



THE VINTAGE MOTOR CYCLE CLUB OF W.A. (VMCCWA) (Incorporated - A0750092T)

BY-LAWS & PROCEDURAL INSTRUCTIONS

INTRODUCTION

In ascending order of importance, in running the Club, we have Rules, By-Laws and Procedures. As an incorporated body, we have rules that are set by Government in accord with the Associations Act. The Rules set mandatory requirements for Association Management Committees and not optional. By-Laws expand on the Rules and describe Club specific expectations. The By-Laws must be consistent with the Act and Rules & they cannot conflict with the law. Club Procedures are administrative in nature and can be amended at any time by the Management Committee.

Model Rules: As an Association it is mandatory that we have the Model Rules, these are prescribed by law (which are designed to accommodate the legal requirements of over 17,000 associations in WA). This document describes our obligations arising from the Associations Incorporation Act 2015. The Model Rules prescribe the processes the management committee must follow e.g. in registering members, maintaining privacy, running meetings, electing officers, resolving disputes, ensuring natural justice, avoiding conflicts of interest, managing financial interests and ensuring probity. These are legal responsibilities and if abused the Club and individual members of the committee can be fined or face legal action. The rules bind the association and the members as an enforceable contract between them. The Model Rules can only be amended by a vote of 75% of members at a Special General Meeting. Amendments also require Departmental sign-off. The minimum matters that need to be dealt with in the rules are prescribed by the Act. The Club adopted the Government Model without amendment as it provides the best possible level of independent protection to members. Individuals or groups with vested interests have not influenced the Rules adopted. The Model Rules are largely of interest to the Management Committee as they govern the behaviour of the Committee and Club administration. The Model Rules can be viewed on the Club website.

By-Laws: A by-law must be consistent with the Act, the Regulations and these rules. By-laws provide additional Club specific guidance to members on how the association will be managed and are generally reserved for more procedural or administrative matters e.g. club colours, event management, code of conduct, eligibility for official positions, etc. By-laws must be kept relevant & current. Amendment of By-laws is by a simple majority at a general meeting. They do not require submission to the governing Department.

Administrative Procedures: These are what they what they say. They are a guide to members and Club officials on how we will administer the Club to achieve our legal responsibilities and the Club objectives. They are flexible, subject to change and responsive to changing circumstances e.g. they capture membership classes, event management, role statements, meeting standing orders etc. Procedures are signed off by the Committee and can be readily amended to meet emerging circumstances or to meet the needs of members.

Concessional Licensing: 404 concessional licensing is a privilege which has been achieved by negotiation with Government by historic motoring Clubs and in place since the 60s. Basically nothing has changed in those regulations since, except the Department of Transport has recently become concerned about increased abuse of the privilege. The Department has made it clear that Clubs must manage the concession or lose it. The Club position is that we must tell you what the regulations require. Compliance is your problem. Ride outside the law and you are riding unlicensed and uninsured. To be clear about this, 404 is not a Club Rule it is law. Same for C4C.

Authorised by the VMCCWA Management Committee 12 May 2021

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CLUB BY-LAWS

(as approved at the 6 Nov 24 AGM)

CLUB BY LAWS

1. Code of Behaviour:

- 1.1. All members are to abide by the Associations Act, Club Rules, By-Laws and Procedural Instructions. Breaches may be addressed as discipline matters by the Management Committee. Any member thus found in breach will be ineligible to stand as a club officer, official or committee member.
- 1.2. Members are to treat each other with courtesy and respect, at all times. Abuse of club officers and officials performing their roles will not be tolerated.

1.3. Club Colours: The club colours are black on gold.

1.4. Life Membership: Life Members and Active Senior Members are deemed financial and shall have full voting rights and any other rights conferred on ordinary members by the rules.

2. Communication:

- 2.1. The Club has a single channel for official communication to members and this is the Vintage Chatter.
- 2.2. Minutes of meetings, whether at committee, sub-committee, Club level or section level will be provided to the Secretary. Where minutes are necessary, they are only to be distributed to financial members of the VMCCWA, before publication in the Vintage Chatter.

2.3. Conflict of Interest: All club members must observe the Associations Act regarding conflict of Interest, particularly regarding the expenditure of Club funds or the disposal of Club assets; but also on matters affecting Club members. To avoid a conflict of interest, no VMCCWA Club officer or committee member is to be a member of a committee or an officer of another approved motorcycling Club in Western Australia, at the same time.

3. Club Events:

- 3.1. Club Events must be approved in advance by the VMCCWA Management Committee. No competing events, formal or impromptu, are to be promoted to members on the same day or weekend of a Club event without agreement in advance of the Management Committee. To be an approved Club event, the activity must be open to all Club members and where time permits, advertised in the Vintage Chatter. Amendments or new events, received at late notice, will be advised to all Club members with a registered email address prior to the event.
- 3.2. Financial Club members may attend or participate in any Club or Section activity. In planning events, other Clubs and non-members may enter Club events only by invitation of the Management Committee.
- 3.3. Spending on Club events must be agreed in advance by the Management Committee. Only Club Events open to all Club members will attract Club funds. Non-members on Club events must cover their own costs. At events open to all members, monies collected as entry fees, must be delivered to the Club Treasurer, who will then reimburse expenditure.
- 3.4. Work orders can be issued by the Club whenever a club machine is considered to not meet club eligibility requirements or is unroadworthy. The Club Machine Examiner will conduct the inspection.

4. Sections:

- 4.1. Sections will be either geographic or motorcycle related interest groups. Section direction and conduct will be determined by the Management Committee. Any Club financial member can attend and participate in a Section.
- 4.2. Sections are informal in nature. They are not a "club within a club." As such there is no requirement for a formal management structure and section membership fees are not appropriate.
- 4.3. Where sections choose to manage money (i.e. event fees or voluntary contributions), they must provide a monthly expenditure statement and an annual financial statement, to the Club Treasurer, as section funds are accountable as club funds. Sections are to assist the Club Treasurer in the reconciliation of Section accounts when required.

- 4.4. The opening and closing of all section bank accounts must be approved by the Management Committee. No section bank account credit or debit cards will be permitted.
- 4.5. All section bank accounts must have at least two authorizing signatories, one of which should be the Club Treasurer. No bills or expenses are to be paid in cash from the section account. Receipts are to be paid into the bank within 5 business days.

5. Asset Management:

- 5.1. The Treasurer will maintain an asset register and monitor access and disposal of club assets.
- 5.2. No Club property will be disposed of without reference to the Management Committee.

6. Spare Parts and auctions:

- 6.1. Only financial Club members can buy parts from the Spare Parts Shed or at club auctions.
- 6.2. A financial member who buys parts/bikes only with the intention to on-sell will be considered guilty of an abuse of Club privileges and may have their membership revoked.
- 6.3. Major items for sale e.g. engines, project bikes or complete machines must have their sale price determined by the Parts Sub-Committee, before sale.
- 6.4. The decision to buy substantial collections or deceased estates rests with the Management Committee.

7. Concessional licensing:

- 7.1. All members seeking to have their machines registered on 404 or C4C concession must have their machines entered on to the club database.
- 7.2. Before the vehicle can be entered it must comply with DoT regulations. All machines must be dated/appraised by nominated Club officials as suitable for Club registration. Any contentious matters on eligibility may be referred to the Technical Sub-Committee and where necessary to the Management Committee.
- 7.3. To retain eligibility for a concessional license a member must remain financial.

8. Finance:

- 8.1. Any single item expenditure of club funds over \$25,000 will need to be agreed by the membership at a General Meeting. The purchase of substantial motorcycle related collections for auction or our parts store will be exempt from this rule.
- 8.2. The club will use an external auditor, every year, to ensure integrity, compliance with the Associations Act and to provide confidence in club financial affairs.
- 8.3. The club will use a financial accounting application on which data and reports will be retained.
- 8.4. All bank accounts of the Club and sections must be captured in the Club accounting system to make sure Association financial requirements are satisfied.
- 8.5. At Club level payments must be signed by two Committee members, or one Committee member and a person authorized by the committee. One of the signatories will always be the Treasurer or his/her deputy. No outgoing financial transactions, including expense claims, will be paid in cash.

CLUB PROCEDURAL INSTRUCTIONS

CLUB PROCEDURAL INSTRUCTIONS

(Approved by the Management Committee 14 August 24)

1. CLUB MANAGEMENT

1.1 Management Committee Roles: In addition to the mandatory positions of office holder there will be specific roles allocated to committee members from time to time; these include, but are not limited to:
Assistant Secretary, Assistant Treasurer, Communication Officer & Events Coordinator.

1.2 All Committee members preferably will have computer skills, internet access and be able to draft letters, emails, navigate the web, access data online and work with spreadsheets. Without these skills it will be difficult for the committee member to fully discharge their responsibilities. Committee members may also undertake club official roles as required.

1.3 The Committee will appoint Sub-Committees from time to time. The sub-Committees will report to the Management Committee: Current sub-committees are:

Technical Sub-Committee: Chair – Machine Inspector, Members – Dating Officers, CMC Rep, Registrar

Parts Sub-Committee: Chair – Treasurer, Members – Parts Officers & nominees

Old Iron Sub-Committee: Chair – Events Coordinator, Members – Secretary & Nominees

1.4 Sections: Sections will be; but, not limited to:

Pre31 – for motorcycles manufactured prior to 1 January 1931

Classic – for motorcycles manufactured post-war and prior to 1 January 1970

Post70 – for machines manufactured after 31 December 1969, and

Albany – for members in the Albany region.

Sections must provide monthly & AGM minutes to the Management Committee, where they are being maintained. Where sections manage money, financial statements must be provided annually, to the Management Committee, or as requested (see Procedural Instruction #8 for detail on finance reconciliation requirements). Sections must have a nominated organiser, who will report to the Management Committee as required. No other official positions are required.

Sections may, on occasion, nominate which era bikes may enter in Section sponsored events. The intention to hold these events must be advised to the Club Events Coordinator for Management Committee approval before they can be placed on the Club Calendar. This particularly applies where non-Club members are invited to participate. Club financial members cannot be denied access to Section activities—this extends to participation in Section activities, events and Section meetings.

1.5 Club Officials: Members may be invited to fill official roles, by appointment, when required. These roles may vary from time to time depending on personal circumstances e.g.

Including, but not limited to: Membership Secretary, Spare Parts Store Managers, Assistant Treasurer, Assistant Membership Secretary, Librarian & Assistant Librarian, Machine examiner, Machine Registrar, Club Regalia Manager, Dating Officers, CMC Representative, Machine Appraisal Officers, Invigilator, Welfare Officer, Meeting Registrar, Chatter Editor, Database Manager, Publisher, Archivist, Unit Caretaker/Property Manager & Web Administrator

2. MEMBERSHIP

2.1 Membership:

a. Ordinary Member: An Ordinary member has full voting rights and any other rights conferred on members by Club rules or approved by resolution at a general meeting or determined by the committee. Ordinary members may also nominate their partner on registration as a family member. A family member has no voting rights & cannot register machines for 404 license in their own name without becoming an Ordinary financial member in their own right. An annual membership fee applies.

b. Sub-classes of Ordinary Membership:

i. Country Member: Are members whose usual place of abode lies outside 100 km from the Club headquarters. Has the rights of an Ordinary member. A reduced membership fee is available to country members. A joining fee also applies.

ii. Life Member: Available to members who have rendered exceptional service to the Club. This status confers all rights of Ordinary membership as well as voting rights. Nominations for life membership will be in writing to the Secretary thirty days prior to the A.G.M. and providing details of the reasons for such nomination. Life Membership will require an affirmative vote of not less than 50% of ordinary members present at an Annual General Meeting or General Meeting. The criteria for life membership are that a member must have given a minimum of 15 years continuous service to the club including 6 years as an official of the club. All annual fees are waived for Life members.

ii. Active Senior Member (ASM): Is any member of the Club, who is still active in the Club, has attained the age of 80 years and has been a member for 15 at least years. This status confers all rights of Ordinary membership as well as voting rights. Annual membership fees are waived for an ASM. A member must apply to the club to become an ASM.

c. Affiliate Membership - Honorary Member: Nominations must be made in writing to the Secretary thirty days prior to the A.G.M. and providing details of the reasons for such nomination. Honorary Members do not have voting rights.

2.2 Schedule of Fees: The fees payable each year will be determined by the committee and be presented to the members after the financial year end. A fee is also payable for the printed postal copy of the Club magazine, the Vintage Chatter, excepting, Life, Honorary and Patrons. The digital version of the Vintage Chatter attracts no fee.

2.3 Membership Applications: Membership applications shall be made upon the approved club application form. An applicant must acknowledge that their name and nominated address can be viewed on request, in certain circumstances, by financial members. If any member believes it is undesirable for a Membership Application to be accepted by the Club, he or she should contact the Secretary within seven days of the notice at Monthly meetings. The matter must be treated in strict confidence and concerns must not be broadcast to other members.

2.4 Club Fees: Annual fees are due by the 31st of December each year. Renewal reminders will not be sent to members; however a renewal form will be found in the Chatter and online. If fees are not paid by 31st December, lapsed members will be ineligible to vote at general meetings, unable to access the parts store or library and will not receive a Vintage Chatter. Late payment after 31 March each year will ultimately result in the member having to re-join and pay the additional application fee. All members are expected to renew using the Renewal form. This being necessary to update any changes in a member's details.

2.5 Membership Register: In respect of the Membership Register, required under the Associations Incorporation Act, a member's contact address shall be their email address, failing which their postal address shall apply. Strict confidentiality rules will apply to membership data as per the Associations Act and the Privacy Act. No identifying member's details are to be used except for the official purpose provided i.e. contact details in the Chatter are not to be used for private email lists.

2.6 Annual Report of Financial Membership: Each year the Club Secretary submits a report on financial membership to the Council of Motoring Clubs, to comply with Department of Transport concessional licensing requirements. Financial membership of the Club is a condition of the concessional licence. ~~Patron~~, Life & ASM members are granted financial status for this purpose.

3. EVENTS

3.1 Club Events & 404 machines : these fall into three main categories to comply with DoT requirements for use of 404 machines . Requirements can be viewed in full on the Club website: Riders must familiarize themselves with the DoT guides to 404 machine use . Riding to and from a VMCC club event , social events (e.g. parts /store library on Mondays , coffee meets on Wednesday & Thursday), monthly meetings and section meetings is allowable for members with 404 licensed machines & does not need to be logged.

a. Approved Calendar Events: these are Club events approved by the Management Committee and published in advance either on the club website in the Chatter or by email to all members. Logging for 404 is not required for an approved & advertised Club event . Riding to and from a regular VMCC club event e.g. parts /store library on Mondays , coffee meets on Wednesday & Thursday , monthly meetings and section meetings is allowable for members with 404 licensed machines & does not need to be logged.

b. Invitation Events: these are events for which a written invitation or verbal advice is received from another

approved historic Club. 404 machine attendance must be logged.

c. Miscellaneous activity: Applicable to use of 404 machines only:

- Impromptu Events : may involve one or more club members on a single day . Use of a 404 machine must be logged in advance by using the on-line facility on the Club website . Failing that email the Club Webmaster.
- Ceremonial Event : These are for events such as funerals and weddings and are defined in the CMC code 404 information booklet . A letter of approval from the club is required to be carried with the vehicle for these events.
- Prolonged Event : Where a member or members wish to participate in an impromptu ride for more than one day using Code 404 machines, an application must be submitted to the Events Coordinator six weeks prior to the event for presentation to the Management Committee . Once approved participants must carry a letter of approval.
- Servicing/Tuning: Members can ride their 404 licensed machine for genuine testing and tuning within 30 kms radius from home, this use must be logged in advance.

3.2 Use of C4C machines: DoT requirements for C4C & the Code of Conduct can be viewed in full on the Club website.

There are only 2 categories of use for C4C machines. Riders must familiarize themselves with the DoT guides to C4C machine use. C4C use must be logged in advance on the form provided.

a. Approved Club Events : these are Club events approved by the Management Committee and published in advance either on the club website in the Chatter or by email to all members . C4C machines are limited to 60 days Club use on approved events per calendar year. All use must be logged.

b. Personal use: C4C machines are limited to 30 days personal use per calendar year. All use must be logged.

3.3 Backup Service: The Club normally provides a backup service to members participating in approved Club events. Sections cover the cost for backup for restricted club events . A Backup service for impromptu , restricted Section events or other unapproved events will not be reimbursed by the club. For approved Club events the backup driver will be reimbursed at the rate of \$1.00/km from the home of the backup driver, the event route, dropping off unrideable machines and the return home. In addition, reimbursement at this rate may be paid for route planning. A claim for overnight accommodation reimbursement by a backup driver must be by prior arrangement with the management committee.

3.4 Safety: When riding on a VMCC club event members must exercise due care and attention to good road courtesy and accepted driving techniques , and not bring the club into disrepute with the Police or general public . The member is responsible for ensuring the vehicle is roadworthy for all road use and club events and complies with registration requirements.

4. PROPERTY

4.1 Community Support Program: The Club recognises that as a non-profit organisation it has an obligation to be involved in, and support community events and activities. Each financial year the Club may make available up to a maximum of 10% of the previous audited financial years surplus to causes considered worthy by the Management Committee. \$1000 pa will be available for donations that are voted from the floor at a General Meeting.

4.2 Specific authorities to Purchase:

- a. Club Parts Purchases: The Spare Parts Official is authorised to spend up to \$500 on parts without prior reference to the Management Committee.
- b. Web Administration: The Communications Officer is authorised to spend up to \$500 on software/hardware or recurrent expenditure without prior reference to the Management Committee.
- c. Librarian: The librarian is authorised to spend up to \$500 on library items without prior reference to the Management Committee.
- d. Events Co-ordinator: The Events Co-ordinator is authorised to spend up to \$200 on individual event essentials without prior reference to the Management Committee.

4.3 Club Computers. The business of running Club affairs is largely conducted using computers and the club database or Member Management System (MMS). Most roles require computer skills and connection to the internet. The web administrator role requires advanced skills in web design and maintenance. On request a Club laptop computer may be made available for club administration if the position warrants it. This machine must be used exclusively for club activity and must be recorded on the club asset register.

4.4 Reimbursement of expenses: Members, officials and officers may be reimbursed for expenditure on club activities which are approved (generally in advance), documented and receipted.

4.5 Spare Parts: The Spare Parts Shed is located at the clubrooms. Access is available on General Meeting nights, and most Monday mornings. Only Club members may purchase parts and they are not for re-sale. Purchasers will be asked for their Club number or their membership card.

4.6 Property Sub-Committee: At times the Management Committee will convene a meeting of the Property Sub-Committee. The Treasurer and the Parts Store managers are permanent members of the Sub-Committee. The Sub-Committee is responsible for inspecting possible purchases and making recommendations to the Management Committee. All members of the Sub-Committee must be consulted in valuing and purchasing collections. For large collections, valuations must be put to the Management Committee before offers to purchase are made. The parts and bikes from these collections will be put to auction or ballot, except where the Sub-Committee considers the items unsuitable. Unsuitable items for auction/ballot will go into the parts shed.

4.7 Auctions/Ballots: Auctions & ballots are for financial Club members only and items are not for resale. Items not reaching the reserve price at a Club auction/ballot will be sold in the Parts Shed at the reserve price unless otherwise authorised by the Management Committee. No goods may be taken until full payment has been made.

5. TECHNICAL

5.1 Introduction: The club has a responsibility to both regulate 404 & C4C concessional licenses and to maintain its stated aim of preserving motorcycles over 25 years of age.

FOLLOWING ACCORDS WITH DEPARTMENT OF TRANSPORT (DoT) 404 & C4C LICENSING REQUIREMENTS

5.2 404 Concessional license requirements: A motorcycle is eligible for 404 if it is over 25 years old. If the date of manufacture is shown on the machine, it is eligible from that date otherwise machines are deemed to have a birthday on the 31st of December of each year. The machine must be basically unmodified and as manufactured to qualify for 404. Members seeking 404 must make themselves familiar with DoT guidelines which can be found on the Club website. Financial membership of the Club is essential to apply for and retain the 404 concession.

5.2.1 404 & Unlicensed Machines: Unlicensed machines require a vehicle road-worthiness inspection. To transfer a licensed machine to 404 you will also need to fulfil dating and appraisal requirements.

a. Dating: For 404 licensing all machines must be dated by the Club. Dating forms are available on the website. To assist the dating official, you must supply clear photographs of your machine, machine engine number, machine frame number and VIN/compliance plate if affixed and a copy of the machines current Licence and Motor Insurance Policy (Rego paper). Where modifications have been made from original specifications these must be declared. Onus of proof lies with the owner.

b. Appraisal: All machines must be physically sighted to confirm they are eligible for 404. This can be done in person, by the dating officer, a club committee member, the machine examiner or by an appraisal officer. Appraisal officers are listed on the Club website. The club official will conduct a visual inspection of the machine to confirm it conforms to the manufacturer's specifications. This step is required as the Club has to certify to DoT that the machine is unmodified.

c. Road worthiness Inspection: Your machine must also be inspected for roadworthiness by a DoT authorised machine examiner. (Note: Imported Motorcycles manufactured after 1st July 1975 must be taken to a DOT Authorised inspection centre). Authorised Machine Examiner contact details are on the Club website & the DoT website. The examiner will complete a Certificate of Inspection which will be forwarded to DOT. If approved, DoT will issue a Vehicle Passed MR form.

d. Club Registration: Once you have the MR form or number contact the Club Machine Registrar to obtain a DoT form CMC1 which confirms your club financial membership. The Registrar will issue the form after checking you are a financial member & that the machine has been dated, appraised and has passed a roadworthiness inspection. Only the Club Registrar can sign the CMC1 on your behalf.

e. Licensing: You will also need a DOT E81 form, which is a statutory declaration that states, I.....sincerely declare that the vehicle listed above will be used only in connection with club events or for conducting a road test. I undertake to notify the Department of Transport should I cease to be a financial member of the VMCCWA (Inc.). You will need to supply DoT with the form CMC1 and the Vehicle Passed MR form. Proof of ownership will be required.

5.2.2 404 & Licensed Machines: Licensed machines do not require a vehicle road-worthiness inspection. To transfer a licensed machine to 404; however, you will also need to have fulfilled dating and appraisal requirements.

a. Dating: For 404 licensing all machines must be dated by the Club. Dating forms are available on the website. To assist the dating official, you must supply clear photographs of your machine, machine engine number, machine frame number and VIN/compliance plate if affixed. Where modifications have been made from original

specifications these must be declared. Onus of proof lies with the owner.

b. Appraisal: All machines must be physically sighted to confirm they are eligible for 404. This can be done in person, by the dating officer, a club committee member or by an appraisal officer. Appraisal officers are listed on the Club website. The club official will conduct a visual inspection of the machine to confirm it conforms to the manufacturer's specifications. This step is required as the Club has to certify to DoT that the machine is unmodified.

10c. Club Registration: Once you have your machine dated & appraised for 404, contact the Club Machine Registrar to obtain a DoT form CMC1 which confirms your club financial membership. The Registrar will issue the form after checking you are a financial member & that the machine has been dated & appraised. Only the Club Registrar can sign the CMC1 on your behalf.

d. Licensing: For 404 you will also need a DOT E81 form, which is a statutory declaration that states, I.....sincerely declare that the vehicle listed above will be used only in connection with club events or for conducting a road test. I undertake to notify the Department of Transport should I cease to be a financial member of the VMCCWA (Inc.). You will need to supply DoT with the form CMC1 and current license papers. Proof of ownership will be required.

5.3 C4C concessional licence requirements: This concession is only available for licensed machines over 30 years old. It is suitable for modified machines. To transfer a licensed machine to C4C you will also need to fulfil dating requirements. Members seeking C4C must make themselves familiar with DoT guidelines which can be found on the Club website.

a. Dating: For C4C licensing all machines must be dated by the Club. Dating forms are available on the website. To assist the dating official, you must supply clear photographs of your machine, machine engine number, machine frame number and VIN/compliance plate if affixed. Copies of driver's license & licence papers must also be provided. Where modifications have been made from original specifications these must be declared. The Club reserves the right not to register a machine which in the opinion of the dating officer & Management Committee does not accord with the ethos of the VMCCWA which is to preserve historic machines and is not in accord with the "spirit of the times."

b. C4C Club Registration: Once you have your machine dated, contact the Club Machine Registrar to obtain a C4C DoT form E116 which confirms your club financial membership. The Registrar will issue the form after checking you are a financial member & that the machine has been dated. Only the Club Registrar can sign the form E116 on your behalf.

c. C4C Licensing: You will need to supply DoT with the form E116 and current license papers. Proof of ownership will be required. You will need to maintain a logbook of machine use on the form which can be downloaded from the Club website. This logbook must be carried at all times when riding and made available for audit or inspection.

5.4 Concessional Status: You have 28 days to concessionally license the machine once you receive a form CMC1 for 404 (or a Form E116 for C4C) from the Club Registrar. Once licensed you must advise the Club registrar of the machine's license plate number or change of status. Once licensed it is also a DoT requirement that you display, adjacent to the number plate, an additional plate/sticker signifying the motorcycle's concessional status. The Club Registrar can supply the sticker.

5.5 Change in machine status: When a club registered concessionally licensed machine is transferred, sold or goes unlicensed the machine registrar must be advised asap. Concessional licences are not transferable. A member selling a bike to another club member should advise the registrar of the sale details. Additionally, a member purchasing a concessional licenced machine from a club member should approach the Registrar to get the club paperwork prior to seeking the DoT transfer of the bike into their name.

If you transfer a concessionally licensed machine, registered with another Club, to VMCCWA, to maintain the concessional status you will need to have the machine dated by completing a dating form and showing proof of purchase so that the machine can go on the Club register. then approach the Club Registrar for a form CMC1 for 404 (or Form E116 for C4C). Then at the time of Transferring the bike into your name at DOT you will need to advise DoT that the machine's club registration has also changed.

5.6 Financial Membership: To retain a 404 concessional license you must be a financial member of the Club. If you are unfinancial your machine is considered by DoT to be unlicensed and uninsured. If you belong to another authorised historic club, you must advise DoT immediately of the transfer to protect your concessional license (as per your declaration on the E81 for 404 (or E116 form for C4C). Each calendar year a report of unfinancial members with concessionally licensed machines is sent to DoT for action. It is your responsibility to remain a financial member, the Club does not issue individual reminders.

6. MEETINGS

6.1 Introduction: This procedure covers Annual General Meetings (AGM) and General meetings of the club which must be convened in accordance with the Association's rules (this does not include Monthly Meetings). Incorporated associations are intended to be run in a democratic manner. The way in which meetings are conducted can have a major effect on members' perceptions of whether their association is democratic.

6.2 Chairperson: The Chair of the club or in his absence the Vice Chair will facilitate and control the meeting. The Chairperson has the task of: making sure proper notice is given and there is an agenda listing all items needing to be covered; checking (and usually signing) the minutes of previous meetings; keeping time, dealing with the order of business; facilitating discussion; keeping order; ensuring everyone has an opportunity to speak; receiving motions and putting them to the vote; declaring the result of any motions, such as what has been resolved & making sure decisions are reached on issues discussed clarifying the decision.

6.3 Debate: The Chair would normally open up a debate on a motion, often by saying 'does anyone wish to support/speak against the motion?' The mover of the motion can speak to the motion – outlining why he or she thinks the motion should be passed. Discussion follows, generally in the format of alternating speakers for and against the motion. Each speaker can speak only once. The Chair may limit the time each person may speak. After sufficient debate, the person who originally moved the motion has a right of reply. The motion is read aloud and voted on. If the motion is passed, it becomes a resolution. There must be a proposer and seconder of any motion put before the meeting. It is important the chairperson keeps proceedings as simple as possible. If a motion does not fully express the view of the meeting, it is sometimes easier to simply vote on it and let it be defeated. Resolutions can be withdrawn or cancelled at the same meeting. A motion maybe amended to get general acceptance of the meeting. However new motions will not be possible without the required notice period being observed.

In general, the rules of debate are that someone should not be interrupted while they are speaking for or against a motion, unless:

- a. there is a procedural motion passed to stop debate or 'that the speaker no longer be heard'; or the chairperson interrupts in the interest of orderly conduct; or
- b. there is a point of order.

6.4 Point of Order: A point of order is addressed to the chairperson by someone standing up and saying, 'point of order' or 'I wish to raise a point of order'. This means that the person making the challenge is saying the speaker should stop because he or she has breached a principle of ordered debate. The chairperson takes the point of order, listens to the reasons why the point of order has been raised and can ask for discussion on the order (for and against). Previous debate is stopped while the point of order is discussed. It is the task of the chairperson to rule on the point of order and his or her decision is final. Examples where a point of order may be called are where: the speaker is addressing issues outside the subject matter of the motion; fair rules of debate are not being followed;

- a. time limits have been reached;
- b. the language is offensive or abusive.

6.5 Behaviour: If any member uses intimidating, abusive, or threatening behaviour the Chair may expel them from the meeting.

6.6 Decisions: When a meeting wants to decide on a matter, it does so by voting. Each member is entitled to one vote to indicate whether they are in favour of or against a motion. Various voting methods can be used as defined in the Rules of the Association. Once the vote has been taken, the chairperson or returning officer (an independent person) collects and counts the papers. The meeting may be adjourned while the counting is taking place; Proxy Voting: Proxy forms will only be issued by the Secretary, on request by a member. Proxy vote forms will clearly identify the member voting and in a form issued by the Secretary. If not received 24 hours prior to the meeting, the proxy form may be held over until the financial status and voting intention of the member is confirmed. This ensures their legitimacy for inclusion in the voting process.

6.7 Minutes: The minutes of the meetings will be recorded by the Secretary, along with all the attendees present at the meeting. The minutes will record any resolutions passed and the proposer and seconder of the motion.

7. MANAGEMENT COMMITTEE

7.1 Responsibilities as a Committee Member: The VMCCWA is an incorporated body under the Associations Act. As

such members of the management Committee have specific legal responsibilities in managing the affairs of the Club. (The VMCCWA is an Incorporated body under the Associations Act. It is not a social club it as to comply with the applicable law).

7.2 Signed Pledge: All members nominating for committee roles are to read and acknowledge the Legal Responsibilities of a Committee Member. In joining the Management Committee, all members are to sign the pledge to uphold the legal duties of a committee member and to always act as follows:

act in good faith

- a. act with reasonable care, skill and diligence
- b. not to improperly use information or position, and to disclose and manage conflicts of interests.

What is a legal duty? A legal duty is an action that you are required by law to take. The legal duties in the Act apply to all people who sit in a governance position in all not-for-profit organisations.

7.3 Rules of incorporated association (from the Act): Effect of rules - The rules of an incorporated association bind the association and the members of the association as if (a) they contained an agreement on the part of each member to be bound by and observe all the provisions of the rules; and (b) that agreement was duly executed by each member. (i.e. it is a contract). There are penalties under the Act for breaches of the legal requirements.

7.4 Disclosure of material personal interest: A member of the management committee of an incorporated association who has a material personal interest in a matter being considered at a management committee meeting must, as soon as the member becomes aware of the interest, disclose the nature and extent of the interest to the management committee. Penalty: a fine of \$10 000.

A member of the management committee of an incorporated association who has a material personal interest in a matter being considered at a management committee meeting must disclose the nature and extent of the interest at the next general meeting of the association. Penalty: a fine of \$10 000.

Voting on contract in which management committee member has a material personal interest: A member of the management committee of an incorporated association who has a material personal interest in a matter being considered at a meeting of the management committee must not — (a) be present while the matter is being considered at the meeting; or (b) vote on the matter. Penalty: a fine of \$10 000.

7.5 Duty of care and diligence: An officer 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 exercise if that person — (a) were an officer of the association in the association's circumstances; and (b) occupied the office held by, and had the same responsibilities within the association as, the officer. Penalty: a fine of \$10 000. A decision about a matter will be considered to be made with reasonable care if the committee can show that:

- the decision was made in good faith and for a proper purpose
- they did not have a material interest in the subject matter of the decision
- they informed themselves about the subject matter to an appropriate extent, and they rationally believe that the judgment was in the best interests of the organisation.

7.6 Duty of good faith and proper purpose: An officer of an incorporated association must exercise his or her powers and discharge his or her duties — (a) in good faith in the best interests of the association; and (b) for a proper purpose. Penalty: a fine of \$10,000. You must act honestly, fairly and loyally when making decisions for your organisation. As a committee member, it is important that your decisions are made based on what is best for your organisation. To do this, you should have regard to the purpose of the organisation and its membership as a whole, as well as its finances and operations. You should not be making decisions based on your own personal interests, preferences or alliances.

7.7 Use of position: An officer of an incorporated association must not improperly use his or her position to — (a) gain an advantage for the officer or another person; or (b) cause detriment to the association. Penalty: a fine of \$10,000.

This duty encapsulates the idea that a committee member must be loyal to the organisation they serve. This duty of loyalty is ongoing – it applies to you when you serve on the committee and continues to apply after you cease to be a committee member (i.e. it applies to former committee members). It is also closely linked to the duty to avoid conflicts of interest. Where you benefit from misuse of your position, this will often also constitute a conflict of interest. As a committee member, you must also refrain from improperly using any information obtained because of your position (e.g. information obtained at committee meetings, information divulged to the individual in their

capacity as committee member) to gain a personal advantage or an advantage for another, or to cause any detriment to the organisation.

7.8 Visitors to the Management Committee: Visitors to the management committee meetings must be made aware of the need to maintain confidentiality of committee discussions and the individual views of committee views and opinions. In particular, discussion of matters pertaining to individual members must not be discussed in the presence of visitors. Visitors must sign the form (Annex B) before attending a committee meeting.

7.9 Breaches: If a committee member is found to be in breach of the Legal Responsibilities the Management Committee will institute disciplinary procedures under the Model Rules to suspend or expel the member concerned. If a committee member is found to be in breach of the Committee Code of Conduct, the committee may move a loss of confidence motion and the matter may be referred to the members via a general meeting or addressed through the disciplinary procedures under the Model Rules. If a visitor to the management committee is found to be in breach of the confidentiality agreement the Management Committee will institute disciplinary procedures under the Model Rules.

7.10 Committee Member Code of Conduct: In joining the Management Committee all members are expected to maintain behaviours consistent with a professional committee, unified and aligned in achieving the best possible outcomes for the Club. As such, in order to retain the confidence of the club members and committee, all committee members are expected to sign a pledge to uphold the principles of this document. The form of the Pledge follows at

Annex A - to Section 7

COMMITTEE MEMBERS CODE OF CONDUCT (NORMATIVE STATEMENT)

The VMCCWA Committee Member Code of Conduct (Code) has been endorsed by the Management Committee and applies to every member who chooses to participate in the management Committee, a Subcommittee, Working Group, Section Committee or any other consensus group established under the auspices the Club Rules. It is drawn from broader international and national legal guidelines and is not negotiable. I will:

- work for the net benefit of the Association.
- uphold the legal responsibilities of a committee member in that we will always, act in good faith, act with reasonable care, skill and diligence, not improperly use information or position, and disclose and manage conflicts of interests.
- commit to accept consensus decisions that are in the best interests of the Club.
- ensure all information discussed or disclosed by committee will remain confidential to the committee. Only decisions or outcomes of committee will be disseminated to members.
- agree to clear purpose and scope: I will commit to the development of a clear shared purpose, objectives, agenda and project plan to ensure timely and efficient development and maintenance of Club Events and activity.
- commit to respecting others.
- will not discuss the individual opinions, voting patterns and positions taken by individual members outside of the committee meeting. I acknowledge that decisions are owned by all members of the Committee. I acknowledge that I must continue to respect Committee decisions even when I have left a Committee.
- will keep all private data that is viewed in this committee in the strictest of confidence in terms of member's names and personal issues.
- commit to the final record of meetings, i.e. the minutes, after having an opportunity to correct the record.
- Not personally benefit financially or otherwise in respect of my role except in the reimbursement of genuine expenses related to performance of that role.
- agree to our roles and responsibilities and will actively participate in Club activities. I will engage and consult with our organisers and members to ensure they are informed, and their views represented.
- behave in a transparent manner by declaring all relevant interests.
- act in good faith and with due care and diligence and comply with applicable laws and standards. I will avoid collusive behaviour.

In signing this document I acknowledge and understand our legal responsibilities and the code of conduct required of a member of The Vintage Motorcycle Club Management Committee. In signing I also witness the other members signatures.

Signed & witnessed (Date) Chair:

Vice Chair:

Secretary: Treasurer:

Communications Officer: General C'tee Member:

General C'tee Member: General C'tee Member:

General C'tee Member: General C'tee Member:

Annex B - to Section 7

VISITORS CODE OF CONDUCT

The VMCCWA Committee Member Visitors Code of Conduct (Code) has been endorsed by the Management Committee and applies to every member who chooses to attend as a visitor, the management Committee, a Subcommittee, Working Group, Section Committee or any other consensus group established under the auspices the Club Rules. It is drawn from broader national legal guidelines and is not negotiable.

I, acknowledge the responsibility and privilege to attend Club management activity. I will adhere to this Code to support the productive participation by all members in the development of Club outcomes.

In accordance with the following terms. I will:

I will respect the legal responsibilities of the committee in that I am attending in good faith, I will not improperly use information gained, and I will disclose any conflict of interest.

A consensus-based process relies on openness, transparency, balance and respect for each member of the committee. The committee must be a safe place to share ideas – free from repercussions. Commensurate with this, I will not discuss the individual opinions, voting patterns and positions taken by individual members outside of the committee meeting.

All private data or documentation that is viewed in this committee must be kept in the strictest of confidence and especially in terms of member's names and personal issues.

The minutes or decisions of the meeting will be published by the Secretary. I will not discuss proceedings with others. I am here to observe and listen. I will only participate in discussions where invited. I may be asked to leave the room during sensitive matters or where a conflict of interest arises.

Name: Signed: Date:

Witness by: Dated:

8. FINANCE

8.1 Section Banking Requirements: The Vintage Motor Cycle Club of WA (VMCCWA) is an Association bound by the rules from the Associations Incorporation Act of 2015 which imposes certain financial obligations in terms of accounting and auditing procedures. These dictate the maintenance of true and accurate accounting records explaining the financial transactions and financial position to enable convenient and proper auditing. Sections need to conform to the same regulations. In summary the VMCCWA and Sections must maintain a financial statement that includes a:

- a. statement of all monies received and paid
- b. reconciled statement of all bank account balances; and
- c. statement detailing assets and liabilities

8.2 Accounting: The VMCCWA uses an accounting tool to ensure that all of the Association financial requirements are satisfied which requires that all bank accounts of the club and sections be integrated. The integration was recommended by the Auditor in 2019 and approved by the Committee. Further the rules state that accounts must be in the name of the Association and that all financial transactions be signed by 2 committee members, or one committee member and a person or persons authorised by the committee. This means that no bill transactions should be by cash or credit/debit cards. Whilst this may seem inconvenient it is necessary for the VMCCWA to conform to the Associations Act.

8.3 Banking: In order to fulfil Club obligations it is necessary for Section Banking to following the recommendations below, which are the same as Club banking requirements:

- The opening and closing of all accounts to be approved by committee.
- The bank requirements for authority of minutes of a meeting to come from committee minutes not section minutes.
- All accounts must have a minimum of two authorising signatories and payments made by two signatories.
- The Club Treasurer must be an authorising signatory and have internet access to the accounts.
- Adequate records must be kept for all bank transactions and section payments. (income and outgoings)
- No bills to be paid by cash.
- No credit or debit cards to be held by the section.
- Cash receipts to be paid into the bank within 5 days.

8.4 Reconciliations: Sections are to assist the Club Treasurer to reconcile accounts when required.

b Treasurer to reconcile accounts when required.