

CONSTITUTION OF THE CYCLE TOURING ASSOCIATION OF WA (Inc.)

(As amended to December 2009)

1. The Name

The name of the association is to be the “Cycle Touring Association of Western Australia”, hereafter referred to as the Association, and it shall be incorporated pursuant to the provisions of the Association Incorporation Act, 1985, as amended.

2. Objects

Generally to foster cycle touring and protect the interests of cyclists.

This may be achieved by pursuing some or all of the following:

- 2.1 The organisation of day rides, weekend and long distance tours of a non-competitive nature.
- 2.2 The promotion of safe standards of cycling by:
 - 2.2.1 Improvement of personal cycling skills.
 - 2.2.2 Increasing the awareness of other road users to the needs of cyclists.
 - 2.2.3 The provision of better facilities for cyclists.
- 2.3 To bring about a greater awareness on the part of the public and Government Departments of the value of cycling as a form of transport, a means of recreation, an aid to better health and as a means of overcoming problems of pollution and parking.
- 2.4 To inform school students and the community’s youth as to the advantages and responsibilities of cyclists and encourage more participation in cycling.
- 2.5 To provide technical advice where possible.

The Association, at all times, should be non-political in nature.

3. Management Of The Association

The Association shall be managed by a Committee as set out in article four (4) of the constitution. The committee what be elected at the Annual General Meeting or at a Special General Meeting called for this purpose. Members of the Committee will serve until the next general meeting at which elections are to take place at which time they will retire but will be eligible for re-election.

4. The Committee

4.1 The Committee shall consist of:

4.1.1 A President

4.1.2 A Vice President

4.1.3 A Secretary

4.1.4 A Treasurer

4.1.5 Up to six other Committee members.

4.1.6 Additional members as may be co-opted by the committee in accordance with rule 4.3.

4.2 A casual vacancy on the Committee will occur if a member of the Committee resigns from the Committee, is no longer a member of the Association or in any other way is no longer eligible to be a member of the Committee. The Committee shall have the power to appoint any member of the Association to fill a casual vacancy on the Committee.

4.3 The Committee shall have the powers to co-opt additional members of the Committee or to seek assistance from the members of the Association.

5. Powers

The Committee, on behalf of the Association, shall be empowered to do all such things as are incidental or conducive to the attainment of the objects of the Association, except those that are, under provisions of the Constitution, to be exercised by the Association at a General Meeting. The powers of the Committee shall include the following:

5.1 To make, amend or repeal such by laws (not inconsistent with this Constitution) as it thinks expedient for the management and control of the business and the affairs of the Association.

5.2 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.

5.3 To borrow, raise or accrue the payment of money in such a manner as the Association thinks fit.

5.4 To sell, exchange, lease, mortgage, hire, dispose or turn account or otherwise deal with all or any part of the real or personal property of the Association.

5.5 To amalgamate, co-operative, affiliate and enter into reciprocal arrangements with any other club or organisation having objectives wholly or in part to those of the Association.

- 5.6 To institute or defend any legal action or process of law arising out of or in course of the activity's of the Association.

6. Membership

Application for membership, in the following categories, shall be open to any individual or group as appropriate:

- 6.1 General – Open to all individuals
- 6.2 Student – Open to all full time students
- 6.3 Pensioner – Open to any person in receipt of an Australian Government Pension or an Australian Government allowance, as defined by the Social Securities Act, 1947, as amended.
- 6.4 Dependant – Open to any personal under the age of 18 years who is a dependant of a General Member, a Student Member, a Pensioner Member, an Honorary Member or Honorary Life Member.
- 6.5 Affiliate – Open to any club or organisation having similar objects to the Association. Affiliate membership by a club entitles all members of that club to participate in events of the Association as affiliate members.
- 6.6 Honorary – Any person to whom the Committee grants membership for one year.
- 6.7 Honorary Life – Any person to whom, on the nomination of the Committee, the Annual General Meeting grants membership for the life of that person.

The Association may, at a properly constituted Annual General Meeting, appoint any person as an Honorary Member, or Honorary Life Member of the Association.

7. Subscriptions

- 7.1 Subscriptions shall be as determined by the Annual General Meeting each year. No subscriptions shall be payable by Dependant Members.
- 7.2 Where an individual makes application to the Committee, and special circumstances prevail, the Committee shall have the power to vary the subscription for that individual. No subscription shall be reduced to less than half of the determined fee for the category applied for.
- 7.3 Subscriptions shall be due on the first day of joining and thereafter annually on the first day of January. Members joining during the latter half of the calender year are obliged to pay only half the annual subscription to make them financial until December 31st of that year.
- 7.4 Any member who fails to pay subscription within thirty (30) days of the due date shall forfeit all rights as a member of the Association.

8. Voting rights

- 8.1 Full voting rights shall only be given to members joining the Association under the following categories: General Member; Student Member; Pensioner Member and to all Honorary Members and Honorary Life Members.
- 8.2 Dependant Members and Affiliate Members shall not be entitled to vote.
- 8.3 There shall be no right of proxy vote.

9. Meetings

9.1 Committee

- 9.1.1 The Secretary shall call meetings as and when required and give all Committee Members at least 14 days notice of the meeting.
- 9.1.2 Any Committee Member who is absent from more than three (3) consecutive meetings shall be deemed to have resigned unless adequate reasons have been submitted to and accepted by the Committee.

9.2 General

- 9.2.1 The Annual General Meeting shall be held prior to the 31st of December of 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.
- 9.2.2 In the event of the Annual General Meeting not being held by December 15th in any year, any five (5) members of the Association shall have the power to call and convene an Annual General Meeting.
- 9.2.3 The Committee shall have the power to call General Meetings at such time and place as they shall think fit.
- 9.2.4 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 days (14) of receiving such a 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 making such requisition shall have power to call a Special General Meeting.

10. Election of Committee Members

- 10.1 Nominations of Committee Members will be received by the Secretary up to and on the day of the General Meeting at which an election is to take place. All nominations shall have a proposer and a seconder and shall be announced at the meeting.

- 10.2 Nominees, proposers and seconders shall be voting members of the Association. Where more than the required number of nominations have been received for any of the position(s) the method of election shall be by ballot.

11. Quorum

- 11.1 Quorum to be no less than four (4) at committee meetings.
- 11.2 Quorum to be no less than six (6) Voting Members or ten (10) percent of voting membership at any General Meeting, whichever is the greater.
- 11.3 In the event of there being no quorum present for any meeting of the Association fifteen (15) minutes after the time appointed for that meeting, the meeting shall be automatically re-convened to the same time, day and place in the next week. Provided that notice of the re-convened meeting is circulated within twenty-four (24) hours, the re-convened meeting shall be a valid meeting whether a quorum is present or not.

12. Changes to the Constitution

- 12.1 No change can be made to the Constitution except at an Annual General Meeting or a Special General Meeting convened for the purpose. All changes shall require a two-thirds (2/3) majority of the voting members present at that meeting.
- 12.2 Notice of motion for Constitutional changes shall be posted to members' addresses at least fourteen (14) days prior to the Annual General Meeting or Special General Meeting convened for that purpose. All notices of motion shall have a proposer and seconder and be in the hands of the Secretary one (1) calendar month prior to the Annual General Meeting or Special General Meeting.

13. Acceptance of Membership

The Committee shall be empowered to refuse membership to any person without offering a reason to that person. Application for membership must receive the approval of the Committee before admission can be granted.

14. Termination of Membership

The Committee at any meeting shall be empowered to deal with any reports of misconduct or unsuitability and to terminate a membership if the evidence submitted proves that a member has behaved in a manner likely to be detrimental to the Association. All correspondence connected with the matter shall be tabled at such a meeting.

In the event of a Committee decision to terminate a membership, the member so affected shall have the right to request a Special General Meeting to which he/she may make an appeal. The decision of that meeting shall be binding.

15. Responsibilities of Membership

Membership of the Association implies acceptance of this Constitution and the by-laws.

16. Patrons of the Association

The Committee has the power to nominate Patrons of the Association, to be approved by a general meeting.

17. Address of the Association

The Association shall have an address in or near Perth, Western Australia, as agreed by the Committee, and as stated at every Annual General Meeting.

18. The Common Seal

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

19. The Auditor

- 19.1 The Annual General Meeting shall appoint an Auditor or Auditors annually and shall fix the remuneration (if any) to be paid to such an Auditor or Auditors.
- 19.2 No Committee member of the Association shall be eligible to be appointed as Auditor of the Association

20. Winding up

The Association may be dissolved or wound up by resolution of any General Meeting or at a Special General Meeting called for such purpose. If upon the dissolution or winding up of the Association there remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, transferred or distributed amongst members of the Association. It shall be given to some other association, institute or body having objects similar wholly, or in part to the objects of the Association, provided that the association, institution or body shall prohibit the distribution of its income and property amongst its members, or it shall be paid to or transferred to some charitable object, which association, institution, body or object shall be determined by the members of the Association at or before the time of dissolution or winding up. In default of any such resolution such payment, transfer or distribution shall be determined by a Judge of the District Court.

BY-LAWS OF THE CYCLE ASSOCIATION OF WA (INC.)

(As amended to September 2010)

Definitions

RIDES – are single day events.

RIDERS – are all participants in rides organised by the Association, whether members or non-members of the Association.

TOURS - involve more than one riding day and generally involve overnight accommodation.

A *LEADER* - is the person selected by the Committee to lead the ride or tour and generally is responsible for, or assists in, the planning of the ride or tour.

ACHIEVEMENT SERIES – is a series of rides, completion of which will qualify a member for an award.

ACHIEVEMENT RIDES – are any rides that can be used towards one of the Achievement Series

1. Traffic code

Members are expected to obey the Road Traffic Code 1975, as amended.

2. Bicycles

Responsibility for the condition and safety of a bicycle rests at all time solely with the rider. However, for the purpose of participation in the Association's rides and tours the following apply:

- 2.1 Effective front and rear brakes
- 2.2 Adequate front and rear lights shall be used when riding between sunset and sunrise.

3. Clothing and Accessories

- 3.1 Cycling shoes or other appropriate footwear shall be worn whilst cycling. Bare feet, thongs, scuffs etc. are unacceptable.
- 3.2 Earphones or any other device or clothing, which may interfere with hearing or sight, shall not be worn.
- 3.3 Riders are expected to carry their own adequate supply of tools and spare parts and make their own provision for sufficient food and drink for the duration of the ride.

- 3.4 It is strongly recommended that riders wear reflective vests and anklets between the hours of sunset and sunrise.
- 3.5 Riders will be required to wear an approved cycling helmet while participating in any ride organised by the Association in accordance with the local traffic regulations.

4. Alcohol

No alcohol shall be consumed for the duration of the ride.

5. Conduct

- 5.1 Riders shall show respect towards individuals and their property.
- 5.2 Riders shall obey all rules applying to accommodation used by the Association.
- 5.3 Any rider who, because of his/her misconduct or medical condition, places any other rider in danger may be expelled from the ride. In extreme cases, such members actions or conditions may provide grounds for termination of his/her membership.

6. Leaders Rights and Responsibilities.

- 6.1 The Leader shall ensure that at least one of the suitable first aid kits is carried on the ride or tour.
- 6.2 The Leader shall ensure that new and/or inexperienced riders are adequately supervised.
- 6.3 The Leader is responsibly for determining which riders may be eligible for any awards pertaining to the ride.
- 6.4 The Leader has the right to prohibit any rider from participating in a ride or tour if he/she may not be able to complete the ride or tour safely.
- 6.5 The Leader may reprimand any rider for misconduct or wilful disruption of the group: the Leader may demand that the rider leave the ride or tour.
- 6.6 The person selected to lead a ride or tour shall remain the Leader until the conclusion of the ride or tour unless he/she hands the leadership over to another member or he/she has been relieved of his/her duties.
- 6.7 Any Committee Member may relieve the Leader of his/her duties in the event of a gross negligence or misconduct by the Leader.
- 6.8 Any ride or tour may be re-scheduled, cancelled, amended or otherwise altered by a simple majority decision by the Leader or quorum of Committee Members prior to the event, or the Leader together with those Committee Members present on the day or during the progress of a ride or tour. In the event of an even vote, the Leader shall have the casting vote.

7. Rides and Tours

- 7.1 Non-members of the Association may be charged an additional fee for tours and achievement rides; such fee shall be determined by the Committee.
- 7.2 All tour expenses, including organising costs, shall be divided between participants in that tour.
- 7.3 A closing date may be set for any tour by which all tour fees shall be paid.
- 7.4 Any rider under the age of 16 years must be accompanied by a rider who is entitled to be present at the ride or tour, who is over the age of 18 and accepts responsibility for that rider

8. Right of Appeal.

- 8.1 All members shall have the right to appeal to the Committee on any decision arising from these by-laws.

9. Cyclist Defence Fund (CDF)

- 9.1 The Committee of the Association has sole discretion as to the extent of funds which may be made available from the CDF to a claimant member of the CTA but in any case shall not fund any claimant beyond the current limit or fund.
- 9.2 Any beneficiary of the CDF must have been a financial member of the Association at the time of the accident and for a minimum of 6 months prior to the accident.
- 9.3 In the event of a successful action funded in part by the CDF, the Committee shall determine what amount of CDF funds expended on the action shall be reimbursed by the member, such funds shall be reimbursed within fourteen (14) days of the members' first receipt of settlement monies.
- 9.4 In the event of an unsuccessful action by a claimant member in which CDF funds were utilised, the CDF seeks no reimbursement by that member.

10. Elections of Committee Members

- 10.1 Rule 10 allows for the Secretary to receive nominations up to an on the day of the Annual General Meeting. To avoid doubt, nominations for any position on the Committee may be accepted during the Annual General Meeting at any time prior to the election for that position.
- 10.2 Should any member be nominated for a position on the committee but not be successful in a ballot for that position, they may be nominated at the same meeting for another position on the committee for which the election has not yet taken place.

- 10.3 Prior to the Annual General Meeting, the Committee may specify that one or more of the six other Committee members referred to in Rule 4.5 are considered named positions. Named positions presently include the Rides Co-ordinator, Safety Officer and Newsletter Editor (or a Co-Editor). The named committee positions will be stated in the Agenda and Notice of Meeting at which election(s) are to take place.
- 10.4 The elections for members of the Committee, whether ballots are required or not, shall take place in the following order: President, Vice-President, Secretary, Treasurer, any named other committee members (in the order specified in the Notice of Meeting), and any remaining other committee members.
- 10.5 The President, Vice-President, Secretary, Treasurer and named other committee members will be elected individually. Any remaining other committee members will be elected, if required, in a single ballot.
- 10.6 Voting in any ballot will use a plurality (first past the post) system for single positions or a single round plurality-at-large equivalent for multiple positions to be elected by the one ballot.