

## CONSTITUTION

1. NAME

The name of the association is  
HURRICANE GO KART CLUB OF WA (INC)

2. DEFINITIONS

Words imparting a gender (e.g. "he", "him", "his") are used for ease of reading only and apply equally to each gender.

In these rules, unless the contrary intention appears:

"Annual general meeting" is the meeting convened under rule 10(1);

"By-Laws" mean laws of the club, not being rules of the constitution, that may be varied from time to time without changing the constitution;

"Casting vote" means an extra vote given by a chairman to decide an issue when the votes on each side are equal;

"Committee meeting" means a meeting referred to in rule 9;

"Committee member" means the person referred to in rule 8;

"Convene" means to call together for a formal meeting;

"Deliberative vote" means the ordinary vote of a member of a committee or meeting, as distinct from the casting vote of a chairman;

"Department" means the government department with responsibility for administering the *Associations Incorporation Act*;

"Financial year" means the dates fixed by the Committee and as set out in the by-laws;

"General meeting" means a meeting to which all members are invited;

"Member" means member of the Club;

"Ordinary resolution" means resolution other than a special resolution;

"Poll" means voting conducted in written form (as opposed to a show of hands);

"Quorum" means the minimum number of members who must be present for a meeting to be legally effective.

"Rules" means rules of the club as laid out in the Constitution, not being by-laws

"Special general meeting" means a general meeting other than the annual general meeting;

"Special resolution" has the meaning given by section 51 of the Act

"the Act" means the *Associations Incorporation Act*;

"the Association" means the Association referred to in rule 1;

"the Club" means the Association referred to in rule 1;

"the Chairman" means, in relation to the proceedings at a committee meeting or general meeting, the person presiding at the committee meeting or general meeting in accordance with rule 8(11);

“the Commissioner” means the Commissioner for Consumer Protection exercising powers under the Act;

"the Committee" means the Committee of Management of the Association referred to in rule 8.

### 3. OBJECTIVE

To promote and foster the sport of karting.

The property and income of the club shall be applied solely towards the objective of the club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

### 4. POWERS OF THE CLUB

The powers conferred on the club are the same as those conferred by section 14 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the club may do all things necessary or convenient for carrying out its objects and purposes and in particular, may;

- 1) acquire, hold, deal with, and dispose of any real or personal property;
- 2) open and operate bank accounts;
- 3) invest its money;
  - a) in any security in which trust monies may lawfully be invested; or
  - b) in any other manner authorised by the rules of the club;
- 4) borrow money upon such terms and conditions as the club thinks fit;
- 5) give such security for the discharge of liabilities incurred by the club as the club thinks fit;
- 6) appoint agents to transact any business of the club on its behalf;
- 7) enter into any other contract it considers necessary or desirable;
- 8) act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the club.

### 5. MEMBERSHIP

Any person who desires to become a member of the club shall complete the application form. The acceptance or rejection of such application shall rest in the absolute discretion of the committee.

- 1) Members of the club shall consist of:-
  - a) Ordinary members,
  - b) Practice members,
  - c) Dual members,
  - d) Vintage members,
  - e) Associate members,

- f) Life members.
- 2) Members shall have rights and responsibilities. These rights and responsibilities are laid out in rule 12 and in the by-laws.
- 3) Register of members
  - a) The Secretary, on behalf of the club, must comply with section 53 of the Act by keeping and maintaining in an up to date condition, a register of the members of the club, their postal addresses and their email addresses (if any) and, upon the request of a member of the club, shall make the register available for the inspection of the member and he may make a copy of or take an extract from the register, but shall have no right to remove the register for that purpose.
  - b) The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the committee members decide.
  - c) The Secretary must cause the name of a person who dies or who ceases to be a member under rule 7 to be deleted from the register.

## 6. ANNUAL SUBSCRIPTION AND RACE FEES

- 1) The membership subscription and entrance fees for clubday races shall be amounts as the members in general meeting decide.
- 2) Annual Subscriptions shall become due and payable in accordance with the by-laws.
- 3) People wishing to join the club must have paid in full the annual subscription applicable to the membership applied for, before their application will be considered.
- 4) Any member who is more than one month in arrears shall not be entitled to membership privileges until such fee is paid.
- 5) Any member who is more than three months in arrears shall cease to be a member.
- 6) A person exercises all the rights and responsibilities of a member for the purposes of these rules if his subscription is paid on or before the relevant date determined in accordance with the by-laws or within 3 months thereafter, or such other time as the committee allows.

## 7. MISCONDUCT

The committee shall have full power to suspend, expel or impose any penalty on any member of the club who shall - in the sole and absolute judgement and discretion of the committee - have been guilty (either in or outside of the club's premises) of any act, practice, conduct, matter or thing which brings discredit on, or in any way prejudicially affects, the reputation of the club, or in any manner impairs or affects the enjoyment of the club premises by members, or causes any ill-feeling or friction among members.

In the case of misconduct, the following process applies:

- 1) A charge must be in the first place made, either by a member of the club or resolution of the committee, stating the nature of the offence of which the member is accused.

- 2) The committee shall then cause a notice, specifying the nature of the charge, to be delivered to the charged member to appear before the committee to answer the charge.
- 3) A notice must also be delivered to his accuser (if any) and the Secretary must, on application of either party, deliver a notice to any other member to appear to give evidence, provided such application be made at least 3 days before the date of the hearing of such charge.
- 4) 7 days clear notice of such hearing must be given to the charged member and the accuser. Should either the charged member, the accuser, or the person giving evidence (if any) be less than 18 years of age, that party shall be entitled to adult representation, provided that they personally attend the hearing.
- 5) Should any of the parties fail to attend the hearing, the committee shall consider such evidence as is presented at the hearing and decide the case as if all parties had been present.
- 6) If, after hearing the evidence, the committee is of the opinion that the charge is sustained, they shall impose such penalty as they think fit, including suspension or expulsion, and shall give notice of such penalty to the member charged.
- 7) In the case of suspension, the suspended member will cease to enjoy the privileges and entitlements of a member for the period of the suspension.
- 8) In the case of expulsion, the expelled member will immediately cease to enjoy the privileges and entitlements of a member and 7 days after the expulsion, his name shall be removed from the register of members.
- 9) In the case of any other penalty, the member will continue to enjoy the privileges and entitlements of a member provided that the penalty is served. In the case of a fine, the fine must be paid within 7 days.
- 10) Any member of the club, who is aggrieved by his penalty, suspension or expulsion, may lodge an appeal with the Secretary within 7 days of the decision. The fee for lodging such appeal shall be as stipulated in the by-laws. The committee will lay the appeal - stating the nature thereof - before a special meeting of members. Until the hearing of such appeal, an expelled member shall have member's privileges and entitlements suspended, but shall have the right to attend the special meeting. The fee paid for lodgement of the appeal shall be forfeited if such meeting, by majority, uphold the decision of the committee. If the appeal is upheld, any amount of the fee paid remaining after covering the cost of the meeting and deducting any monies that may be due by the member, shall be returned.
- 11) If a quorum is not achieved at the special meeting referred to in sub-rule (10), the meeting shall lapse and any amount of the fee paid remaining after covering the cost of the meeting and deducting any monies that may be due by the member, shall be returned. The member shall have the option of appealing again, after lodgement of the prescribed fee, providing that such appeal be made within 7 days of the lapsed special meeting.

- 12) No person shall be entitled to take action or proceedings against the club for any such penalty, suspension or expulsion as aforesaid and must abide by the decision of the committee.
- 13) Should any member make a charge, which in the opinion of the committee, is of a frivolous nature or unsupported by evidence at such hearing, the committee may impose such penalty against that member as they think fit.

## 8. COMMITTEE

Subject to sub-rule (9), the affairs of the club will be managed exclusively by a Committee of Management (hereinafter called the Committee) consisting of a President, Vice-President, Secretary, Treasurer and up to a maximum of 8 other people, all of whom must be adult voting members of the club.

Committee members must at all times exercise the duties of care and diligence, act in good faith in the best interests of the club and for a proper purpose, and not misuse information or their position.

- 1) Committee members must be elected to membership of the committee at an annual general meeting or appointed under sub-rule (7).
- 2) Subject to sub-rule (7), a committee member's term will be from his election at an annual general meeting until the election to membership of the committee at the next annual general meeting after his election.
- 3) Except for nominees under sub-rule (6), a person is not eligible for election to membership of the committee unless a member has nominated him for election by delivering notice of that nomination, signed by;
  - a) the nominator; and
  - b) the nominee, to signify his willingness to stand for election,to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.
- 4) A member who is eligible for election or re-election under this rule may;
  - a) propose or second himself for election or re-election; and
  - b) vote for himself.
- 5) If the number of members nominated for election to membership of the committee in accordance with sub-rule (3) does not exceed the number of vacancies in that membership to be filled;
  - a) the Secretary must report accordingly to the annual general meeting concerned, and
  - b) the Chairman must declare those persons to be duly elected as members of the committee at the annual general meeting concerned.
- 6) If vacancies remain on the committee after the declaration under sub-rule (5), nominations of committee members may be accepted from the floor at the annual general meeting. If such nominations do not exceed the number of vacancies, the Chairman must declare those persons to be duly elected as members of committee. Where the number of

nominations from the floor exceeds the remaining number of vacancies on the committee, elections for those positions must be conducted.

- 7) If a vacancy remains on the committee after the application of sub-rule (6), or when a casual vacancy within the meaning of sub-rule (8) occurs in the membership of the committee;
- a) the committee may appoint a member to fill that vacancy, and
  - b) a member appointed under this sub-rule will -
    - i) hold office until the election referred to in sub-rule (2), and
    - ii) be eligible for election to membership of the committee at the next following annual general meeting.
- 8) A casual vacancy occurs in the committee if a committee member;
- a) dies;
  - b) resigns by notice in writing delivered to the President, or - if the resigning committee member is the President - to the Vice-President;
  - c) is convicted of an offence under the Act;
  - d) is permanently incapacitated by mental or physical ill-health;
  - e) is absent from more than;
    - i) 3 consecutive committee meetings; or
    - ii) 3 committee meetings in the same financial year without tendering an apology to the person presiding at each of those committee meetings;of which meetings the member received notice, and the committee has resolved to declare the office vacant;
  - f) ceases to be a voting member of the club; or
  - g) is the subject of a resolution passed by a general meeting of members terminating his appointment as a committee member.
- 9) The committee may delegate, in writing, to one to more sub-committees (consisting of such members of the association as the committee thinks fit) the exercise of such functions of the committee as are specified in the delegation. The functions specified exclude;
- a) the power of delegation, and
  - b) any function which is a duty imposed on the committee by the Act or any other law.
- The committee may continue to exercise any function delegated.
- 10) The following persons are disqualified from being committee members:
- a) an undischarged bankrupt or a person whose affairs are under insolvency laws;
  - b) a person convicted of an offence involving fraud or dishonesty punishable on conviction by 3 months or more imprisonment; and
  - c) a person convicted of an offence in connection with the promotion, formation or management of a body corporate, including the duties provisions under the Act.

*President and Vice-President*

- 11) a) Subject to this rule, the President must preside at all general meetings and committee meetings.
- b) In the event of the absence from a general meeting of
- i) The President, the Vice-President must preside at the meeting

- ii) both the President and the Vice- President, a member elected by the other members present at the meeting will preside at the meeting.
- c) In the event of the absence from a committee meeting of
  - (i) the President, the Vice-President must preside at the meeting
  - (ii) both the President and the Vice- President, a committee member elected by the other committee members present at the meeting will preside at the meeting.

*Secretary*

- 12) The Secretary shall;
- a) attend all meetings of the committee and of the club and shall coordinate the correspondence of the club,
  - b) keep full and correct minutes of all resolutions and proceedings of the committee and of the general meetings,
  - c) have custody of all books, documents, records and registers of the club other than those required by sub-rule (13) to be kept and maintained by, or in the custody of the Treasurer,
  - d) comply with section 53 of the Act on behalf of the club with respect to the register of members as provided for by these rules,
  - e) comply with section 35 of the Act on behalf of the club with respect to rules of the club as provided for by these rules,
  - f) comply with section 58 of the Act on behalf of the club by maintaining a record of the names and residential or postal addresses of the persons who hold the offices of the club provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the club under rule 14.

*Treasurer*

- 13) The Treasurer shall;
- a) be responsible for the receipt of all monies paid to or received by him on behalf of the club,
  - b) pay all monies referred to in paragraph (a) into such account or accounts of the club as the committee may from time to time direct,
  - c) make payments from the funds of the club with the authority of the committee and in accordance with the by-laws and in so doing, ensure that;
    - i) all cheques are signed by himself and at least one other authorised committee member, or
    - ii) all electronic transfers are electronically signed by himself,
  - d) have custody of all securities, books and documents of a financial nature and accounting records of the club,
  - e) comply on behalf of the Association with section 66 and such other sections of Part 5, Division 3 of the Act that may apply with respect to the accounting records of the club by;
    - i) keeping such accounting records as correctly record and explain the financial transactions and position of the club.
    - ii) keeping its accounting records in such manner as will enable true and fair accounts of the club to be prepared, and conveniently and properly audited.
    - iii) submitting to members at each annual general meeting of the club accounts of the club, showing the financial position of the club at the end of the immediately preceding financial year.

- iv) at each committee meeting, submit a balance sheet or financial statement outlining the immediately preceding month's transactions.
- f) ensure that when the revenue of the club in the club's financial year is;
  - i) \$250,000 to \$1,000,000, a review is undertaken by a member of a professional accounting body,
  - ii) more than \$1,000,000, an audit is undertaken by a member of a professional accounting body holding a public practising certificate.
- 14)
  - a) A committee member may only receive payment out of funds of the club if such payment is authorised by resolution of the members of the club.
  - b) Sub-rule 14a) does not apply to any committee member for out-of-pocket expenses for travel and accommodation in connection with the performance of the committee member's functions.

## 9. PROCEEDINGS OF THE COMMITTEE

- 1) The committee must meet together for the dispatch of business not less than 6 times in each year and the President, or at least half the members of the committee, may at any time convene a meeting of the committee.
- 2) At a committee meeting, 5 members of the committee constitute a quorum.
- 3) Minutes of all resolutions and proceedings of the committee shall be recorded.
- 4) The procedure and order of business to be followed at a committee meeting shall be determined by the committee members present at the committee meeting.
- 5) Each committee member has a deliberative vote.
- 6) A question arising or a motion put forward at a committee meeting must be decided by a majority of votes. If there no majority, the person presiding will have a casting vote in addition to his deliberative vote.
- 7) As required under sections 42 and 43 of the Act, a committee member having any direct or indirect financial or material personal interest in a contract, or proposed contract, made by, or being contemplated by, the committee must;
  - a) as soon as he becomes aware of that interest, disclose the nature and extent of his interest to the committee, and
  - b) not take part in any deliberations or decision of the committee with respect to that contract.
- 8) Notices given by the committee under the rules of the club must be in writing. Such notice may be;
  - a) served in person,
  - b) sent by ordinary post to the address showing in the register of members, or
  - c) sent by email to the email address showing in the register of members.
- 9)
  - a) Notices under sub-rule (8) sent by ordinary post will be deemed to have been delivered after 2 business days.



- b) Notices under sub-rule (8) sent by email will be deemed to have been delivered the same day.

*Powers of the committee*

- 10) In addition to all other duties and responsibilities contained in these rules, the committee shall have the power from time to time;
  - a) To make such by-laws as necessary for the management of their own proceedings and those of the club, providing that no by-laws shall be made which are inconsistent with these rules.
  - b) To borrow or raise money in accordance with rule 4(4) in addition to that already raised and to give security for the same, provided that no amount exceeding the amount stipulated in the by-laws be borrowed without the sanction of the members in a general meeting.
  - c) To dispense funds as they see fit in the management of the club and consistent with the objectives of the club in accordance with rules 4(1) and 8(13)(c), providing that no amount exceeding the amount stipulated in the by-laws be dispensed without the sanction of the members in a general meeting.
  - d) To arrange all competitions, entertainment, promotional events and social functions and to fix dates therefore.
  - e) To interpret these rules and the by-laws for the benefit of the club, unless such interpretation is rescinded at a general meeting.

10. GENERAL MEETINGS

- 1) The committee must convene an Annual General Meeting (AGM) of the club in every calendar year within 4 months after the end of the club's financial year, for the following purposes:
  - a) To receive the committee's report and balance sheet.
  - b) To elect members to the committee.
  - c) To transact such other business as shall be brought forward and for which due notice shall be given.
- 2) The committee may convene a special general meeting at any time, provided that there is a minimum of 14 days between general meetings.
- 3) The committee must, within 30 days of;
  - a) the Secretary receiving a request in writing from not less than 10% of members, convene a special general meeting for the purpose specified in the request; or
  - b) the Secretary receiving a notice of appeal under rule 7(10), convene a special general meeting to deal with that appeal
- 4) If the special general meetings referred to in sub-rule (3)(a) and (b) are not convened within the relevant period, the members who made the request or appeal may themselves convene a special general meeting as if they were the committee.
- 5) Subject to sub-rule (6), the Secretary must give to all members not less than 14 days notice of a general meeting and that notice must specify;
  - a) the time and place of the general meeting, and
  - b) the particulars and order in which business is to be transacted.  
In the case of an AGM, that order shall be;

- i) first, consideration of the accounts and reports of the committee,
  - ii) second, the election of committee members to replace outgoing committee members, and
  - iii) third, any other business requiring consideration by the club.
- 6) A special resolution may be moved either at a special general meeting or at an annual general meeting. However, the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5), the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 7) A notice of motion to be put to an AGM must be lodged with the Secretary 14 days prior to the AGM.

## 11. PROCEEDINGS AT GENERAL MEETINGS

- 1) 15 voting members present at any general meeting constitute a quorum.
- 2) If a quorum is not present within 30 minutes after the time specified for the holding of a special general meeting in a notice given under rule 10(5) as a result of a request, notice or action referred to in rule 10(3) or 10(4), the meeting lapses.
- 3) If a quorum is not present within 30 minutes after the time specified for the holding of a general meeting other than as a result of a request, notice or action referred to in sub-rule (2) the general meeting stands adjourned to a time, place and date as determined by the President.
- 4) If a quorum is not present within 30 minutes of the time appointed by sub-rule (3) for the resumption of an adjourned general meeting, the members who are present in person may proceed with the business of that meeting as if a quorum were present.
- 5) The Chairman may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 10 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 7) At a general meeting:
  - a) An ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9).
  - b) A special resolution put to the vote will be decided in accordance with section 51 of the Act and, if a poll is demanded, in accordance with sub-rule (9).
- 8) A declaration by the Chairman of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the meeting, a poll is demanded in accordance with sub-rule (9).
- 9) At a general meeting, a poll may be demanded by the Chairman, or by three or more members present and, if so demanded, must be taken in

such manner as the Chairman directs. If a poll is demanded and taken in respect of an ordinary resolution, a declaration by the Chairman of the poll is evidence of the matter so declared.

## 12. RIGHTS AND RESPONSIBILITIES OF MEMBERS

Members shall have rights and responsibilities as laid down in the rules and by-laws.

- 1) Voting entitlements are described in the by-laws.
- 2) A member entitled to a vote (in this rule, called "the appointing member") may appoint in writing another member to be the proxy of the appointing member and to attend and vote on behalf of the appointing member at any general meeting.
- 3) Each member entitled to a vote, who is present at a general meeting in person or by proxy, has a deliberative vote.
- 4) Members less than 18 years of age entitled to a vote, must appoint a proxy to vote on their behalf at a general meeting.
- 5) Each member entitled to a vote, who is unable to attend a general meeting in person or by proxy, shall be entitled to a postal vote provided that;
  - a) the voting form provided by the club for the purpose of a postal vote is completed correctly, and
  - b) the said voting form is returned to the Secretary prior to the start of the meeting to which the vote applies;
  - c) if the member is less than 18 years of age, he must appoint a proxy to complete the postal vote.
- 6) Upon request by a member, the rules and by-laws shall be made available for inspection by him and he may make a copy of or take an extract from such rules and by-laws, but shall have no right to remove them for that purpose.
- 7) A member making a request under rule 5(3)(a);
  - a) must not use or disclose information in the register except for a purpose that is connected with the affairs of the club or that is related to the administration of the Act;
  - b) who wishes to copy the register of members must be required to provide a statutory declaration setting out the purpose for which the application is made and declaring that it is connected with the affairs of the association; and
  - c) is expressly prohibited from the use of information obtained from the register for advertising purposes (unless approved by the club).
- 8) It is the responsibility of all members to behave in a manner consistent with the rules of the constitution and the by-laws, as well as the spirit of such rules and by-laws.
- 9) It is a member's responsibility to advise the Secretary of any changes to their postal address or email address in order to keep the register of members up to date. If a required notice is sent to a postal or email address which is redundant and the Secretary has not received notice of the change, the club shall be deemed to have fulfilled its obligation of notice.

### 13. RULES OF THE CLUB

These rules bind every member and the club to the same extent as if every member and the club had signed and sealed these rules and agreed to be bound by all their provisions.

The club may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 30, 31 and 33 of the Act, which is as follows:

- 1) Subject to sub-rules (4) and (5), the Association may only alter its rules by special resolution.
- 2) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution, setting out particulars of the alteration together with a certificate given by a member of the committee, certifying that the resolution was duly passed as a special resolution and that the rules of the association as so altered conform to the requirements of this Act.
- 3) An alteration of the rules of the Association does not take effect until sub-rule (2) is complied with.
- 4) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) to (3) are complied with and the approval of the Commissioner is given to the change of name.
- 5) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) to (3) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

### 14. COMMON SEAL OF ASSOCIATION

The club shall no longer have or use a common seal.

### 15. INSPECTION OF RECORDS OF THE CLUB

Upon request, a member may inspect the books, documents, records and securities of the club without charge at any mutually agreed time.

### 16. DISPUTES AND MEDIATION

- 1) The grievance procedure set out in this rule applies to disputes under these rules between;
  - a) a member and another member, or
  - b) a member and the club.
- 2) 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 of the parties.

- 3) 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 10 days, hold a meeting in the presence of a mediator.
- 4) The mediator must be;
  - a) a person chosen by agreement between the parties; or
  - b) in the absence of agreement, a person appointed by the committee.
- 5) A member of the club can be a mediator.
- 6) The mediator cannot be a member who is a party to the dispute.
- 7) The parties to the dispute must attempt to settle the dispute by mediation in good faith.
- 8) In conducting the mediation, the mediator must;
  - a) give the parties to the mediation process every opportunity to be heard;
  - b) allow due consideration by all parties of any written statement submitted by any party; and
  - c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 9) The mediator must not determine the dispute.
- 10) The mediation must be confidential and without prejudice.
- 11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the law.

#### 17. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP

- 1) Subject to sub-rule (3), if, on voluntary winding up or dissolution of the club, any property of the club remains after settling the debts and liabilities of the club and the costs, charges and expenses of that winding up, that property shall be distributed;
  - a) to another incorporated kart club having similar objectives to those of the Hurricane Go Kart Club of WA, or
  - b) to the incorporated association of kart clubs in Western Australia (Karting WA).
- 2) The beneficiary of said property shall be determined by resolution of the members when authorising and directing the committee to prepare a distribution of surplus property of the club under section 121 of the Act.
- 3) In circumstances where cancellation of incorporation of the club is permitted under the Act, the members shall decide in general meeting if the club should be wound up, or proceed with cancellation of incorporation.
- 4) If the club proceeds with cancellation of incorporation in accordance with sub-rule (3), then the beneficiary of the property referred to in sub-rule (1) shall be determined by resolution of the members when authorising and directing the committee to prepare a distribution of surplus property of the club.

---- END ----