

Eastern Lions Kart Club Incorporated A0009427M

INCORPORATION RULES ("Constitution Rules")

PREAMBLE

These Constitution Rules are to be read in conjunction with Eastern Lions Kart Club Rules and Regulations and the Camping Area Rules and Members must comply with the same.

STATEMENT OF PURPOSES

The aims and purposes of the Eastern Lions Kart Club Incorporated shall be:

- (a) to promote and organise the sport of Karting;
- (b) to associate with the AKA and VKA, acknowledge and abide by rules and regulations as published yearly in the AKA Manual;
- (c) to promote social activities.

1. NAME OF INCORPORATION

The name of the incorporated Association is 'Eastern Lions Kart Club Incorporated A0009427M'

2. INTERPRETATION

2.1 In these rules, unless the contrary intention appears:

"Act" means the *Associations Incorporation Reform Act 2012* and its amendments;

"AKA" means Australian Karting Association Inc;

"AGM" means Annual General Meeting;

"Annual Membership Fee" means the fee paid each year by a Member as determined at the AGM the previous year and written into the minutes of the AGM;

"Committee" means the Committee of Management of the Club;

"Class of Membership" means the class of each Member and their fees and right to vote;

"Club" means Eastern Lions Kart Club Incorporated (A0009427M);

"Club Rules and Regulations" means the club rules and regulations and its amendments, that are authorised by the Committee, ratified by the Members, and although being a separate document it forms part of these Constitution Rules. Club Rules and Regulations are available on the Club website (www.elkc.com.au) or by request from the Committee, and must be followed in conjunction with these Constitution Rules.

"Constitution Rules" means the rules of this constitution, and include all rules and regulations of the VKA and AKA and their amendments, the Club Rules and Regulations and their amendments, and the 'Statement of Purpose' as attached to these Constitution Rules;

"Financial Year" means a twelve month period from 1 July of one year until the 30 June of the following year;

"General Meeting" means a general meeting of the Members convened on a regular basis to deal with every day general issues of the Club and other business as the Club sees fit;

"Joining Fee" means the joining fees as determined at the AGM the previous year, written into the minutes of the AGM, and stated in the Club Rules and Regulations;

"Licensed Driver" means a person who holds a current VKA/AKA licence;

"Member" means a paid up financial member of the Club with rights according to their Class of Membership;

"Membership" means membership Member of the Club;

"Proxy" means the Proxy Form as attached to these Constitution Rules;

“Register of Members” means a list of Members and their details that is kept by the Membership Secretary and the Secretary and must have the:

- a) Members name and address; and
- b) Class of Membership; and
- c) date they became a Member: and
- d) where relevant the date they were no longer a Member;

“Secretary” means the person who holds the office of the Secretary of the Club;

“Special Meeting” means a meeting that is not an AGM or General Meeting of the Club and is called by the Committee, or the relevant number of members pursuant to this Constitution, to deal with matters that cannot be dealt with at an AGM;

“Temporary Fee” means the fee paid by a VKA/AKA Licensed Driver who is not a Member of the Club and is charged a temporary fee or part thereof at the discretion of the Committee; and

“VKA” means Victorian Karting Association Inc.

2.2 Words or expressions contained in these Constitution Rules shall be interpreted in accordance with the provisions of the *Interpretation of Legislation Act 1984* and its amendments.

3. APPLICATION FOR MEMBERSHIP

3.1 A natural person who wishes to be a Member of the Club must:

- a) complete an Club Membership Application Form approved by the current Club Committee; and
- b) lodge their application form with the Membership Secretary of the Club; and
- c) agree to comply with all Club Constitution Rules and Club Rules and Regulations.

3.2 When the Membership Secretary receives an application for Membership on a membership application form and is satisfied the applicant will abide by the Constitution Rules and Club Rules and Regulations then the applicant will be accepted as a Member of the Club upon:

- a) payment of the relevant Annual Membership Fee as defined in the Club Rules and Regulations that may vary from time to time according to the Class of Membership; and
- b) payment of the Joining Fee; however the Joining Fee may be waived at the discretion of the Committee.

3.3 If the Secretary is not satisfied with the application of a new Member the membership application may be referred to the Committee for approval.

3.4 If an applicant is accepted then the Membership Secretary will enter the applicants name, address, and Class of Membership, and date of joining, in the Register of Members and the applicant will become a Member.

3.5 Membership cannot be transferred to any third party and will become null and void on the termination of the Members Membership whether by death, resignation, or otherwise.

3.6 A Licensed Driver may be granted Temporary Membership for a single closed Club meeting, with the exception of the end of year Club meeting, by:

- a) obtaining acceptance by an authorised Committee member; and
- b) paying a Temporary Fee that may be waived at the sole discretion of the Committee.

4. CLUB FEES

- 4.1 Members at the AGM will determine the fees payable for the following year including:
- a) Joining Fees; and
 - b) Annual Membership Fees for all Classes of Membership; and
 - c) Race entry fees; and
 - d) Working day levies and their implementation; and
 - d) Camping Fees; and
 - e) Any other miscellaneous fees that are necessary.
- 4.2 All relevant fees shall be payable on or before 31 January of each year.
- 4.3 Reduced fees may be accepted or waived by the Committee at their discretion for new Members joining the Eastern Lions Kart Club late in the year, and can be based on the following structure:
- a) 1 January to 30 June will attract full Annual Membership Fees;
 - b) 1 July to 30 September will attract fifty percent (50%) of the full Annual Membership Fee; and
 - c) 1 October to 31 December will attract twenty five (25%) of the full Annual Membership Fee.

Member Rights

- 4.4 A Member can request that their information in the Register of Members remain private and that information will only be available to the Committee if the Secretary is satisfied that there are special circumstances to do so, and then the information will only be available to the Committee, and if the Secretary is satisfied that there are no special circumstances then they must advise the Member in writing and include the reasons for their decision, and if the Member is not satisfied with the decision their information will be restricted by the Secretary for twenty eight (28) days in which time the Member has the right to apply to VCAT for the right to restrict their information.
- 4.5 A Member can request inspection of the Register of Members by appointment with the Secretary and the Secretary must allow inspection within a reasonable time however; that Member must not divulge any information pursuant to another Member without the written consent of the other Member.
- 4.6 A Member has the right to have Access to minutes of General Meetings but they do not have the right to minutes of Committee meetings however; the Committee has an obligation to convey the essence of the meeting to the Members at a General Meeting if requested.
- 4.7 A Member of the association or an Incorporated Association, or the Registrar may apply to the Magistrates' Court for an order if there is oppressive contact or another matter as stipulated in section 67 of the Act.
- 4.8 If a Member has a material personal interest in any matter being considered by the Club then they must disclose that interest to the Club pursuant to the Act.
- 4.9 All Members have the right to Vote unless specified below and the classes are:
- a) "Family" means a father and/or mother and any siblings that have not reached the age of twenty-one by 1 January of that year, with each member having the right to vote as long as they are over 7 years of age;
 - b) "Senior" means a Member that is twenty-one (21) years of age or older at 1 January of that year;
 - c) "Junior" means a Member that is over seven (7) year of age and under twenty-one (21) years of age at 1 January of that year;
 - d) "Social" means a Member that does not have voting rights, but does have access to the facilities of the Club;
 - e) "Honorary" means a Member that has been nominated at the AGM of the previous year and passed by two thirds of the Members that are at that AGM, and that Member is exempt from

Annual Membership Fees for the one year that they are nominated, and that Member does not have Voting rights unless they have a AKA /VKA Licence;

- f) "Life" means a single Member that has been nominated at the AGM and has, and passed by two thirds of the Members that are at that AGM, and is exempt from Annual Membership Fees for the rest of their life but still has full voting rights. They must have complied with the following:
- i) have a Member nominate them in writing fourteen (14) days prior to the AGM; and
 - ii) have been a Member of the Club for a minimum of ten (10) years; and
 - iii) have held a position on the Committee for a minimum of two (2) years; or
 - iv) have performed duties that are relevant and decided upon by the AGM relating to the Club that are over and above the expected duties of a normal Member

4.10 A working day levy will be applied to Annual Membership Fees for Members that have not attended one designated Club working days in any one calendar year, or have not done equivalent work that is recognised by the Committee. It is the responsibility of the Member to sign the relevant Club register confirming they have done the appropriate work. Members have the option to pay the working day levy up front if they know they cannot attend the working days.

4.11 Members must pay an upfront relevant Camping Fee as decided at the AGM of the previous year if they wish to use the relevant camping facilities at the Club and abide by the Club Rules and Regulations pursuant to the camping facilities of the Club.

5. REGISTER OF MEMBERS

5.1 The Membership Secretary and Secretary shall keep and maintain a Register of Members.

5.2 If a person is not a paid up Member by 31 January then they are not a financial member and this takes away their right to vote and their right to membership.

5.3 If a person continues on the Register of Members to be not paid up within a reasonable time then the Committee has the right to remove them as a Member and apply a date to the Register of Members at which they were removed.

6. PROCEDURE FOR DEALING WITH ISSUES WITH MEMBERS

6.1 If the Committee is of the opinion that a Member:

- (a) has refused or neglected to comply with these Constitution Rules and/or the Club Rules and Regulations; or
- (b) has been guilty of conduct unbecoming a Member or prejudicial to the interests of the Club; then they must:
 - i) notify the Member in writing as soon as practical setting out the relevant details; and
 - ii) advise the Member that they may address the Committee at a Committee meeting to be held no earlier than 14 days after the Member is notified of the issues, stating the place, date, and time of that meeting;

and at the meeting they must:

- iii) give the Member an opportunity to be heard; and
- iv) give due consideration to any written statement submitted by the Member; and
- v) by resolution determine whether to:
 - a. do nothing with respect to the Member; or
 - b. fine a Member an amount not exceeding \$100; or
 - c. refuse a Member access to the Club premises for a period of time; or
 - d. suspend a Member from Membership of the Club for period of time; or
 - e. expel a Member from the Club; or
 - f. make other decisions that are relevant to the issues involved; or
 - g. apply any combination of the above.

6.2 If a Member has a resolution made against them by the Committee then they have a right to appeal by putting their objection in writing to the Secretary of the Club no later than 48 hours after they have been notified in writing of the resolution made by the Committee in which case the following will occur:

- (a) The Secretary will notify the Committee and the Committee shall request that a VKA Tribunal be held within twenty-one days after the date on which the Secretary received the appeal and the relevant Members will be notified at least fourteen (14) days prior to the VKA Tribunal; and
- (b) no business other than the question of the appeal shall be transacted at the VKA Tribunal; and
- (c) the Committee may place before the VKA Tribunal details of the grounds for the resolution and the reasons for the passing of the resolution; and
- (d) the Member shall be given an opportunity to be heard; and
- (e) the VKA Tribunal will make a decision pursuant to the Member.

7. BUSINESS OF THE ANNUAL GENERAL MEETING

7.1 An AGM shall be held each year no later than five (5) months after the end of the financial year by giving the Members twenty-one (21) days' notice.

7.2 A notice of the General Meeting must be given to all Financial Member who have the right to vote and must contain:

- a) date, time and place of the meeting and proposed resolution; and
- b) state in full the proposed resolution; and
- c) state the intention to propose the resolution as a special resolution; and
- d) information regarding the nomination and election of the Committee.

7.3 At the AGM the Committee is elected and will take office from 1 December of the year they are elected at the AGM until the 30 November of the following year. The overlap period from the AGM to 1 December gives any newly elected Committee members time to become familiar with their new role in the Club

7.4 The ordinary business of the AGM shall be:

- (a) to confirm the minutes of the last preceding AGM; and
- (b) to receive from the Committee reports pursuant to transactions of the Club during the last preceding Financial Year; and
- (c) to elect Committee Members; and
- (d) to put forward any special resolutions that can be passed as long as it is voted on and agreed to by three quarters of the Members that are entitled to vote; and
- (e) to transact special business such as life Membership and other business of which notice is given in accordance with these Constitution Rules; and
- (f) to set fees for the following year.

7.5 The AGM shall be in addition to any other general meetings that may be held at the same place and at a time after the AGM.

8. GENERAL MEETING AND SPECIAL MEETINGS

8.1 The Committee may, whenever it thinks fit by giving the Members fourteen (14) days' notice, convene a General Meeting or a Special Meeting and notification for these meetings must give Members the date, time and place of the meeting and this information will be given by the Committee either by mail, email, or by a notice posted on the website of the Club and the form of notification is at the discretion of the Committee.

- 8.2 The Committee shall, on a request in writing (“Request”) of Members representing not less than ten present (10%) of the total number of Members of the Club, convene a Special Meeting by giving the Member seven (7) days’ notice.
- 8.3 The Request for a Special Meeting shall state the objectives of the meeting and shall be signed by the Members making the Request and shall be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the Members making the Request.
- 8.4 If the Committee does not convene a Special Meeting within one month of the Secretary of the Club receiving the Request, the members making the Request, or any of them, may convene a Special Meeting to be held no later than three months after the date of the Request and must notify all Members with respect to the date, time, and place and all reasonable expenses incurred in convening the meeting may be refunded by the Club to the persons incurring the expenses.

9. PROCEEDINGS AND PROCEDURES AT MEETINGS

- 9.1 Items of business to be transacted at a General Meeting shall be put on an agenda for the meeting. Agenda items must be received in writing by the Secretary a minimum of seven (7) days prior to the meeting and any other items not on the agenda may be brought up at the discretion of the Committee in general business before the end of the meeting.
- 9.2 Items of business to be transacted at a Special Meeting or the AGM shall be put on an agenda and distributed to the Members by mail, email, or by a notice posted on the website of the Club and the member will be notified of the agenda not less than fourteen (14) days before the meeting.
- 9.3 Ten (10) Members personally present (being members entitled under these Constitution Rules to vote at a General Meeting) constitute a quorum for the transaction of the business at a meeting.
- 9.4 Only financial members of a Class of Membership have the right to vote.
- 9.5 If within half an hour after the appointed time for the commencement of a meeting, a quorum is not present, then the meeting will commence and any resolution decided on at the meeting will not take effect until fourteen (14) days after the meeting. The resolutions at that meeting will be posted on Club website within seven (7) days of the meeting and will only take effect if no Member has objected in writing to the Secretary of the Club within fourteen (14) day of the meeting and if an objection is received to that resolution then that resolution is null and void and may be addressed at the next meeting.
- 9.6 The President, or in his absence, the Vice-President, shall preside as Chairperson at each meeting of the Club and if neither is present then the Members present shall elect one of the other Members present to preside as Chairperson at the meeting.
- 9.7 A question arising at any meeting, unless the Constitution Rules indicate otherwise, shall be determined by a majority show of hands unless the Chairman indicates that the matter is a sensitive matter at which time voting papers (“Ballots”) will be handed to each Member with extra Ballots given to Member/s who hold Proxy votes and the outcome will be determined by the counting of secret Ballots.
- 9.8 All resolutions will be noted in the meeting minutes and all resolutions that are passed will be recorded in the Club Resolutions Register. It is the duty of the Secretary to update the Constitution Rules, Club Rules and Regulations, and Camping Area Rules as the case may be pursuant to the resolution, at the end of the relevant year.

- 9.9 All Members, unless the Constitution Rules indicate otherwise, will have one vote each and any Members holding Proxy votes for other Members who are not at the meeting must have the Proxy vote on a form approved by the Club, that is attached to this Constitution and signed by the person giving the Proxy and the form must be given to the Secretary of the Club no less than fifteen (15) minutes before the start of the meeting.
- 9.10 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 9.11 A member is not entitled to vote at any meeting unless all moneys due and payable by the Member have been paid.

10. COMMITTEE OF MANAGEMENT

- 10.1 The affairs of the Club shall be managed by the Committee.
- 10.2 The Committee: -
- (a) shall control and manage the business and affairs of the Association.
 - (b) may, subject to these Constitution Rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Constitution Rules to be exercised by meetings of the members of the Club and defined in these Constitution Rules; and
 - (c) subject to these Constitution Rules, the regulations and the Act, the Committee has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.
 - (d) The Club will be responsible for any fines or liability incurred by any Committee Member in the course of performing normal duties on behalf of the Club in relation to and limited to Karting functions and duties.
- 10.3 The Committee shall consist of:
- (a) President;
 - (b) Vice-President;
 - (c) Treasurer;
 - (d) Secretary;
 - (e) Membership Secretary;
- 10.4 In the event of a casual vacancy in the Committee, the Committee may appoint one of the Club Members to the Committee and the Member so appointed may continue in that office up to and including 30 November that follows the next AGM.
- 10.5 A Member of the Committee must not use their position to gain an advantage for themselves, and must not knowingly or recklessly make improper use of information.
- 10.6 Any Member of the Committee of an Incorporated Association must exercise his or her powers and discharge his or her duties with the degree of care and diligence that a reasonable person would and must act in good faith in the best interests of the association.
- 10.7 An Incorporated Association must indemnify each of its office holders against any liability incurred in good faith by the office holder in the course of performing his or her duties as an office holder.

11. NOMINATION, ELECTION OF OFFICERS, AND COMMITTEE VACANCIES

- 11.1 Nominations of Committee Members of the Club:-
- (a) shall be made in writing on a 'Nomination Form' approved by the Committee and signed by two Members of the Club and the nominee; and
 - (b) shall be delivered to the Secretary of the Club not less than seven (7) days before the date fixed for the holding of the AGM.
- 11.2 Members of any sub-committee, including but not limiting, track and grounds committee, social committees, VKA and AKA representatives, canteen personnel, and other sub-committees do not need to be nominated on the relevant nomination form but can be put forward and accept a position at the AGM. However if a member wished to be on a sub-committee and is not able to be at an AGM then they must inform the Secretary they are willing to take that position prior to the AGM.
- 11.3 If a nominated Member is the only nominated Member for a particular position on the Committee than that Member will be deemed to be elected to that position, and if there are a number of nominations for a particular position on the Committee then a ballot shall be held for that position, and if insufficient nominations are received to fill all vacancies further nominations shall be received at the AGM.
- 11.4 A Committee Members position becomes vacant if the Member:
- (a) ceases to be a Member of the Club; or
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
 - (c) resigns his office by notice in writing given to the Secretary of the Club.

12. PROCEEDINGS OF COMMITTEE

- 12.1 The Committee shall meet at least three (3) times in each year at such place and such times as the Committee may determine.
- 12.2 Special meetings of the Committee may be convened by the President or by any three of the Members of the Committee however a Committee member is deemed to be present with the use of technology as permitted in the Act.
- 12.3 Any three Members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee, including Members that are present through technology, and no business shall be transacted unless a quorum is present or unless a Committee Member has given permission in writing that they will not be at the meeting; however they will be deemed to make up the quorum and they will agree to whatever the other Committee Members may transact.
- 12.4 At meetings of the Committee the President, or in his absence the Vice-President, shall preside or if the President and the Vice-President are absent, such one of the remaining Members of the Committee as may be chosen by the Members present shall preside.
- 12.5 The Committee has the right to appoint sub-committees to deal with certain matters in a manner that it sees fit and to give the sub-committees powers and rights that are relevant to that sub-committee. Sub-committees must not make decisions that are outside the scope of that sub-committee.
- 12.6 If a decision is to be made arising out of business at a meeting of the Committee, or of any sub-Committee appointed by the Committee, the decisions shall be determined on a show of hands or, if demanded by a Member, by a poll taken in such a manner as the person presiding at the meeting may determine.

- 12.7 Each Member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question; the person presiding may exercise a second or casting vote.

13. SECRETARY

- 13.1 The Secretary of the Club shall keep minutes of the resolutions and proceedings of each General Meeting, Special Meeting, AGM, and each Committee meeting in books provided for that purpose together with a record of the name of persons present at meetings.
- 13.2 The Secretary must comply with the Act and within fourteen (14) days after being appointed, give written notice to the Registrar of his or her appointment with their full name and address, and once appointed must keep a Register of Members, as will be supplied by the Membership Secretary.

14. TREASURER

- 14.1 The Treasurer of the Club must in accordance with the Act:
- (a) shall collect and receive all moneys due to the Club and make all payments authorised by the Club; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
- 14.2 The accounts and books referred to in clause 14.1 shall be available for inspection by Members.
- 14.3 The accounts and books of the Club shall be audited by a Registered Auditor prior to each AGM.

15. REMOVAL OF MEMBER OF COMMITTEE

- 15.1 The Club at a General Meeting may by resolution remove any Member of the Committee before the expiration of their term of office.
- 15.1 Where the Member to whom a proposed resolution referred to in clause 15.1 makes representations in writing ("Representation") to the Secretary or President of the Club (not exceeding a reasonable length) and requests that Members of the Club be notified, the Secretary or the President may send a copy of the Representation to each Member of the Club or, if they are not so sent, the Member may require that they be read out at the meeting.

16. PAYMENTS

- 16.1 All monies paid out pursuant to the Club must be endorsed by at least two (2) members of the Committee.
- 16.2 Any monies paid out pursuant to the Club over the amount of \$5000.00 must be endorsed by the majority of the Committee.
- 16.3 Any major expenditure for club equipment, buildings, maintenance or enhancements of the track and grounds, or other major club purchases must be bought back to the Club for a vote by Club members prior to any action taking place. This vote can take place at a normal Club meeting or if necessary at an official Club day drivers briefing.
- 16.4 All payments made pursuant to the Club must have a copy of the payment, receipts for the appropriate recipient, or a copy of any electronic transfer.

- 16.5 The Treasurer will hold all financial documentation and this will be available for inspection by Club members by arrangement with the Treasurer at a time and place convenient to both parties.
- 16.6 In any emergency work or payments pursuant to the Club should endeavour to comply with the above however; if an emergency arises then endorsement can be given after the event.

17. SEAL

- 17.1 The Common Seal of the Club shall be kept in the custody of the Secretary.
- 17.2 The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be confirmed by the signatures of two Members of the Committee.

18. ALTERATION OF CONSTITUTION RULES, CLUB RULES AND REGULATIONS, AND STATEMENT OF PURPOSES

- 18.1 These Constitution Rules and the Statement of Purposes of the Club shall not be altered except in accordance with the Act; However the Club Rules and Regulations may be altered from time to time by resolutions made at Club meetings.

19. NOTICES

- 19.1 A notice may be served by or on behalf of the Club upon any Member either personally or by sending it by post or email to the Member at the address shown in the Register of Members.
- 19.2 Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the Member at the time at which the letter would have been delivered in the ordinary course of post.
- 19.3 Club notices will be posted on the Club web site at www.elkc.com.au

20. WINDING UP OR CANCELLATION

- 20.1 In the event of the winding up or the cancellation of the Club, the assets of the Club shall be disposed of in accordance with the provisions of the Act.

21. CUSTODY OF RECORDS

- 21.1 Except as otherwise provided in these Constitution Rules, the Secretary of the Club shall keep in their custody or under their control all books, documents, and securities of the Association.

22. FUNDS

- 22.1 The funds of the Association shall be derived from entrance fees, sponsorship, donations, joining fees, Annual Membership Fees for all categories of Membership, race entry fees, working day levies, camping fees; and such other sources as the Committee determines.

23. DISPUTES & MEDIATION

- 23.1 The grievance procedure set out in these Constitution Rules applies to disputes under the Constitution Rules and/or Club Rules and Regulations between:
- a) a Member and another Member; or
 - b) a Member and the Club;
- Must be put in writing to the Club Secretary who will address the Committee and the Committee at its discretion may deal with the matter privately or undertake the following paragraphs in this section and if the Member is unsatisfied with the private outcome then the following paragraphs in this section will apply.

- 23.2 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 parties.
- 23.3 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 fourteen (14) days, hold a meeting in the presence of a mediator.
- 23.4 The mediator must be -
- (a) a person chosen by agreement between the two parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a Member and another Member, a person appointed by the Committee of the Club; or
 - (ii) in the case of a dispute between a Member and the Club, a person who is a Mediator appointed or employed by the dispute Settlement Centre of Victoria (Department of Justice)
- 23.5 The mediator cannot be a person who is a party to the dispute.
- 23.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 23.7 The mediator, in conducting the mediation, must -
- a) give the parties to the mediation process every opportunity to be heard: and
 - 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 through the mediation process
- 23.8 The mediator must not determine the dispute but may advise a solution.
- 23.9 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.

APPENDIX 1

EASTERN LIONS KART CLUB INC A9427

FORM OF APPOINTMENT OF PROXY

(“Proxy Form”)

I of
being a member of Eastern Lions Kart Club Incorporated hereby appoint
..... of
being a member of the Incorporated Association, as my proxy to vote for me on my behalf at the
Annual General Meeting, General Meeting or Special Meeting of the Club to be held on:
Date

My proxy is authorised to vote in favour of/against (delete as appropriate) the following
resolutions:

- Committee Positions/Sub Committees
- Club Fees
- Camping Fees
- Life/Honorary Members
- And any other matters to be voted on

Signed this day of 20.....
(by the Member giving the Proxy)

Proxy forms may only be completed by financial members of Eastern Lions Kart Club Inc appointing
another financial member of the club.

Each member shall be entitled to appoint another member as a proxy by notice given to the secretary no later
than 15 minutes prior to the commencement time of the meeting in respect of which the proxy is appointed.

Proxy forms received after this time will not be recognised for the meeting.

Photocopies of this form are accepted.

Additional forms may be obtained from the Secretary.