By-Laws of the Club governing the usage of the Plates.

**3. Laws governing Eligibility.**

- a. The motor vehicle must be at least 30 years old.
- b. The vehicle must be deemed roadworthy by the approved method of inspection.
- c. The vehicle must be covered by Comprehensive Insurance.
- d. The owner of the vehicle must be a financial member of the Association.
- e. The owner of the vehicle must be a member for a Qualifying Period. The duration of such qualifying period to be pre-determined by the committee.

**4. Roadworthy Inspection.**

The vehicle can only be inspected and deemed roadworthy by the following approved persons:

- a. The Club's delegated Vehicle Inspection Officer. (Vehicle inspections to be arranged by appointment with the Club's Vehicle Inspection Officer.)
- b. Authorised Inspection Station Inspection Officer.

An inspection fee is to be paid at the current rate, as for road-registered vehicles.

**5. Vehicle Inspection Officer.**

The delegated person must be a Certified Automotive Mechanic or his Delegate.

## **6. RMS Number Plates**

- a. The plates are to be fitted to the motor vehicle, for which they were issued, in the usual manner as specified by the RMS.
- b. RMS number plates issued to a member are to be registered against the Member's name, address and telephone number by the delegated Club Registrar.

## **7. Limitations of usage.**

Usage of vehicles on Conditional Plates is restricted to the following and may NOT be used on any other occasion.

- a. Club gazetted outings and meetings.
- b. Accepted written invitations to the Club by another Club.
- c. Travelling to and from such events, as in 7(a) and 7(b).
- d. To road test or maintain the vehicle, confined to the area of a 14klm radius from where the vehicle is normally garaged.
- e. Movement of the vehicle beyond the distance in 7(d) The RMS Log Book must be used.
- f. Up to 60 days utilising the RMS log book scheme. This is not used on Club Gazetted runs.

## **8. Vehicle Movements.**

All vehicle movements except for 7(d) and 7(f) are to be recorded in a movements' book by the Club Movements Officer.

## **9. Vehicle Registration.**

- a. The vehicle must be Insured as per 3(c) to registration.
- b. All registration for vehicles under the scheme must be renewed on or before their expiry date.
- c. Following inspection by the Club Inspection Officer it will be the vehicle owner's responsibility to apply for renewal of registration with the RMS. The Club Inspection Officer is to hold a copy of all roadworthy certificates.

## **10. Vehicle Insurance.**

The Vehicle must be Insured as per 3(c).

## **11. Registration Label.**

No longer required

## **12. Certificate of Approved Operations.**

Must accompany the vehicle whenever it is driven.



13. **Primary / Secondary Club.**

If a financial member nominates and uses this club (Austin A40 Car Club) as the Primary club on the RMS 1259 HCRS Form, then he / she may enter up to three (3) additional clubs which are recognised and registered with the RMS of NSW to issue HCRS and he / she is a financial member of said club(s). The member may then take the said HCRS vehicle on those Club's bona fide events, after notifying the Club Registrar or a member of the Committee. A copy of the completed 1259 HCRS must be provided to the club and kept in the registrar's records for the 12 months of the HCRS every year. This club will recognise members using other clubs as their Primary club and nominating this club as an additional club, provided that Primary club and the member conforms with the above.