

Motorcycle Riders Association of WA Constitution

MRA WA CONSTITUTION as at January 2020

1. NAME

- a. The name of the association shall be the Motorcycle Riders Association of Western Australia Incorporated, hereinafter referred to as MRA WA.
- b. The official colours and logo of the MRA WA must be approved by the MRA WA. & shall be made uniform as to comply with the standards and specifications set by MRA WA.
- c. Any official MRAWA merchandising must not be changed, added to or modified in any way unless those changes are endorsed by the majority of committee members.

2. DEFINITIONS

- a. Office Bearers means the President, Vice-President, Secretary, Treasurer and Safety Officer.
- b. The Secretary means the Secretary of the MRA WA.
- c. The Treasurer means the Treasurer of the MRA WA.
- d. The Safety Officer means the Safety Officer of the MRA WA.
- e. The General Committee means the members elected to the general committee positions.
- f. The Committee means the elected Office Bearers & General Committee members.
- g. The Membership means the membership of the MRA WA.

3. OBJECTIVES

The objectives of the MRA WA shall be:-

- a. To provide and promote a link between motorcyclists, the Government, it's instrumentalities, the general public and such body or bodies deemed necessary to serve the aims of the MRA WA.
- b. To support and promote other motorcycling bodies for the betterment of motorcycling.
- c. To promote improved road safety facilities and conditions mainly through road user education, driver awareness and reasonable and practical legislation to protect motorcyclists' safety on the road and their rights as first class citizens.
- d. To promote and improve the public image of motorcyclists.
- e. To participate in charitable and community services and activities.

4. MEMBERSHIP

- a. All applications for Membership shall be in writing or electronic means and shall include Nomination by an existing Member. Individual members can be authorised by one committee member. Affiliate Motorcycle organisations will require the endorsement of the majority of committee members.
- b. Membership shall commence when:
 - I. The application is approved by the Committee and
 - II. The applicant has paid the appropriate fees and
 - III. In the case of Affiliate Membership, a copy of the applicants Constitution has been supplied to the MRAWA if applicable.
- c. Any person over the age of sixteen (16) years who has an interest in the aims of the MRA WA is eligible for membership. There is no requirement for such a person to own a motorcycle. Persons under the above-mentioned age are referred to in clause 19.
- d. A family group or one adult with a child or children, or two adults with or without children is eligible to join as a Family Membership.
- e. Life Memberships are to be voted on by the Committee after (1) months' notice, and have a two-thirds majority.
- f. Motorcycling Organizations, and Associations are eligible for Affiliate Membership. Such Organisations shall select one (1) of their Members to represent their interests in the MRA WA.
- g. No member shall use the name MRA WA or any names or titles registered by law to the MRA WA for the purpose of personal profit or advancement or for the profit of some other company or organization without the written permission of the MRA WA. Existing permissions shall expire after each AGM and are required to be renewed. Any permission is only to be granted subject to majority vote of the Committee.
- h. Any member or affiliate who in the opinion of the Committee has, or is acting in a manner detrimental to the MRA WA shall be expelled from membership of the MRA WA. Such action is to be decided upon by a majority vote of the Committee. Such member shall be given not less than thirty (30) days' notice of the date time and place of the decision of the expulsion and particulars of the misconduct. The expelled member shall be given fourteen (14) days' notice to lodge an appeal with the MRA WA secretary. The membership fee is to be forfeited to the MRA WA in any event.
- i. Respect the confidentiality and privacy of all information as it pertains to all members, individuals and affiliated organisations.
- j. All members shall abide by the MRA WA Code of Conduct guidelines which shall be distributed with all new memberships and displayed on the MRA WA website. The Code of Conduct can be modified as required by a majority committee ruling.
- k. Membership shall expire:
 - I. When appropriate membership fees have not been paid to renew membership; or
 - II. A member gives written notice of their intention to resign their membership.

5. SUBSCRIPTION

All monies collected from memberships, donations, etc, will be paid into the account of the MRA WA. This money will be used to finance the activities of the MRA WA. Membership subscriptions are paid for a twelve-month period. Such subscriptions are to be determined by the Committee.

6. OFFICE BEARERS AND GENERAL COMMITTEE

The Office Bearers shall be: President, Vice President, Secretary, Treasurer and Safety Officer. The General Committee shall comprise of not less than four other members of MRA WA. The immediate past President and the President of any regional sub-branch shall be an ex-officio member of the Committee with the right of participating fully in the proceedings of any meeting of the Committee.

7. SECRETARY

- a. The Secretary shall, subject to the provisions of this constitution, convene all meetings and MRA WA Conferences, and take proper minutes of the proceedings thereat and shall circulate a copy thereof to the regional sub-branches (if applicable) of the MRA WA, and the Committee.
- b. The Secretary shall conduct the correspondence of the MRA WA.
- c. The Committee shall authorise or appoint such persons as it deems necessary to write and receive correspondence for and on behalf of the MRA WA, copies of such letters or documents shall be given to the MRA WA Secretary.

8. TREASURER

- a. The Treasurer shall keep account of the funds and properties of the MRA WA and all receipts and payments on account of the MRA WA.
- b. The Treasurer shall in each year, prepare a balance sheet and statement of accounts, and shall submit the same, duly audited as required, to the annual general meeting in each year.
- c. The Treasurer shall attend all meetings at which matters of finance are to be discussed.

9. AUDITOR

The Auditor shall be approved by the committee of MRA WA as required.

10. ELECTION OF OFFICE BEARERS AND GENERAL COMMITTEE

The President, Vice President, Secretary, Treasurer, Safety Officer and members of the General Committee, except the immediate past President, shall be elected at each Annual General Meeting. Nominations for the Committee shall be made in writing or electronic means to the secretary at least twenty-eight (28) days prior to the Annual General Meeting. The nominations shall be made available to the MRA WA membership upon request on this day. Persons nominating and being nominated for a position on the Committee must be a financial member of the MRA WA. Voting for the Committee shall be done by secret ballot by the members present at the Annual General Meeting. Officers of the MRA WA shall be elected for a twelve (12) month period at the Annual General Meeting, which will be held on an agreed date within 3 months of July of each year, and shall be convened in writing or electronic means with at least thirty (30) days' notice given to every member to their last known address. This notice may be by way of the Newsletter or electronic means. Any member absenting themselves from three (3) consecutive Committee meetings without apology shall forfeit their seat on the Committee. Any member of the Committee may resign their position at any time by writing to the Secretary at least fourteen (14) days prior to relinquishing their position.

11. MANAGEMENT OF THE AFFAIRS OF THE MRA WA.

The government of the MRA WA rests in the members in the general meeting. Subject thereto, the management of its affairs shall be vested in the Committee.

12. POWERS OF THE COMMITTEE

The committee may exercise all such powers of the MRA WA as are not by these rules required to be exercised by the members in general meeting, and without derogation from the generality of the foregoing, shall have the following specific powers in addition to such others as are specified elsewhere in these rules:-

- a. To adopt such measures as from time to time it appears proper for the purposes of giving effect to the purposes, aims or objects of the MRA WA.
- b. To consider, and where necessary authorise expenditure and payment of accounts properly incurred by the MRA WA.
- c. To compromise, settle and resolve claims and demands made on the MRA WA.
- d. To propose changes to make, alter, vary or rescind such constitution rules as may be required for the purposes of carrying out these rules and for regulating the conduct and proceedings of meetings of the Committee and of the MRA WA, in accordance with clause 17 of this constitution.
- e. To have the power to fill a casual vacancy occurring in the committee during its year of office.
- f. To have the power to create and dissolve sub-committees and the power to co-opt members in such committees.

13. MEETINGS

- a. The Annual General Meeting shall be held on the third Tuesday of July of each year, or closest possible date in exceptional circumstances or as agreed and within 3 months of the July date.
- b. General Meetings shall be held on the third Tuesday of every month, with the exception of December.
- c. In all meetings the President shall preside; should the President be absent the chair shall be taken by the Vice President, and in the absence of the Vice President shall be elected from those present.
- d. A Committee meeting shall be called at any time by the Secretary, upon authority of the President or other Committee member.
- e. An extraordinary General Meeting shall be called by the Secretary upon the requisition made in writing or electronic means by and signed by not less than fifteen (15) members of the MRA WA.
- f. An Extraordinary Committee meeting shall be called by the Secretary upon the requisition made in writing or electronic means by and signed by not less than three (3) members of the Committee.
- g. The Secretary shall within seven (7) days from receipt of a requisition call a meeting in accordance therewith, for a date not more than thirty (30) days after receipt of such requisition.
- h. The Secretary shall give thirty (30) days' notice in respect of Annual General Meetings, and fourteen (14) days' notice in respect of extraordinary General meetings and Committee meetings. Where special emergency situations exist the foregoing length of notice may be dispensed with by the President.
- i. All notices of meetings, or other business in connection with the MRA WA, shall be deemed to be duly sent to the members by the Secretary, posting same by prepaid letter to the members at their last known address, or by electronic means or by an item clearly headed in the newsletter.
- j. A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows the member to clearly and simultaneously communicate with each other.
- k. A member simultaneously participating by electronic means shall be taken as present at the meeting and, if the person votes then that vote is taken as if in person.

14. QUORUM

- a. The quorum for an Annual General meeting, a General meeting or an extraordinary meeting shall be ten (10) % of the metropolitan membership at the time of the most recent Annual general meeting.
- b. For a Committee meeting the quorum shall be four (4).
- c. If within half an hour of the time appointed for the meeting a quorum is not present, the meeting, if convened upon by the requisition of members, shall be dissolved, in any other case the meeting shall proceed but all decisions, amendments, elections etc shall be subject to alteration at the next General meeting.

15. VOTING

- a. On a show of hands every member represented in person and entitled to vote shall have one (1) vote.
- b. Adults in family membership shall have one (1) vote each, with a maximum of two (2) votes for each family membership.
- c. An Affiliate Member's Representative and organizations shall have one (1) vote regardless of their individual MRA WA membership status.
- d. Any member has a right to demand a secret ballot of any vote taken at a General meeting.
- e. At all meetings the chair shall have a casting vote
- f. A member unable to be present and entitled to vote on any matter on the agenda may communicate their vote in writing or electronic means, such vote to be in the Secretary's hands prior to the starting time of the meeting.
- g. A member may appoint another member to act as their proxy provided notice in writing or electronic means is given to the Secretary by the commencement of the meeting.
- h. Election of the Committee shall be by secret ballot.
- i. At a secret ballot vote any member being voted upon shall have the right to call a recount if the votes differ by a margin of 5% or less.

16. FINANCE

- a. The financial year shall terminate on the 30th June each year.
- b. All accounts shall be presented and passed for payment at a Committee meeting and the minutes in relation thereto shall be included in the minute book.
- c. The funds of the MRA WA shall be banked in the name of the MRA WA in a bank decided upon by the Committee.
- d. Signatories of the MRA WA cheques or electronic funds transfer shall be any two (2) of the following; President, Vice President, Treasurer, Secretary, Safety Officer.
- e. The income and property of the MRA WA wheresoever derived shall be applied solely towards the promotion of the objectives of the MRA WA and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the members of the MRA WA, provided that nothing herein shall prevent payment or in good faith of remuneration to any officer or servant of the MRA WA in reimbursement of monies incurred in good faith and in the interests of the MRA WA by any officer or servant of the MRA WA duly authorised by the Committee, or any member of the MRA WA in return for services actually rendered to the MRA WA or reasonable and proper rent for premises let by any member of the MRA WA.
- f. Source of funds The funds of the Association may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, interest, grants, all fund raising activities and

application for grants must be approved by the committee before the grant application is submitted to the funding supplier or agency.

17. ALTERATIONS TO CONSTITUTION

Notice of intention of motion of proposed change of constitution must be given in the newsletter or electronic means with at least 14 days' notice prior to the general meeting at which it will be tabled. The proposed change shall be voted on at the next general meeting and shall become effective after a two-thirds majority vote of those members present at such meeting.

18. BOOK INSPECTION

All books of the MRA WA, and the members register, shall be approved by the auditor and any member giving three (3) days' notice shall be able to inspect the financial records or receive a report on the membership status that does not include personal details (address or phone numbers).

19. JUNIOR MEMBERS

The junior MRAWA is governed by the MRA WA Committee and run under the same guidelines in this constitution. Any person under the age of sixteen (16) years is eligible for membership in the Junior MRA WA. The Junior MRA WA has the same objects as the MRA WA. When a member of the Junior MRA WA reaches the age of sixteen (16) years they will be transferred to the MRA WA automatically.

20. FORMATION OF REGIONAL SUB-BRANCHES

On the discretion of the MRA WA Committee a regional sub-branch can be established if the occasion warrants such action. The Committee, by a majority vote, shall appoint two (2) regional representatives whose task will be to organise a register for the local members, and to select a team of helpers to be known as assistant representatives. The regional sub-branch shall be responsible for its own finances. Stock may be purchased from MRAWA at cost and sold on by the regional sub-branch at prices recommended by the MRA WA. Membership fees shall be forwarded to MRA WA, however a joining fee shall be retained by the regional sub-branch.

21. FORMATION OF SUB-COMMITTEES

On the discretion of the MRA WA Committee a sub-committee can be established or dissolved if the occasion warrants such action. The sub-committee shall be responsible, answerable and be bound by the constitution of the MRA WA. The sub-committee shall be answerable at all times to the committee of the MRA WA.

22. COLLAPSE OF A REGIONAL SUB-BRANCH

If a regional sub-branch is dissolved all assets and properties, after all just debts and liabilities have been paid, shall be distributed to MRA WA.

23. DISSOLUTION

In the event of the MRA WA being dissolved, the assets and properties after payment of all just debts and liabilities shall not be distributed to members but shall be distributed to a fund or funds for charitable purposes, or a motorcycle club or association with similar objectives to those listed in this constitution.

24. DISPUTES AND MEDIATION

- a. The dispute resolution procedure set out in this Clause applies to disputes under this Constitution between:
 - I. a member and another member; or
 - II. a member or members and the MRA WA;
 - III. The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties involved.
- b. If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 14 days, hold a meeting in the presence of a mediator.
- c. The mediator must be:
 - I. a person chosen by agreement between the parties; or
 - II. in the absence of agreement; a person appointed by the Committee.
- d. A member of the MRA WA can be a mediator.
- e. The mediator cannot be a member who is a party to the dispute.
- f. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- g. The mediator, in conducting the mediation, must:
 - I. give the parties to the mediation process every opportunity to be heard;
 - II. allow due consideration by all parties of any written statement submitted by any party; and
 - III. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- h. The mediator must not determine the dispute.
- i. The mediation must be confidential and without prejudice.
- j. If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Associations Incorporation Act 2015 or otherwise at law.