

THE BMW MOTORCYCLE CLUB  
OF WESTERN AUSTRALIA INC



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CLUB CONSTITUTION

And

CLUB RULES AND BY – LAWS

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As Formalised on June 1<sup>st</sup> 1974 and  
Amended July 14<sup>th</sup> 1986 and  
Amended July 14<sup>th</sup> 1997 and  
Amended July 14<sup>th</sup> 2008

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# THE CONSTITUTION

## Definition – "Masculine Gender Terms"

For the purpose of this constitution, all male gender terms will be taken as referring to both male and female.

### 1. The Name:

The name of the Club to be "The BMW Motorcycle Club of Western Australia Inc" and it shall be incorporated pursuant to the provisions of the Associations Incorporations Act, 1895.

### 2. Objectives:

To maintain and conduct a club of non-profit making and non-political character in order to further the following objectives:

- a) The furtherance of interest in motorcycling and associated sport.
- b) To assist in bringing together and keeping in touch owners of BMW motorcycles.
- c) To promote better riding standards.
- d) To render technical advice where possible.
- e) To promote events for BMW motorcycles including social functions, lectures and discussions.
- f) To improve the image of motorcycling in the eyes of the general public.

### 3. Powers:

The Club shall have the following powers:

- a) To purchase, take on, lease, or (in exchange hire or otherwise) acquire or maintain any real or personal property and any rights or privileges in relation thereto.
- b) To borrow or raise or secure the payment of money in such manner as the Club thinks fit.
- c) To sell, exchange, lease mortgage, hire, dispose of, turn to account or otherwise deal with all or any part of the real or personal property of the Club.
- d) To amalgamate, co-operate, affiliate and enter into reciprocal arrangements with any other club having objectives wholly or in part similar to those of the Club. Such amalgamation, co-operation, affiliation or reciprocal arrangement may be terminated by a motion supported by a 2/3 majority of Club members at any general meeting provided fourteen days (14) notice of such motion be given.
- e) To present prizes to competitors in events held by the Club.
- f) To initiate or defend any legal action or process of law arising out of or in the course of activities of the Club either on behalf of the Club or any of its members.
- g) To do all such things as are incidental or conducive to the attainment of its objectives.

### 4. The Committee:

The Committee shall consist of:

- a) A President
- b) A Vice President
- c) A Secretary
- d) A Treasurer

- e) A Records Officer (& Registrar)
- f) A Technical Officer
- g) A Newsletter Editor
- h) A Webmaster
- i) A Committee Member

The Committee shall have the power to co-opt assistance from the general club membership.

#### 5. Membership:

Membership shall be under five (5) divisions, these being:

- a) Full Membership
- b) Associate Membership
- c) Country Membership
- d) Country Associate Membership
- e) Honorary Membership

Full Membership – This is open to owners of BMW motorcycles.

Country Membership – Country members shall be owners of BMW motorcycles residing outside an eighty (80) kilometre limit from the Perth GPO.

Associate / Country Associate Membership – is for the owners of motorcycles whose motorcycles are classed as 'non-BMW' but have a genuine desire to be of assistance to the Club; BMW motorcycle enthusiasts and families of full members.

Honorary Membership – Honorary members shall be elected at the discretion of the Committee and for a time determined by the Committee. Approval shall be given by the general meeting to those whom the Committee deem it worthwhile to be honoured with this position.

The classification of membership may be determined by the Committee in cases of dissension as to eligibility.

#### 6. Subscriptions:

Subscriptions shall be as determined at the Annual General Meeting each year. Subscriptions shall become due on the first day of joining and thereafter at the date of the Annual General Meeting. Members joining during the latter half of the fiscal year are obliged to pay only half the annual subscription to make them financial until the date of the Annual General Meeting. If a member fails to renew his subscription within sixty (60) days of the due date he will be deemed to have resigned and shall forfeit all rights as a Club member and also any points gained towards the annual 'Member of the Year' trophy.

#### 7. Club Management:

The Club shall be managed by the Committee as set out in article 4 of the Constitution. The Committee shall be elected annually, at the Annual General Meeting, where all officers will retire but will be eligible for re-election. One person may hold the same position for a maximum continuous period of three years.

#### 8. Meetings:

a) The Annual General Meeting shall be held in July each year at such time and place as the Committee may decide; the Secretary shall give at least fourteen (14) days notice to all members of the time and place of the meeting.

b) In the event of the Annual General Meeting not being so held by July the 31<sup>st</sup> in any year, any five members of the Club shall have power to call and convene an Annual General Meeting.

c) The Committee shall have the power to call General Meetings at such time and place as they think fit.

d) Any five (5)-voting members may, on requisition in writing, require the Secretary to convene a special General Meeting for the purpose of considering any special business. The Secretary shall call a Special General Meeting to be held within fourteen (14) days of receiving such requisition and shall at least seven (7) days before the time set for such a meeting notify all members of the time and place thereof. In the event of the Secretary failing to call such a meeting, the members who signed such requisition shall have power to call a Special General Meeting.

e) The Secretary shall call Committee meetings to be held as and when required.

#### 9. Method of Nomination of Office Bearers:

Nominations will close at the time of the last General Meeting before the Annual General Meeting. All nominations shall have a proposer and a seconder. No absent member is to be nominated unless the absentee has given approval to accept the nomination. In the case of there being no nominations for a position, nominations will be accepted at the Annual General Meeting.

#### 10. Voting Rights:

a) Constitutional Matters: Only Full and Full Country Membership will entitle a member to vote.

b) General Business: Full and Full Country Membership and Associate / Country Associate Members of twelve (12) months standing in the Club shall be eligible to vote on all general business of the Club.

#### 11. Quorum:

a) Quorum to be no less than four (4) at a Committee meeting.

b) Quorum to be no less than fifteen (15) members at any General meeting.

c) In the event of there being no Quorum present for any meeting fifteen (15) minutes after the time appointed for that meeting, the meeting shall be automatically re-convened at the same time, day and place in the next week. Provided that notice of the reconvened meeting is posted in one of the weekend newspapers, the re-convened meeting shall be deemed a valid meeting whether a quorum is present or not.

#### 12. Club Patrons:

The Committee has power to nominate Club Patrons, to be approved by the General meeting.

#### 13. Alterations to the Constitution:

No change can be made to the Constitution except at an Annual General Meeting or at a Special General Meeting convened for that purpose. All new clauses or alterations shall require a two-thirds (2/3) majority of members present. Notice of Motion for Constitutional changes shall be published at least fourteen (14) days prior to the Annual General Meeting or Special General Meeting convened for the purpose. All notices of motion must have a proposer and a seconder.

#### 14. Winding Up:

In the event of the Club proceeding either voluntarily or otherwise into liquidation, the balance of the assets of the Club shall, after the payment of all outstanding debts, be donated to a body or bodies with similar objectives to The BMW Motorcycle Club of Western Australia Inc., if any, or to a charity which the majority of those members present at a General Meeting shall so determine.

#### 15. The Club Address:

The Postal Address of the Club to be situated at an address in or near Perth, Western Australia, as agreed by the Committee, and as stated at every Annual General Meeting and advertised in the Club Magazine.

#### 16. Acceptance For Membership:

- a) Applications from prospective members may be received by a Committee member in person or by post.
- b) Each new member shall be issued with a membership card and a copy of the Constitution and Rules.
- c) A list of the names of new members shall be published in the Club Magazine each month.

17. Discipline:

The Committee shall be empowered to deal with any reports of ungentlemanly conduct and to recommend termination of a membership if the evidence submitted proves that a member has committed an offence likely to be detrimental to the Club. Any termination of membership of any member shall be by a majority vote at a general meeting with the member in question invited to attend. All correspondence connected with the matter to be tabled at such a meeting.

18. Acceptance of the Club Rules:

Application for membership of the Club implies that if accepted the applicant will abide by the Constitution and Club Rules.

19. The Common Seal:

The Secretary shall have the custody of the Common seal of the Club and the same shall be affixed to all necessary instruments in the presence of two (2) persons as authorised hereafter and records shall be kept of all instruments and documents to which the seal is affixed. The President and the Secretary are authorised to use the Common Seal on behalf of the Club.

20. Auditor:

a) The Committee shall appoint an Auditor or Auditors annually and shall fix the remuneration (if any) to be paid to such Auditor or Auditors.

b) No member who is an office bearer during the period of the accounts to be audited shall be eligible to be appointed Auditor of the Club.

21. Changes to Club Rules and By – Laws:

Any changes to the Club Rules or By – Laws must be advertised in the Club Magazine. Club members have the right to propose amendments or changes to any proposed changes at the General Meeting immediately preceding the publication of such changes.

# CLUB RULES

## 1. Club Runs:

- A. i) All riders to be informed of the intended route and stopping points on the run.
  - ii) The Run Organiser shall appoint a Club member to ride at the rear of the group, and that member shall endeavour not to allow any member to drop behind him.
  - iii) All members shall endeavour to keep the following rider in view.
  - iv) The member immediately behind the leading rider shall mark any corner until the nominated rear rider has passed him. He will then return to the main group.
  - v) The Run Organiser shall keep a record of all Club members attending a run in the absence of the Records Officer.
- B. i) The 'Member of the Year' and 'Sportsman of the Year' points are only to be allocated at official Club runs advertised in at least one of the following ways:
- a) At a General or Annual Meeting.
  - b) By way of advertisement in one of the weekend newspapers.
  - c) In the Club Magazine.
  - d) In the Calendar on the Club website
- ii) Any social run not advertised in the previous manner shall not be regarded as a Club Run. Members shall not refer to it as such.
- C. i) A member shall not bring the Club into disrepute by using the name of the Club if involved in any disreputable deed or action.
- ii) Any grievous misconduct by any member or members shall be reported to the Committee at the next General meeting by the Run Organiser.
- iii) A member, whilst on an official club run shall not, if obviously guilty of a breach of the Traffic Code, use the name of the Club or any member as an excuse in defence of the breach.
- iv) The Run Organiser shall have the power to refuse participation to any member or guest on any official Club run.

## 2. Behaviour at Meetings:

All members shall maintain a high level of decorum at all meetings.

## 3. Order of Debate at Meetings:

- A. i) Any member desiring to propose a motion or amendment or to discuss any matter under consideration must address the meeting through the Chair.
- ii) No member, when speaking, shall be interrupted unless called to order by the Chairman. The Chairman then recognising the member so calling to order, shall bring attention to the member, and the member so calling shall be heard in preference to any other speaker, and the Chairman shall then decide without discussion upon the point of order, before the subject is resumed, or any other subject entered upon.
- iii) No member may speak on any motion after the same has been put by the Chairman, and has been voted upon.
- iv) When two (2) or more members' rise to speak, the Chairman shall call upon the member who, in his opinion, rose first in his place.

v) The mover and seconder except a seconder pro-forma of any motion or amendment shall be held to have spoken the same.

vi) In the discussion no member shall be allowed to speak more than once, except strictly in explanation, and except the mover of the original motion, who shall have right of reply.

B. i) Members when speaking must confine his remarks to the subject under debate, and avoid personalities. He shall not use discourteous language or reflect on any member whilst in debate.

ii) Any member feeling dissatisfied with the decision of the Chairman on any point of order may appeal to the members present, provided the appeal is seconded.

iii) In cases of appeal from the ruling of the Chairman, a temporary Chairman shall be appointed, and the question shall be as follows: "*Shall the decision of the Chairman stand as the judgement of the Meeting?*" This question shall be decided without debate.

iv) If, after two speakers have spoken successively on the same side of the question, and no speaker follows on the other side, the Chairman temporary elect shall submit the motion or amendment to the meeting after affording the mover the right of reply.

v) No motion that "*the question be now put*" shall be entertained at any meeting.

C. A motion having been duly moved and seconded, discussion thereon may be interrupted by some or all of the following motions, which in turn must be seconded, but of which no notice shall be required:

i) To amend the motion.

ii) To move the previous question.

iii) To postpone the question.

iv) To adjourn the debate.

v) To adjourn the meeting.

D. An amending motion shall not be a mere negative, but must be relevant to the original motion. It may be moved or seconded by any member whether he had or has not already spoken on the original motion; it must not be moved after the question is put; it gives no right of reply to the mover, and it cannot be withdrawn without consent of the meeting.

E. i) Before a motion to adjourn a meeting is put, the mover of the question under debate shall be allowed the right of reply. No other discussion shall be permitted. The mover of the resolution to adjourn shall have the right to re-open debate when it is resumed.

ii) Before a motion to adjourn the meeting is put, the mover of the question under debate shall be allowed the right of reply. No such motion shall be declared carried unless a majority of at least two thirds (2/3) of the members present and voting, vote in favour thereof.

#### 4. Behaviour at Any Club Activity :

All members and members' guests shall maintain a high level of decorum during any Club activity.

#### 5. Meeting Rules :

A. i) The Chairman shall reserve the right to refuse any member the right to speak during any meeting if such member in the opinion of the Chairman is obviously affected by alcohol to such an extent as to be incapable of conducting his speech properly, and or if such member's prior behaviour proved to be detrimental to the meeting.

ii) No member shall gossip, talk, or disturb in any form or way while a member is addressing the Chair at any meeting.

## CLUB BY – LAWS

### 1. Six Monthly Calendar:

A. i) The Committee shall arrange and undertake the preparation of two (2) Six Monthly Calendars each year for the periods: -

a) September 1<sup>st</sup>. to February 28<sup>th</sup>

and

b) March 1<sup>st</sup> to August 31<sup>st</sup>.

ii) The Committee shall endeavour to avoid conflict with any other major sporting body or sporting event concerning motorcycles.

B. The Calendars shall be made available to all financial members.

C. i) No member shall alter or rearrange any planned major Calendar event (e.g. Black Duck Rally / Show 'n' Shine etc.) without a two thirds (2/3) majority vote at a General Meeting and notification in the Club Magazine to be published at least fourteen (14) days prior to the event.

ii) If other types of events are to be rearranged the run organiser is obliged to make all reasonable attempts to inform members of such a change, including notification in the Club Magazine where time permits and if appropriate by advertisement in one of the weekend newspapers.

### 2. Committee members at Meetings:

It is essential that the following Committee members are present at every meeting:

a) Chairman – President or Vice President or appointed representative.

b) Minutes – Secretary or Records Officer or appointed representative.

### 3. Duties of Committee Members:

#### A. The President:

The President (or his representative) shall preside at all Meetings, and generally carry out the duties of Chairman, and give rulings when required. He shall have the same right to speak on any question under discussion as any other financial member. He shall have a casting vote and a deliberative vote. The President shall have full powers at Meetings and activities to expel a member from such a Meeting or activity should he deem it necessary, and be only subject to the decisions of the Committee duly convened. He shall enforce the Constitution, Rules and By – Laws, and see that the duties of the other Committee members are properly performed. He shall always give due notice to a Committee member if he is to be absent from any meeting.

#### B. Vice President:

The Vice President will act as Chairman in the absence of the President. He will assist the President in any matters, be responsible for Regalia, and will maintain a current list of Club property and its location.

#### C. Secretary:

The Secretary shall act as the Executive Officer of the Club. He shall conduct the affairs of the Club under the direction of the Committee. He shall have the powers to convene all Meetings, maintain an accurate minute of all Meetings, and conduct all correspondence under the direction of the Committee and on behalf of the Club.

#### D. Treasurer:

The Treasurer shall receive member's fees and any other moneys due to the Club. He will issue official Club receipts for the same and pay all moneys into the bank account in the Club's name. He shall keep record of all Club accounts and a current account of all financial dealings for the record.

The Treasurer and the President or an approved Club signatory must sign all cheques for payments. He shall present a statement of receipts and expenditure to every General Meeting. He shall also present a statement of receipts and expenditure and payments together with a balance sheet for the Annual General Meeting. If he is absent from any Meeting he shall endeavour that the Club Secretary be able to present the balance statement to that Meeting or alternatively the statement of accounts shall be published in the following issue of the Club Magazine.

E. Records Officer:

The Records Officer shall keep an accurate record of all Club members. He shall present for signing at each Meeting a 'Meeting and Activity Attendance Book'. He shall also have possession of the following books, and make these books available for sighting by any member at every Meeting. He shall keep these books accurately up to date at all times.

i) Club Photo Book. (Any Club Photo's)

ii) BMW History Book. This book will be available to members on a library basis, and each member in turn of seniority shall have the opportunity to borrow the book for a period never extending more than a month.

iii) Occurrence Book. An accurate record of Club activities.

iv) Scrap Book. Any BMW or Club papers or photo's of interest.

v) Member, Sportsman of the Year Book. Recording Annual points.

vi) Any further material decided upon by the Committee. He shall also act as the Secretary at Meetings in the absence of the Secretary.

F. Technical Officer:

The Technical officer shall order, purchase, record, sell and barter for club tools and equipment as deemed necessary and keep a true and accurate record of such dealings. He shall ensure that all club tools and equipment held in his safe keeping shall be stamped or engraved to identify them as the Club's property. He shall organize and coordinate regular Tuning Days at suitable locations where club tools and equipment will be made available for use by Club members.

G. Magazine Editor:

The Magazine editor shall prepare and edit a Magazine at least quarterly.

H. Webmaster

The Webmaster shall manage and maintain the Club website at [www.bmwccwa.asn.au](http://www.bmwccwa.asn.au)

I. Committee Member:

A Developmental position to be assigned to someone who wishes to learn about the Committee with a view to taking on a more senior position the following year.

4. Apologies From Club Members:

Any member wishing to apologise for his absence from any Club Meeting or activity shall inform the Committee in person or through another member of his intentions. He then shall be allotted the subscribed points for his apology.

5. Agendas at Club Meetings:

The following will act as a guide to the Committee on agendas at General and Annual Meetings:

A. General Meetings:

i) The Chairman will open the meeting and welcome all members, visitors and guests. The time will be recorded.

ii) If the minutes of the previous Meeting have not been published in the Club Magazine the Secretary shall read these out. The Chairman shall ask for the previous minutes to be accepted and seconded by any two (2) members present. If the minutes are disputed by any member he shall be allowed to explain the point of dispute and the members shall then vote to determine if the minutes are or are not to be adjusted accordingly.

iii) The Chairman will ask if any business has arisen out of the minutes read.

iv) The Secretary will notify the Meeting of any correspondence received and any correspondence sent out.

v) The Chairman will see if there is any business arising out of the correspondence.

vi) The Committee will then report on any activity having occurred since the previous Meeting

- a) President's Report.
- b) Vice President's Report.
- c) Secretary's Report.
- d) Treasurer's Report.
- e) Records Officer's Report
- f) Spare Parts Officer's Report.
- g) Magazine Editor's Report.
- h) Webmaster's Report
- i) Committee Member's Report.

vii) The Chairman will ask if there is any business arising out of the reports.

viii) Run Organisers or Activity Organisers will then be called upon to report on past runs or events since the previous Meeting.

ix) The Chairman will then call on members for suggestions for future events, being careful that these do not coincide with the Six Monthly Calendars. These suggestions will be noted and voted upon, and if successful brought to the attention of all present.

x) The Chairman will then call on Members for General Business.

xi) The Chairman will ask if there are Members with items for buy, sell or swap.

xii) The Chairman will ask for the raffle to be drawn.

xiii) The Chairman will then close the Meeting recording the time and setting the date for the next Meeting.

#### B. Annual General Meeting:

Items i) to x) shall remain the same a By – Law 5, Agendas At Club Meetings, with the inclusion of the notification of the Club's postal address.

Item xi) the Chairman shall announce the winners of the Member of the Year and the Sportsman of the Year ( if applicable) awards and shall present the appropriate trophies.

Item xiii) The following years Office Bearers shall then be elected.

Item xiv) The Chairman will then close the Meeting recording the time and setting the date for the next meeting.

# GENERAL INFORMATION

## 1. Club Activities:

### A. Official:

- i) Monthly General Meetings.
- ii) Committee Meetings.
- iii) Annual General Meetings.
- iv) Special meetings.

### B. Social:

- i) Breakfast runs, picnics or barbecues
- ii) Christmas and other parties. Annual Dinner in July.

### C. Club Runs and Regular Activities:

- i) Day runs – mostly bitumen.
- ii) Day runs – extensive gravel roads.
- iii) Weekend runs. (1 or 2 nights – camping / hotel).
- iv) Long weekenders. (2 or more nights camping / hotel).
- v) Tuning Days.

### D. Sports:

- i) Hard and / or soft surface gymkhana.
- ii) Hard and / or grass and / or loose surface hill climb.
- iii) Time trial.
- iv) Sand racing.
- v) Observed trial.
- vi) Enduro.
- vii) Economy run.

### E. Others:

- i) Black Duck Rally – Long Weekender.
- ii) Border Run.
- iii) Advanced motorcycle courses.
- iv) Any others which the Club or individual members may organise.

## 2. Special Bulletins:

Special bulletins will be made available at General Meetings for attending Members' reference.

## 3. Club Regalia:

Club badges with the Club emblems are generally available in the following forms:

- i) Self-adhesive reflective tape badges.
- ii) Club 'T' Shirts.
- iii) Enamel Badges.
- iv) Sew on cloth badges.
- v) Other special item e.g. mugs caps etc. when specifically requested by Members.

## 4. Club Photo's and Scrapbook:

The Committee would appreciate it if members who have photographs of Club activities would bring them along to the General Meetings and forward any spare prints to the Records Officer for possible inclusion in the Club scrapbook. The same applies to any interesting newspaper clippings etc.

## 5. Member and Sportsman of the Year Awards:

During each year, Members shall be awarded Member of the Year points for attendance at any Club Meeting or activity. The Records Officer shall record these points and tally the totals at the end of the year. The winner shall receive both a perpetual and personal trophy with his name and year inscribed appropriately.

A similar trophy shall be awarded to the Sportsman of the Year if Sports events earning Sportsman points have been held during the year.

## MEMBER OF THE YEAR POINTS ALLOCATION TABLE

### ATTENDING MEETINGS:

By Bike 10  
By Car 7  
Apology 1

### SOCIAL EVENTS: 3

Social Sips, Tuning Days, Sunset rides. Fold 'n' Stick, Club Sports Events in the Metropolitan area.

### CHARITY EVENTS: 6

E.g. Blood Runs, Toy Runs etc.

### DAY RIDES: 10

(Nominally 100Kms. or more round trip) and Club Sports events outside the Metropolitan area.

### CAMPING TRIPS:

Per day attendance 10  
Maximum points for trip 30

### SPECIAL EVENTS: 35

E.g. Black Duck Rally, Border Run, Off – Centre Rally and Interstate Events organised by another BMW Motorcycle Club.

### OTHER EVENTS: 10

Christmas Party, Annual Dinner.

### PHOTO' FOR CLUB RECORDS: 1

Maximum Points per Year 10

### PROVIDE SELF – WRITTEN NEWSLETTER ARTICLES:

Half Page 5  
Full Page or more 10  
No Yearly maximum (excludes Committee member reports).

### EVENT ORGANISER: 10

Members who organise a Special, Camping or other similar events shall receive these additional points.

### SPORTSMAN OF THE YEAR POINTS.

The winner of each event shall receive ten (10) points, second position, nine (9) points, third position, eight (8) points.....and so forth until the tenth (10<sup>th</sup>) and subsequent positions who shall receive one (1) point each.