



**LIGHTNING
SPRINTS
AUSTRALIA (INC.)**

**CONSTITUTION
(2010)**

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1. NAME

The name of the Association is "Lightning Sprints Australia Inc."

2. INTERPRETATION

In this constitution except where the context or subject matter requires a different construction;

a) Association: means "Lightning Sprints Australia Inc."

b) Committee: Shall consist of two currently financial members from each of the member clubs

c) Member Club: Shall mean and include any club which has been accepted as a member of the Association and has paid all monies due to the Association

d) Disputes All cases of dispute shall be decided by the Committee whose decision shall be final.

e) Office Bearers The duly elected committee shall elect office bearers from that committee which fulfil the roles of; PRESIDENT, VICE PRESIDENT, SECRETARY AND TREASURER

f) Nominations; Any currently financial member of an affiliated club may be nominated for a position on the committee provided that person is nominated by a financial member of that club and the nomination is seconded by a member of the outgoing committee. Where more than two nominations are received, a vote by all financial members of the respective nominees' club shall be held to decide the successful nominees.

3. MEMBERSHIP, ENTRY FEES AND SUBSCRIPTION

a) "Victorian Lightning Sprint Association Inc.", "Lightning Sprints Tasmania Inc." and "Lightning Sprints SA Inc." shall form the inaugural membership of the Association.

b) The presidents of all affiliated associations shall receive honorary membership for the period in which they hold office at their respective state associations.

c) The member states' nominated Technical Officer, 1 per state, shall receive honorary membership for the period in which they hold office at their respective state associations.

d) A state association that applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these Rules.

e) A state association which is not a member of the Association at the time of the incorporation of the Association (or that was a member at that time but has ceased to be a member) must not be admitted to membership unless—

(i) it applies for membership in accordance with subrule (f); and

(ii) the admission as a member is approved by the committee.

- f) An application of a state association for membership of the Association must—
 - (i) be made in writing from the state association's secretary; and
 - (ii) be lodged with the Secretary of the Association.
- g) As soon as practicable after the receipt of an application, the Secretary must refer the application to the committee.
- h) The committee must determine whether to approve or reject the application.
- j) If the committee approves an application for membership, the Secretary must, as soon as practicable—
 - (i) notify the applicant in writing of the approval for membership; and
 - (ii) request payment within 14 days after receipt of the notification for the sum payable under these Rules as the first year's annual subscription.
- k) The Secretary must, within 28 days after receipt of the amounts as determined under rule (11), enter the applicant's name in the register of members.
- l) An applicant for membership becomes a member and is entitled to exercise the rights of membership when it's name is entered in the register of members.
- m) If the committee rejects an application, the committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- n) A right, privilege, or obligation of a state association by reason of membership of the Association—
 - (i) is not capable of being transferred or transmitted to another person or association; and
 - (ii) terminates upon the cessation of membership whether by deregistration of state association or resignation or otherwise.
- o) The entrance / annual subscription is the relevant amount as determined by rule (11) and is payable in advance on or before 1 July in each year.

4. MEMBER CLUBS

Shall be the controlling or governing club in any State. "Victorian Lightning Sprint Association Inc.", "Lightning Sprints Tasmania Inc." and "Lightning Sprints SA Inc." are the inaugural member clubs of the Association. Allowance is made in this section for the admission of additional states to be admitted as members of the Association upon an application being received by the Association from the controlling or governing body in the state concerned and upon that application being accepted by a majority vote of the Association.

5. REGISTER OF MEMBERS

- a) The Secretary must keep and maintain a register of members containing—
 - (i) the name and address of each member; and
 - (ii) the date on which each member's name was entered in the register.
- b) The register is available for inspection free of charge by any member upon request.
- c) A member may make a copy of entries in the register.

6. OBJECTS OF THE ASSOCIATION

- a) To encourage the sport of Lightning Sprint racing and to promote the spirit of sportsmanship and good fellowship amongst members
- b) To control and guard the interests of member clubs competing in Lightning Sprint racing within Australia.
- c) To act as a co-ordinating body in the formation of rules and specifications.
- d) To submit to promoters or track management any terms that may be of mutual benefit.
- e) To allocate the date and place of the Australian Championship to be conducted annually
- f) To formulate and organise the Australian Championship in partnership with the host state's affiliate association.
- g) To control the running of the Australian Championship in accordance with the racing rules as adopted by the Association
- h) To do all things as are incidental or conducting to all the said objects or any of them.

7. FUNDS

The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the committee determines.

8. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- a) Except as otherwise provided in these Rules, the Secretary must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- b) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.

9. COMMITTEE

- a. The management of the Association shall be vested in the Committee. The Committee may do on behalf of the Association all such things as could be done by the Association at a

General Meeting, except such things as are law in this Constitution expressly required to be done at an ordinary or general meeting of the Association.

b. Total members minus 1 present (being members entitled under these Rules to vote at a general meeting), represented by their respective nominated delegate/s, constitute a quorum.

c. All members of the Committee and all elected officers of the Association shall retire at each Annual General Meeting

d. No mistake or informality in the appointment of any member of the Committee shall invalidate any action or decision of the Committee unless it be proved that the appointment was made in bad faith.

e. Any retiring members of the Committee may be re-elected.

f. If any casual vacancy shall occur in the committee or in any office of the Association by the death, retirement or cessation of membership, the Secretary shall notify the member club and invite the appointment of a replacement delegate. The person so appointed shall serve for the period that would have been served by the original delegate.

g. Casual vacancies on the Committee or in any office of the Association shall be filled in accordance with requirements of the section relating to .. 'Election of Officers". The Committee shall be empowered to co-opt non-voting members on to the Committee.

10. POWERS AND DUTIES OF THE COMMITTEE

The Committee shall be charged with the duty and power of advancing and carrying out all the objects of the Association and shall have the care, control, management and conduct of all property of the Association and may enter into agreements, contracts or arrangements in relation thereto. The Committee shall meet at a date and at a place, at least once yearly.

The Committee may do all things as appear to it to be expedient to protect the property of the Association and to improve and keep the same in repair and to promote the objects of the Association and incidentally thereto to enter into all desirable or necessary contracts.

11. SUBSCRIPTION

The financial year of the Association shall commence on the first day of July in each year.

Annual subscriptions shall be a fee decided and agreed upon by the Association as the amount required for the running of the Association for the ensuing year.

12. RESIGNATION

Any member club may resign its membership by giving fourteen (14) days notice in writing to the Secretary and paying all arrears of subscriptions due. Thereafter its membership shall cease and that club shall have no claim upon the Association or any of its properties.

13. SUSPENSION OF MEMBERSHIP

The Committee shall, subject to the provisions herein contained, be empowered to suspend or expel any member club for any breach or infringement of the rules of the Association or for disobedience of any order contained in any resolution of the Committee, provided, however, that the member club shall have first been given notice in writing of the matter of complaint and an opportunity for any defence to be offered to the Committee to disprove the matter of complaint.

14. NOTICE OF GENERAL MEETINGS

a) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to each member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

b) Notice may be sent by prepaid post to the address appearing in the register of members by facsimile transmission or electronic transmission.

c) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

d) A member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next general meeting.

15. QUORUM AT GENERAL MEETINGS

a) No item of business may be conducted at a general meeting unless a quorum of members entitled under these Rules to vote is present at the time when the meeting is considering that item.

b) Total members minus 1 present (being members entitled under these Rules to vote at a general meeting), represented by their respective nominated delegate/s, constitute a quorum for the conduct of the business of a general meeting.

c) If, within half an hour after the appointed time for the commencement of a general meeting, a quorum is not present—

(i) in the case of a meeting convened upon the request of members—the meeting must be dissolved; and

(ii) in any other case—the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place.

d) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members (represented by their delegate/s) present (being not less than 3) shall be a quorum.

16. ANNUAL GENERAL MEETING

a) The A.G.M. shall be held within 3 months of the end of financial year of each year at a place and on a date decided.

b) All member subscriptions to be paid in full prior to the commencement of the A.G.M.

c) The A.G.M. shall be conducted with the committee members present in one location.

17. VOTING

a) Each member club shall have one vote only on any matter before the Committee or at the Annual General Meeting or any General Meeting of the Association and a 75% majority decision will be final and form the decision of the Association. Honorary members do not garnish voting rights.

b) All decisions accepted at the Association A.G.M. are to be recognised Nationally. No individual "State" only rules are acceptable.

18. PROXIES

a) Each member is entitled to appoint another member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

b) Each member may only act as a proxy for a maximum of one member.

c) The notice appointing the proxy must be for a meeting of the Association convened under the rules stated herein.

19. ELECTION OF OFFICERS

All delegates elected shall offer their services unless otherwise decided by the Committee. Member clubs shall be responsible for all travelling and accommodation expenses incurred by their respective delegates.

20. NOMINATIONS

a) All nominations shall be called for at the time of the election and shall have a proposer and a seconder.

b) No delegate to the Association shall be nominated to any office which will make such a person a member of the Committee if such a delegate is a Speedway Promoter or is directly employed by (whether for fee, reward or otherwise; excepting prize money) any person,

persons or corporation promoting racing fixtures. When the Association promotes Speedway Meetings, this section shall not apply.

c) If two or more nominations are received for any office, an election shall be held.

d) If only one nomination for any office is received, then the person so nominated shall be automatically elected.

21. ELECTIONS

a) The election of all shall take place at the Annual General Meeting and shall, unless the appointment is automatic as herein before provided, shall be by a show of hands.

b) A Returning Officer shall be elected by the delegates present to conduct the ballot. The Returning Officer shall not be entitled to a deliberate vote, but in the event of equality of votes shall have a casting vote.

22. RESIGNATION OF OFFICERS

Resignation from the office will be deemed to have been received and accepted in any of the following circumstances:

a) Notice in writing from any delegate giving fourteen (14) days notice to the Secretary of the intention to resign.

b) Failure of any office bearer to attend three consecutive meetings of the Association in any one year. Where a resignation takes effect under this rule, the delegate concerned shall not be eligible for re-election to his former or any office during the currency of the financial year in which the resignation becomes operative.

23. REMOVAL OF OFFICERS

Should it appear to the Committee that any officer is not performing their duties, the Committee may declare such office vacant, provided that any officer so removed may, within seven days of notice in writing of such a removal, put to the Committee matters to disprove any matter which has been brought against that officer. The decision of the Committee will be final and no delegate so removed from any office will be elected to any office during the currency of the financial year in which that delegate is removed.

24. DUTIES OF OFFICERS

PRESIDENT: Shall preside at and be Chairperson of all meetings of the Association and all meetings of the Committee. In the event of the President being absent from any meeting of the Association or Committee, the Vice President shall fill the position of the Chairperson and exercise all the powers that could be exercised by the President. The President as Chairperson shall preserve good order so that the business may be properly conducted. The President shall see that the minutes are read and accepted and upon confirmation of such

minutes shall sign them and shall endorse all accounts presented for payment. The President shall be co-signatory on all cheques drawn in payment of accounts received by the Association subject to those accounts having been presented and passed for payment by the Committee.

VICE PRESIDENT: Shall assist the President where necessary and in the President's absence shall be required assume the position of chairperson and carry out duties as undertaken by the President as stated above.

SECRETARY: Shall record the minutes of all meetings of the Association and Committee and submit same to the next meeting for confirmation. The Secretary shall convene all meetings of the Association and Committee and shall keep a complete list of all member clubs and their Secretaries. The Secretary shall be responsible for the preparation of all correspondence for the Association or Committee.

TREASURER: The Treasurer shall keep correct account books showing the financial affairs of the Association and shall be co-signatory on all cheques drawn in payment of accounts received by the Association subject to those accounts having been presented and passed for payment by the Committee. The Treasurer shall make and present to the Committee an up to date financial position upon request by any member of the Committee at any time during the financial year. All accounts presented to the Association must be paid by cheque from the cheque account of the Association and all such cheques must be endorsed "Not Negotiable" and made payable to the person who presented the account, or, may be transacted by way of an approved co-signed Electronic Funds Transfer from the Association's bank account. The Treasurer shall be permitted to maintain an amount of \$100.00 for Petty Cash and shall be required to account for the way that amount was expended when making a request for a further advance.

OTHER OFFICERS: All other officers of the Association shall perform such duties as the Committee shall, from time to time, determine.

25. ORDER OF BUSINESS

The business at any meeting of the Association or Committee unless otherwise decided by the Association, be conducted in the following order:

- a) The meeting shall be declared open.
- b) Apologies for non-attendance to be called for.
- c) Reading of the minutes of the previous meeting and their confirmation or correction.
- d) Financial Report for adoption or correction.
- e) Election of Officers at meeting fixed for that purpose.
- f) Reading, reception and consideration of correspondence.
- g) Adjourned business.

- h) General reports and their consideration for adoption or otherwise.
- i) Notices of Motion
- j) General Business.

26. STANDING ORDERS AND RULES OF DEBATE

The standing orders and rules of debate as used in the Parliamentary system shall at all times be used in the conduct of all meetings of the Association or Committee.

27. OFFENCES- HEARING BY COMMITTEE

The Committee shall where any question of offence is offered against any member of any member club during the conduct of any Australian Championship, hear the matter in accordance with the relevant section of the Racing Rules as adopted by the Association.

28. DISPUTES AND MEDIATION

a) The grievance procedure set out in this rule applies to disputes under these Rules between—

(i) a member and another member; or

(ii) a member and the Association.

b) 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.

c) 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.

d) The mediator must be—

(i) a person chosen by agreement between the parties; or

(ii) in the absence of agreement—

(1) in the case of a dispute between a member and another member, a person appointed by the committee of the Association; or

(2) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

e) A member of the Association can be a mediator.

f) The mediator cannot be a member who is a party to the dispute.

g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

- h) The mediator, in conducting the mediation, must—
 - (i) give the parties to the mediation process every opportunity to be heard; and
 - (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.
- i) The mediator must not determine the dispute.
- 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 Act or otherwise at law.

29. MINUTES

The minutes of meetings of the Association and Committee are open to inspection by Delegates to the Association upon reasonable notice being given in writing to the Secretary.

30. DISSOLUTION AND DISTRIBUTION OF ASSETS

Upon an affirmative vote by ballot by not less than 75% of the financial Member Clubs present at the Special General Meeting resolving upon dissolution of the Association, distribute such assets or monies between any one or more charitable organizations or organizations having similar objects of the Association nominated by such Special Meeting of members of the Association.

31. TECHNICAL SUB-COMMITTEE

- a) A Technical Sub-Committee shall be formed by the Technical Officers.
- b) The Technical Sub-Committee shall observe safety, parity and technological developments and put forward proposed specification changes for amendment as stated hereafter.

32. AMENDMENTS

- a) Constitution: Shall only be made after such an amendment has been presented by the Secretary to all Member Clubs at least two months prior to the amendment being put before the Association for amendment and voted on as per rule (17) herein.
- b) Racing Rules and Regulations: Shall only be made after such an amendment has been presented by the Secretary to all Member Clubs at least two months prior to the amendment being put before the Association for decision.
- c) Car Specifications: Not withholding changes for demonstratable safety reasons, shall only be made after such an amendment has been presented by the Secretary to all Member Clubs at least two months prior to the amendment being put before the Association for decision.