

# Constitution of the Motorcycle Riders Association

of the Australian Capital Territory (Incorporated) Last Updated 10 September 2019.

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## 1. NAME

The name of the Association shall be the Motorcycle Riders Association of the Australian Capital Territory, Incorporated, hereafter referred to as the Association. The Association shall also be known as the MRA ACT.

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## 2. PURPOSE

The purpose of the Association is to protect and further the interests of motorcycling.

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## 3. AIMS

The aims of the Association are:

- to provide a link between motorcyclists and the Government, other authorities and the general public.
  - to support other bodies working for the betterment of motorcycling.
  - to work for improved road safety through road user education, driver awareness, improved road surfaces and safer roadside hardware.
  - to work for an improved public image of motorcyclists and motorcycling, through well-organised public events and actions and to show a responsible attitude.
  - to work for laws that protect motorcyclists' safety on the roads and their rights as citizens.
  - to participate in charity and community service activities.
  - to provide social activities for motorcyclists and their families
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## 4. DEFINITIONS

The following terms are used in this constitution:

Office Bearer

- the incumbent President, Vice President, Secretary or Treasurer.

Executive Committee

- the elected Office Bearers

General Committee

- the elected Office Bearers plus other appointed positions as required, e.g., Membership Secretary and Stock Controller.

Executive Position

- the incumbent President, Vice President, Secretary or Treasurer.

Financial Year

- means the year ending on 30 June.

Person

- means a natural person or an organisation
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## **5. MEMBERSHIP**

### **5.1 Full Membership**

Any natural person, 18 years or older, who agrees with and supports the aims of the Association is eligible for Full Membership. Upon completion of the membership form and payment of the current membership fee, a Full Member has, the right to:

- attend all meetings and functions
- exercise voting powers at Meetings
- wear the Association's badges and the logo
- work on sub committees

### **5.2 Family Membership**

Any legally recognised couple or single parent, and their children who are less than 18 years of age, who agrees with and supports the aims of the Association is eligible for Family Membership. Family Membership is available upon payment of one and one half times the current membership fee. The family adult members shall have Full Membership rights. The children shall be entitled to attend meetings and functions and wear the Association's badges and the logo.

### **5.4 Life Membership**

Annual General Meeting on recommendation of the Executive, may by majority vote, grant life Membership to any member who has rendered special or valuable service to MRA ACT. Life Members have Full Membership rights but no membership fee is payable.

Any member may propose any other member for Life Membership. The proposal should be in writing, supported by examples of the special or valuable service rendered by the member who is being proposed for Life Membership. The proposal should be in the hands of the Secretary by 1 May. The Executive will consider the proposal. They may discuss it with the proposer and the proposed Life Member.

If the Executive agree with the proposal, they shall put the nomination on the agenda for the AGM as notified business. The agenda is to show that the proposal is supported by the Executive. The supporting statement shall be available as part of the papers for the AGM.

If the Executive do not agree with the proposal, the proposer can put it on the agenda for the AGM as notified business. If this occurs, the Executive can provide a statement as to why they do not support the proposal.

Life Memberships cannot be dealt with as non-notified business.

### **5.5 Corporate Membership**

Any organisation which, as a group, agrees with the aims of the Association is eligible for Corporate Membership. Corporate Membership is available upon payment of a fee as determined by the Executive Committee. The Corporate Member will have voting rights equivalent to one Full Member.

## **5.6 Conditions of Membership**

No member shall use the name of the Association, nor any names, titles or logos of the Association, for personal profit or advancement. Neither shall any company or other organisation use the Association name or logos without written permission from the Executive Committee.

## **5.7 Transfer of Membership Entitlements**

A right, privilege or obligation which a person has by reason of being a member of the Association is not transferable to another person and terminates upon cessation of the person's membership.

## **5.8 Cessation of Membership**

A person ceases to be a member of the Association if the person:

- a. dies,
- b. resigns from the Association in writing,
- c. is expelled from the Association, or
- d. fails to renew membership of the Association

## **5.9 Discipline**

Any member who, in the opinion of the Executive Committee, has acted or is acting in a manner detrimental to the Association may be suspended by a majority vote at a meeting of all Office Bearers, pending expulsion from the Association. The suspended member must be notified by registered mail to the member's last known address and may not be expelled for at least four weeks after suspension. The suspended member loses all formal rights and privileges but has the right to appeal their suspension at the next General Meeting. The appeal is to be decided by a majority vote of those entitled to vote at that meeting. If a member is expelled, their membership fee is forfeited.

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## **6. FEES**

The current membership fee shall be set by majority vote at an Annual General Meeting. Membership fees are payable for each calendar year of membership except by Life Members. The executive committee may approve discounted membership fees for a specified period in order to facilitate campaigns that further the purpose of the MRA.

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## **7. MEMBER'S LIABILITY**

The liability of a member to contribute towards the payment of debts and liabilities of the Association, or the costs charges and expenses of winding up the Association, is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 5.

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## **8. OFFICE BEARERS AND THE EXECUTIVE COMMITTEE**

### **8.1 President**

The President shall be the nominal head of the Association. The President is to chair all meetings. The President or the President's nominee shall represent the Association at all functions and public events.

### **8.2 Vice President**

The Vice President shall generally assist the President and assume the duties of President in the President's absence.

#### **8.4 Secretary**

The Secretary shall convene all meetings and be responsible for the minutes of their proceedings. The Secretary shall circulate copies of the minutes of Meetings to other bodies as directed by the Executive Committee. The Secretary or the Secretary's delegate shall be a member of all sub-committees. The Secretary shall conduct the correspondence of the Association and maintain contact with all affiliated bodies and inform the Association of matters related to them. The Secretary shall keep control of all records and other documents relating to the Association.

#### **8.5 Treasurer**

The Treasurer shall keep account of the finances and assets of the Association. At the end of each financial year, the Treasurer shall prepare a balance sheet and statement of accounts and submit it, duly audited, to the Annual General Meeting and the ACT Government Registrar's Office. The Treasurer shall have available at each General Meeting a summary of the Association's financial matters since the last General Meeting. All financial matters must be referred to the Treasurer.

##### **8.5.1 Auditor**

The auditor of the Association shall be appointed by the Executive Committee.

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### **9. ELECTION OF OFFICE BEARERS**

The Office Bearers of the Association shall be elected at the Annual General Meeting. Notice of the impending Annual General Meeting shall be given by contemporary communication methods.

Nominations shall be made in writing to the Secretary and signed by two members with Full Membership rights, accompanied by written consent from the nominated person, no later than one month before the Annual General Meeting. Persons nominating or being nominated must have Full Membership rights. Voting for the election of Office Bearers shall be by secret ballot by members with Full Membership rights. Voting shall take place only if there are two or more nominations for a position. The term of office shall be from the conclusion of the meeting at which they were elected, until the next Annual General Meeting.

A person is not eligible to hold more than one Office Bearer position at any one time.

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### **10. VACANCIES:**

A vacancy in the office of a Committee member occurs if the member:

- a. dies,
- b. ceases to be a member of the Association,
- c. resigns from office,
- d. becomes an insolvent under administration within the meaning of the Corporations Law,
- e. is disqualified from office under section 63 of the Associations Incorporation Act, or
- f. is absent from three consecutive General Committee Meetings without reasonable excuse.

Casual vacancies on the Executive Committee shall be filled by majority vote at a General Meeting.

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## **11. REMOVAL OF OFFICE BEARERS**

The Association in General Meeting, may, by resolution, remove any office bearer from the Executive Committee, before the expiration of the member's term of office.

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## **12. POWERS OF THE EXECUTIVE COMMITTEE**

The following specific powers are in addition to any implied elsewhere in the constitution: The Executive Committee shall conduct the day to day affairs of the Association and work to promote the aims of the Association. It is to consider and authorise expenditure and resolve claims and demands made on the Association. When required, it is to formulate changes to the constitution for presentation to a General Meeting or Annual General Meeting. It is to create, dissolve and appoint members to General Committee positions, subject to confirmation by majority vote at a General Meeting. It is to create and dissolve sub-committees and appoint members to sub-committees as required.

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## **13. MANAGEMENT OF THE AFFAIRS OF THE ASSOCIATION**

The government of the Association rests with the membership at meetings. Subject thereto, the management of the Association rests with the Executive Committee.

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## **14. MEETINGS**

### **14.1 The Annual General Meeting**

The Annual General Meeting shall immediately follow the September General Meeting. In the event that a quorum is not present for the Annual General Meeting, then the Annual General Meeting shall be reconvened immediately following the next scheduled General Meeting and the number of members present at that reconvened Annual General Meeting shall be the quorum.

In addition to any other business, the business of the Annual General Meeting shall be to:

- a. confirm the minutes of the last preceding Annual General Meeting;
- b. receive from the Executive Committee, reports on the activities of the Association during the preceding year;
- c. elect members of the Executive Committee; and
- d. receive and consider the audited statement of accounts and any other reports required to be submitted to members pursuant to subsection 73(1) of the Associations Incorporation Act.

### **14.2 General Meetings**

General Meetings shall be held monthly, excluding January, at a set time and venue.

### **14.3 Committee Meetings**

Executive Committee meetings shall be held at a time and place agreed by the Executive Committee. General Committee meetings shall be held at a time and place agreed by the General Committee.

#### **14.4 Special General Meeting**

Special General Meeting may be called by a request made in writing to the Executive Committee signed by at least ten full members, stating the purpose of the meeting. A Special General Committee Meeting may be called by a request made in writing to the Secretary, signed by at least three General Committee members stating the purpose of the meeting.

Upon receipt of such requests the Secretary shall within seven days convene a meeting for a date not more than twenty one days after receipt of the request.

All notices of Special General Meetings shall be notified by contemporary communication methods.

#### **14.5 Items of Business**

No item of business shall be transacted at a General Meeting, Special General Meeting or Annual General Meeting, unless a quorum of members entitled to vote is present during the time the meeting is considering that item.

#### **14.6 Adjournments**

An unfinished item of business at a General Meeting may be adjourned to a Special General Meeting or to the next General Meeting, subject to the consent of the majority of members present at the meeting.

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### **15. NOTICES**

A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary, who shall include that notice.

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### **16. QUORUM**

A quorum for a General Meeting shall be three Office Bearers plus two members with Full Membership rights. A quorum for an Annual General Meeting (subject to clause 14.1) or a Special General Meeting shall be three Office Bearers plus five members with Full Membership rights. A quorum for a General Committee Meeting, or Executive Committee meeting shall be three Office Bearers.

If a quorum is not present within thirty minutes of the appointed time for a meeting, that meeting shall not proceed.

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### **17. VOTING**

Issues shall be decided by a majority vote, this majority being determined by a show of hands from those entitled to vote. Any Full Member can demand a secret ballot on any vote taken at a meeting.

Any person with Full Membership rights who is unable to be present may communicate their vote in writing to an Office Bearer prior to commencement of the meeting.

Any person with Full Membership rights who is unable to be present may appoint another Full Member to act as their proxy. Notice of this is to be given in writing to an Office Bearer prior to commencement of the meeting.

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### **18. FINANCE**

The funds of the Association shall be derived from annual subscriptions of members, sales of stock, donations and any such other source as the Executive committee determines, subject to confirmation by majority vote at a General Meeting.

The funds of the Association shall be banked in the name of the Association in a financial institution decided upon by the Executive Committee. Withdrawals shall be approved by any two Office Bearers. All income of the Association shall be used to fund its activities and further its aims. No money may be paid to any member as remuneration but compensation shall be given for authorised expenses.

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## **19. BOOK INSPECTION**

All books of the Association and a list of members' names only shall be opened at a General Meeting, provided seven days notice is given to the Secretary.

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## **20. AMENDMENT OF THIS CONSTITUTION**

This constitution may be amended by the majority vote of members entitled to vote at either an Annual General Meeting or a General Meeting provided that the intention to seek the amendment is given in writing to the Secretary and that members have been given at least two months notice. That notice is to be in writing and is to take the form of either a circular made available to members at a General Meeting or by contemporary communication methods. The notice in writing to the members to detail the section(s), sub-section(s), or sub-sub-section(s) for which the amendment is sought, the reasons for seeking the amendment(s), and the general line of the amendment(s).

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## **21. COMMON SEAL**

The Common Seal of the Association shall be kept in the custody of the Secretary. The Common Seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the Common Seal shall be attested by the signatures of two Office Bearers.

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## **22. DISSOLUTION**

If the Association is dissolved for any reason, the assets and properties remaining after the settlement of all just debts shall not be disbursed to members but shall be given to bodies with similar aims to the Association and/or to a recognised charity. The recipient organisation is to be determined by resolution of the members of the Association at or before the time of the dissolution, or in default thereof by such Court or Courts within the Commonwealth of Australia as may have or acquire jurisdiction in the matter.