

# **THE CONSTITUTION OF**



## **AMERICAN CAR CLUB OF AUSTRALIA Inc.**

### **1. Name**

1.1 The name of the Club formed under this Constitution shall be '**The American Car Club of Australia Inc.**' (ACCA).

### **2. Objectives**

2.1 The Objectives of the ACCA are to:

- 2.1.1 maintain interest in all American motor vehicles and motorcycles but especially American Cars and provide a forum for the exchange of information about American cars,
- 2.1.2 promote the restoration, preservation and use of American motor vehicles in Australia,
- 2.1.3 promote friendship and courtesy on the road and to conduct meetings and events for American Cars,
- 2.1.4 promotion and social enjoyment of American Cars,
- 2.1.5 **in addition**, the Committee may recommend that cars of "non American" manufacture, but with the generic names of American car manufacturers e.g. Chrysler Australia, be accepted for the purpose of membership of the ACCA and its associated Club events.

### **3. Management**

3.1 The management of the ACCA (except as otherwise provided in these rules) shall be under the control of a committee of not more than (11) members, hereinafter referred to as the 'The Committee'. The Committee shall comprise of:

3.1.1 the Executive; consisting of, President, Vice President, Secretary, and Treasurer (hereinafter referred to as the 'The Executive'); and

3.1.2 Office Bearers; consisting of, Membership Secretary, Registrar, Events Co-ordinator, Public Officer, Delegate to the Council of ACT Motor Clubs, Club Shop Manager and Webmaster (hereinafter referred to as the 'Office Bearers').

3.2 ACCA Committee members may hold a second title from the Executive or the Office Bearers group of positions **provided that one person does not hold two executive positions.**

3.3 The ACCA Committee shall be elected at each Annual General Meeting (AGM) by a simple majority.

3.4 Duty statements for ACCA Committee Members are listed In Appendix 1.

3.5 The Executive is empowered to enter into contracts with advertisers for and on behalf of the ACCA. The signatures of any two members of the Executive on such a contract shall be sufficient.

3.6 With the exception of the Registrar, a member is not entitled to hold the same position on the same Committee for a period in excess of three (3) consecutive years unless otherwise expressly requested by the Committee members.

3.7 A member or members, of the Committee may be removed from office at a Special General Meeting (SGM) of the ACCA by two-thirds majority vote.

3.8 Sub committees can be formed from time to time as required by the committee.

### **4. Financial Year**

4.1 The financial year of the ACCA shall conclude on the **thirtieth (30<sup>th</sup>) day of June** each year.

### **5. Financial Accounting**

5.1 The Treasurer shall be responsible for the safe custody of the Club's financial assets. The financial assets of the ACCA, excluding the amount authorised to be held as Petty Cash, shall be deposited within seven (7) days of receipt in an account operated in the name of the ACCA.

- 5.2 The Treasurer is authorised to hold an amount of up to \$200.00 in Petty Cash which may be used for minor purchases on behalf of the ACCA or reimbursements to members on the presentation of original receipts.
  - 5.3 The Treasurer shall arrange for the ACCA accounts to be audited as at the end of the financial year, eg: 30th June and prepare audited accounts for submission to the **ACT Registrar Generals Office** not later than December of the same year.
  - 5.4 All accounts shall have two executive signatures. The Treasurer, together with either the President or one other nominated member of the Executive shall operate the account(s).
  - 5.5 The Club Shop Manager is authorized to hold a cash float of \$100.00 to facilitate cash transactions from sales of ACCA merchandise. The proceeds, together with receipts, from merchandise sales since the previous GM or amounts of cash held in excess of \$100.00, together with invoices for purchases of ACCA merchandise, shall be passed to the Treasurer at the next monthly GM as per Appendix 1 Clause 11.2
- 6. Accounts**
- 6.1 All accounts for payment over \$500:00 that have not been authorised previously, shall be presented to a General Meeting (GM) for consideration, prior to passing for payment. All financial transactions shall be receipted.
- 7. Audit**
- 7.1 An Auditor or Auditors shall be nominated and approved by the Committee, provided that the said Auditor(s) is not a Committee member of the ACCA or a person who has prepared or assisted in the preparation of the accounts.
- 8. Committee Vacancies**
- 8.1 The Committee shall have the power to appoint a full member to fill a casual vacancy on the Committee, such appointment shall be for a period as such vacancy exists, or until the next AGM.
  - 8.2 In the case of a Treasurer retiring, an audited balance sheet shall be presented to, and be accepted by, the Committee prior to his or her resignation being accepted.
- 9. Records of Meetings**
- 9.1 The Secretary shall record the minutes of all meetings and a copy shall be kept for ACCA records.
  - 9.2 At each change of Secretary all minutes files shall be passed to the incoming Secretary.
  - 9.3 Sub committee meetings may be called by the ACCA Committee as and when required.
  - 9.4 At each GM, minutes from the previous GM shall be submitted for approval and may be amended as required by a majority vote of ACCA members.
- 10. General Meetings**
- 10.1 A quorum for Meetings, not being the AGM or SGM shall not be less than six members being entitled to vote, provided that at least one shall be an Executive member and another two Committee members.
  - 10.2 The quorum for an AGM and SGM shall consist of at least two thirds of the paid up membership as at the date of the meeting.
- 11. Annual General Meetings/Special General Meetings**
- 11.1 The AGM shall be held in the month of **October in each year** upon the date and time to be set by the ACCA Committee for the following purposes:
    - 11.1.1 to receive from the Committee a report,
    - 11.1.2 a balance sheet and statement of accounts for the preceding financial year,
    - 11.1.3 a statement for the preceding financial year,
    - 11.1.4 a statement of the receipts and expenditure for the current financial year,
    - 11.1.5 to receive from the Committee, reports on achievements for the previous year,
    - 11.1.6 to elect a Committee and to appoint an auditor for the ensuing year, and
    - 11.1.7 to decide any resolution, that which may be duly submitted as herein provided.
  - 11.2 Any member desirous of moving any resolution at an AGM shall give notice thereof in writing, delivered to the Secretary not less than three (3) weeks before the date of such meeting.
  - 11.3 The Committee shall decide whether the request will be granted but table all such requests at next GM.
  - 11.4 If one third or more of the members request in writing that an SGM be convened, the Committee will be obliged to call such a meeting within one calendar month of receiving the written request.

11.5 Thirty (30) days at least before any AGM, a notice of such meeting shall be advertised in the ACCA Newsletter, Website or the minutes of a GM.

## **12. Membership**

12.1 Eligibility. Persons who aspire to the Objectives of the ACCA may, subject to conditions, be eligible to apply for full membership of the Club.

12.2 A register of current members may be made available to ACCA members on request.

## **13. Membership Categories**

13.1 Full Membership

13.2 Life Membership, and

13.3 Honorary Membership.

13.4 The application approval process is documented at Appendix 2.

## **14. Admission/Renewal**

14.1 ACCA membership may be conferred on any applicant in accordance with conditions outlined at Appendix 1

14.2 Membership shall be renewed on the prescribed ACCA Membership Application/Renewal form and shall be accompanied by payment of the prescribed fee that shall be paid at **the first meeting in July** each year.

14.3 Members who have not renewed their membership by the 31<sup>st</sup> day of July of each calendar year shall cease to be members and their names shall be deleted from the ACCA Minutes/Newsletter distribution list at the August GM.

14.4 Members using the **Concessional Registration Scheme (CRS) must renew their ACCA Membership on or before the 1<sup>st</sup> of July each year, ie. the commencement of the ACCA membership year** to comply with **ACT Road User Services (RUS)** conditions for CRS. If membership is not renewed by the 1<sup>st</sup> of July, their CRS registration shall become invalid with effect from that date and the CACTMC and RUS will be advised accordingly. The ACCA Registrar is to negotiate and monitor the return of the CRS plates to RUS.

## **15. Membership Administration**

15.1 New applicants shall be advised of the requirements of the ACCA Constitution and relevant By-Laws before acceptance of their application for membership.

15.2 All members shall be entitled to the benefits offered by the ACCA and shall be entitled to attend all meetings, events and functions, subject to the payment of prescribed fees when applicable and shall be subject to the requirements of the ACCA Constitution and relevant By-Laws.

15.3 All members and invited guests/visitors shall be subject to the rules and regulations of the ACCA and also the premises, grounds or other Clubs regulations where the meeting or event is being held.

15.4 All ACCA members, with the exception of honorary members, shall be entitled to one (1) vote on any ACCA resolution. All votes shall be made in person; however, there may be circumstances when a written proxy vote may be authorised by the Committee.

## **16. ACT Concessional Registration Scheme (CRS)**

16.1 ACCA members who seek to access the privileges of CRS shall agree to comply with the requirements of the ACCA Constitution and relevant By-Laws.

## **17. Membership Resignation**

17.1 Any ACCA member may resign his or her membership by giving the Secretary notice in writing to that effect. Every such notice shall, unless otherwise expressed, be deemed to take effect as from the receipt of such notice.

17.2 Any person shall, upon ceasing to be a member of the ACCA forfeit all rights and claims upon the ACCA and its property and funds.

17.3 Any property on issue to the member shall be returned to the ACCA on cessation of membership.

17.4 No membership fees will be refunded.

## **18. Suspension, Cancellation or Refusal of Membership**

18.1 The ACCA shall have the right to suspend cancel or refuse the membership of any person who by his or her acts or behaviour imperils the ACCA's good name or threatens its very existence

18.2 ACCA membership may be terminated at any time based on a recommendation of the Committee and supported by two thirds of the members at a GM, SGM or AGM.

18.3 The nominated member shall be summoned to appear before the ACCA Committee at a meeting specially convened for that purpose. The decision of the Committee must be unanimous to cancel a membership, or a simple majority to suspend or refuse membership. The reasons for decision shall be tabled at next GM.

#### **19. Visitors**

19.1 The ACCA Committee shall have the power to invite any other person who may be of assistance to the ACCA in a professional, technical or other skilled capacity for his or her advice or guidance, to attend at Committee Meetings.

19.2 Such person shall not be entitled to vote at said Committee Meetings.

#### **20. Members Liability**

20.1 The liability of the members is limited for all purposes, to the payment of any payable membership subscriptions.

20.2 No member shall be personally liable for the discharge of debts or liabilities of the ACCA, upon its winding up or dissolution.

#### **21. Amendments**

21.1 The Committee shall have the power to recommend changes to the ACCA Constitution and By-Laws for the better management and control of the ACCA. The proposed changes shall be consistent with the ACCA Constitution and require the endorsement of a two thirds majority vote at a AGM or SGM for final approval.

21.2 Written notice of proposed amendments must be sent to all financial/voting members at least four (4) weeks prior to the AGM.

#### **22. Dissolution**

22.1 In the event of the membership being less than eight (8) members, notice shall be served on members of a GM to determine whether or not the Club shall be dissolved. If at the GM seventy five percent (75%) of the members vote to dissolve the Club it shall be dissolved. Upon dissolution, assets and funds on hand shall, after payment of all expenses and liabilities, be handed over to such other Club or similar association having objectives such as stated in clause two (2) of the Constitution. If such an association cannot be located the funds shall be donated to a charitable organization.

**Appendix 1:**

**Duty Statements.**

**Appendix 2:**

**Membership Application/Nomination Process.**

**Appendix 3:**

**ACCA By Laws.**

## **ACCA COMMITTEE APPOINTMENTS — DUTIES AND RESPONSIBILITIES**

### **1. President**

- 1.1 The President shall act as head of the ACCA and shall normally preside over all meetings and events. However, the President may delegate his duties to the Vice President when unable to attend. When acting as Chairman of a meeting, the President or acting President shall exercise his right to a casting vote in the event of a tied vote on a resolution.

### **2. Vice President**

- 2.1 The Vice President shall act for and assume the responsibilities of the President on occasions when the President is unable to fulfill his/her duties.

### **3. Secretary**

- 3.1 The Secretary shall be responsible for recording full and accurate minutes of the proceedings of all,
- 3.1.1 General Meetings (GM), Special General Meetings (SGM) or Annual General Meetings (AGM) of the ACCA and distribute copies to all members with a copy to the ACCA file and a copy to the Council of ACT Motor Clubs (CACTMC), and
- 3.1.2 ACCA Committee Meetings and distribute copies to members of the Committee.

### **4. Treasurer**

- 4.1 The Treasurer shall be responsible for keeping accurate accounts of the ACCA's finances and making payments as authorized by the Committee.
- 4.2 The Treasurer shall maintain custody of the journals, documents and/or securities of the ACCA and shall make such documents available for inspection by members.
- 4.3 The Treasurer shall arrange for the ACCA accounts to be audited at the end of the financial year, e.g. as at 30th June (Refer Clause 5.3 of the Constitution). and prepare audited accounts for submission to the ACT Registrar General.
- 4.4 The Treasurer also shall liaise with the Membership Secretary regarding the maintenance of the Register of Members and their vehicles including details of ACT Concessional Registration Scheme (CRS) registered vehicles, which are to be made available to the CACTMC when requested.
- 4.5 The Treasurer is authorised to hold an amount of up to \$200.00 in Petty Cash, which may be used for minor purchases for the ACCA or reimbursements to members on the presentation of original receipts.

### **5. Membership Secretary**

- 5.1 The Membership Secretary shall:
- 5.1.1 maintain the ACCA's membership register,
- 5.1.2 maintain the membership application's file and membership data base,
- 5.1.3 receipt membership fees and pass to the treasurer with copies of receipts and membership details,
- 5.1.4 distribute/mail-out membership cards,
- 5.1.5 maintain an up to date spreadsheet of members with CRS and distribute copies to the Treasurer, ACCA Registrar, CACTMC Delegate and also the CACTMC Registrar when and as requested.

### **6 The Registrar**

- 6.1 The Registrar shall be an elected at an AGM. The appointment is subject to the endorsement by the Manager, ACT Road User Services, PO Box 582, DICKSON ACT 2602.
- 6.2 The term of the Registrars appointment on the Committee shall not be limited in any way until otherwise replaced.
- 6.3 The Registrar shall be responsible for the examination and inspection process for all ACCA vehicles offered for registration under the CRS, as outlined in ACCA By-Laws.
- 6.4 The Registrar shall liaise with the Membership Secretary and maintain a current list of members with CRS.

## **7 Council of ACT Motor Clubs (CACTMC) Delegate**

- 7.1 The CACTMC Delegate shall be the club spokesman at the meetings of the CACTMC. He/she shall represent the club's interests, put the ACCA view on all matters pertaining to the CACTMC operation and involvement in the heritage vehicle movement in the ACT and in addition, relay CACTMC concerns on any relevant matters to the ACCA Committee.
- 7.1 The CACTMC Delegate shall liaise with the Membership Secretary, Treasurer and Registrar regarding the update and maintenance of the member CRS register.

## **8 Events Co-ordinator**

- 8.1 The Events Co-ordinator shall be responsible for the organization, administration and management of ACCA event planning (other than the annual car show), and for liaison with other clubs for participation in inter-club events.

## **9 Public Officer**

- 9.1 The Public Officer shall be the liaison contact between the **ACCA** and **ACT Registrar General's Office** in accordance with **Association's Incorporation Act 1991**. He/she shall be the person responsible for ensuring that the ACCA complies with the requirements of the Act. The Public Officer shall be a resident of the ACT.

## **10 Webmaster**

- 10.1 The Webmaster shall manage and update the ACCA web site on a monthly basis and more regularly as required by the Committee, monitor the ACCA emails and take action where required and liaise with the ISP on all matters relating to the ACCA web site.

## **11. Club Shop Manager**

- 11.1 The Club Shop Manager shall manage the ACCA's merchandise. This involves ordering and storing the merchandise, offering it for sale at club meetings and on other appropriate occasions, keeping an accurate record of stock, sales and cash received.
- 11.2 The Club Shop Manager is authorized to hold a cash float of \$100.00 to facilitate cash transactions from sales of ACCA merchandise. The proceeds of merchandise sales or amounts of cash held in excess of \$100.00 shall be tendered to the Treasurer at the next monthly GM.
- 11.3 Decisions concerning the purchase of new lines of merchandise and additional stock shall be made in consultation with the ACCA Committee and approved at a GM.

## **MEMBERSHIP — APPLICATION/APPROVAL PROCESS**

### **1. Full Membership**

- 1.1 New applicants shall be advised of the requirements of the ACCA Constitution and relevant By-Laws before acceptance of their application for membership.
- 1.2 Full members shall be entitled to one (1) vote. All votes shall be made in person unless authorized otherwise by the Committee. E.G approved proxy.

### **2. Approval Process**

- 2.1 Every application for membership must have a proposer and a seconder, both of whom must be members of the ACCA. Monies representing 'Initial Membership Fees' shall not be accepted from the applicant pending formal acceptance by the ACCA Committee and members.
- 2.2 Every application shall be subject to an initial review by the Committee. Details of the application shall also be promulgated in the ACCA Newsletter or Minutes of a General Meeting, for consideration by the members.
- 2.3 Any member who objects to any applicant becoming a member should submit their objection in writing. The letter should be in the hands of the Secretary at least fourteen days prior to the next GM. The complainant should then be invited to appear before the Committee and present his/her reasons for their objection.
- 2.4 If there is any adverse comment from ACCA members within 14 days from the distribution date of the Newsletter/Minutes, the application shall again be dealt with by the Committee. Then, subject to:
  - 2.4.1 final decision by the Committee,
  - 2.4.2 confirmation of the applicants agreement to comply with the ACCA Constitution and By-Laws, and
  - 2.4.3 approval by two-thirds majority vote by ACCA members at either a GM,SGM or AGM,
  - 2.4.4 The applicant shall be advised accordingly and following payment of the prescribed membership fee, the successful applicants shall then be deemed to be a 'Full Member'.

### **3. Life Membership**

- 3.1 Life Membership shall be by appointment only. Any ACCA member who has rendered service of outstanding merit may, on the recommendation of the Committee, be appointed as a Life Member by a majority of not less than two thirds of the Members present at a GM, SGM or AGM. Life membership shall be subject to compliance with the ACCA Constitution and relevant By-Laws.
- 3.2 Life Membership may also be granted to an ACCA member who has been financial for a continuous period of 25 years or more.

### **4. Nomination**

- 4.1 A Nominator of a proposed Life Member shall make nomination in writing to the ACCA Committee stating reasons why the nominated party should be considered.
- 4.2 If the Committee rejects the nomination, the nominator shall be advised in writing by the Secretary as to why the application was unsuccessful, prior to any discussion at a GM, SGM or AGM.
- 4.3 If Committee accepts a nomination, the said nomination stating reasons shall be published in the ACCA newsletter/Minutes prior to a GM, SGM or AGM at which time not less than two thirds of members present must agree.
- 4.4 Voting on said nomination to be by secret ballot.
- 4.5 Life Members shall enjoy all the rights and privileges of Full Members, including access to CRS. However, Life shall be exempt from membership fees.
- 4.6 Life Members shall be entitled to one (1) vote. All votes shall be made in person unless authorized otherwise by the Committee. E.G approved proxy

## **5. Honorary Membership**

- 5.1 The ACCA Committee may recommend the appointment of any person who may be of assistance to the ACCA in a professional, technical or other skilled capacity, as an Honorary Member and for any period they see as being beneficial, or an asset, to the ACCA.
- 5.2 Honorary Membership shall be confirmed by a majority of not less than two thirds of the members present at a GM, SM or AGM but shall have no power to vote.
- 5.3 Honorary membership shall not incur an annual membership fee.
- 5.4 Honorary Members may attend meetings, events and functions
- 5.5 Honorary Members shall be subject to the ACCA Constitution and relevant By-Laws.
- 5.6 The CRS is not available to Honorary Members.
- 5.7 Visitors from overseas or interstate motoring clubs shall automatically be deemed to be Honorary Members.



## **ACCA BY-LAWS**

### **ACCA BY-LAW 1**

#### **1. CONCESSIONAL REGISTRATION**

- 1.1 **The Council of ACT Motor Clubs (CACMC) sponsors members of affiliated motor clubs for registration under the ACT Concessional Registration Scheme (CRS). The ACCA must be a current financial member of the CACTMC to participate in the CRS. In order to participate in CRS, members of affiliated clubs are to acquaint themselves with CRS Guidelines and meet the ACCA requirements listed below.**
- 1.2 To qualify for registration under CRS, a vehicle must meet the guidelines specified by the CACMC that manages the CRS on behalf of the ACT Government. These guidelines have been agreed with the ACT Road User Services (RUS) and are published on the CACTMC website.
- 1.3 The following By-Law relates to the use of CRS by members of the **American Car Club of Australia Inc.** hereafter referred to as the ACCA.

#### **2. CONDITIONS FOR OBTAINING AND RETAINING ACT CRS BY ACCA MEMBERS**

- 2.1 This By-Law is supplementary to, and is to be read in conjunction with the ACCA Constitution.
- 2.2 In addition to the CRS guidelines, ACCA members seeking to avail themselves of CRS shall be required to attend a minimum of six ACCA meetings before an application for CRS will be considered.
- 2.3 Having obtained Committee approval to use CRS, members are required to attend:
  - 2.3.1 at least four ACCA meetings per year, including the AGM; and
  - 2.3.2 at least four ACCA organised events per year including the annual **AMERICAN CAR SHOW**.
- 2.4 If a CRS registered vehicle is unable to be driven to any ACCA organised event due to mechanical problems, the member may attend in an alternative vehicle.
- 2.5 Notwithstanding 2.4 a written letter to the Registrar outlining the reasons for non attendance shall be required.
- 2.6 An annual inspection of all vehicles with CRS will be conducted by the ACCA Registrar on a day to be nominated or during the annual **AMERICAN CAR SHOW**. On that occasion the member is to submit the vehicle Log Book to the Registrar for validation.
- 2.7 If a member is unable to attend the nominated inspection day, due to mechanical failure, family commitments or illness, the ACCA REGISTRAR is to be notified accordingly.
- 2.8 Members with CRS must renew their ACCA Membership on or before **1<sup>st</sup> July each year, ie, the commencement of the new membership year**. If not, their vehicle registration will be invalid from **1<sup>st</sup> July** and the CACTMC will be advised accordingly.
- 2.9 Failure to comply with the above requirements may result in withdrawal of approval to use CRS.

## **ACCA BY-LAW 2**

### **3. CONDITIONS FOR THE SURRENDER OF CRS NUMBER PLATES TO ACT ROAD USER SERVICES (RUS) OR THE TRANSFER OF RESPONSIBILITY FOR CRS REGISTRATION TO ANOTHER CACTMC AFFILIATED CLUB.**

- 3.1 An ACCA member with CRS privileges who chooses to terminate his/her membership of the ACCA, has two options in terms of CRS regulations;
- 3.1.1 Immediate surrender the CRS plate to ACT RUS and the cancellation of CRS registration, or
  - 3.1.2 join another CACTMC affiliated motor club that agrees to accept management responsibility for administration of the members CRS obligations.
- 3.2 This By-Law is supplementary to, and is to be read in conjunction with the ACCA Constitution, ACCA By-Law 1 and ACT RUS conditions for access to CRS.
- 3.3 CRS privileges provided through ACCA membership will be automatically terminated if an individual ceases to be a member of the ACCA by either:
- 3.3.1 resigning from the ACCA, or
  - 3.3.2 choosing not to renew ACCA annual membership.
- 3.4 In either scenario the ACCA is to write to the individual (info copy to Registrar CACTMC) advising that CRS privileges have been terminated WEF;
- 3.4.1 the resignation date, or
  - 3.4.2 the last day of the membership year, whichever is applicable?

The letter is to remind the retiring member of his/her CRS obligations with a request for immediate surrender of the CRS plates to the ACT RUS. ACCA requires documented evidence (info copy to Registrar CACTMC) that the CRS plates have been surrendered as requested.

#### **ALTERNATIVELY**

- 3.5 If the retiring member with CRS privileges advises the ACCA that he/she has applied for and has been accepted as a member of another ACT motor club with affiliation to the CACTMC, and that club is approved to operate within the CRS; the ACCA is to seek documentary evidence that the gaining club has accepted administrative responsibility for management of the new members CRS obligations.
- 3.6 The ACCA Registrar is to monitor progress of each transaction and liaise with the CACTMC until the transfer of CRS management responsibility has been formally transferred to the gaining club.