

Amending the Constitution Associations Act 2003 (the Act)

Facts

- Amendments to the constitution do not take effect until lodged and accepted as compliant with the Act.
- Amendments are made as a special resolution at a general meeting, usually an Annual General Meeting (AGM) or Special General Meeting (SGM).
- Special resolutions require at least 21 days' notice.
- The meeting must ensure the quorum has been met.
- To amend the constitution three quarters of the voting members must approve the changes.
- The amended constitution is required to be lodged within 28 days of the meeting the members approved the changes.
- Changes to the association's objects and purposes may require advertisement in the newspaper.
- Changes to the associations name must be made through the amendment of your constitution.
- The association is responsible for ensuring approved name changes are reflected on the bank accounts, mortgages, land and on any assets.
- The NT Government Associations Compliance Team is happy to review your draft constitution prior to the meeting.

Notice to Members

It is recommend that the members be provided with the old constitution, the new constitution and a table of the changes with reasons why.

Checklist to lodge

Once the members have approved the changes lodge the amended document with the following:

- any committee member is able to complete the **application to amend the constitution**
- the AGM/SGM meeting **minutes** are supplied
- the "amend the constitution" **statutory declaration** is completed by the public officer and witnessed by someone over the age of 18.

NOTE: the statutory declaration must advise the intended correct legal name of the association and the AGM/SGM date where the members approved the changes.

- The constitution has the '**Annexure A**' located on the front page. This has the public officers name, the date that the statutory declaration was signed (not the AGM/SGM date) and is witnessed by the same person on the statutory declaration.

Checklist

- ☑ the **constitution** which has the minimum requirements identified in Section 21 of the Act:
 - ✓ The correct legal name used in full throughout the document including “incorporated” or “Inc.”
 - ✓ who can be a member and how to apply
 - ✓ the election of the committee and their powers
 - ✓ how to handle conflict
 - ✓ how to manage your funds
 - ✓ rules for altering your constitution
 - ✓ the legal name of the association, must include the word ‘incorporated’
 - ✓ the minimum notice to your members for your annual general meeting must be at least 14 days
 - ✓ the amount of notice for a special resolution is at least 21 days.

Education information, forms, fees and templates can be found:


www.business.nt.gov.au/associations

Application for change of constitution and/or change of association name

Use this form to apply for a change of constitution and/or change an associations name in accordance with the [Associations Act 2003](#).

Please note: Association name changes may incur an additional fee.

See the [incorporated association's](#) webpage for further information and the prescribed fee.


Applicant details			
Association name:	NHULUNBUY BICYCLE MOTOCROSS CLUB.		
Incorporation number:			
Do you agree to receive correspondence via email?			<input checked="" type="radio"/> Yes / No
Association amendment details			
Amended constitution	Yes / No	Association name change	<input checked="" type="radio"/> Yes / No
Constitution amendment meeting date:	SUNDAY 26 TH APRIL 2026		
Proposed name of association:	NHULUNBUY BICYCLE MOTOCROSS CLUB		
Association head office			
Address:	64 BEAGLE		
Suburb:	NHULUNBUY	State:	NT Postcode: 0880
Is your postal address the same as above? If no, complete below:			
Postal address:	PO BOX 1505		
Suburb:	NHULUNBUY	State:	NT Postcode: 0880
Contact details			
Phone number:		Mobile number:	0408816484
Email address:	nhulunbuybmx@gmail.com		
Public officer declaration			
I, (full name):	ROSS PEARCE		
Of (address):	24 Bungulwuy Cl Nhulunbuy NT		
Solemnly and sincerely declare that:			
<ul style="list-style-type: none"> The resolution to amend the current constitution and adopt the Association's new constitution was passed in accordance with the constitution at a meeting; and The amended constitution complies with the Associations Act 2003; and All statements and information contained in this application are true and correct to the best of my knowledge by virtue of the Oaths, Affidavits and Declarations Act 2010; and I have read and understood the information contained in this application; and The declaration is true and correct; and I know that it is an offence to make a declaration that is false in any material particular. 			
This declaration is made at: (location)		Nhulunbuy	on: (date) 12/5/26
Public officer signature:			
<p>Note: Under the <i>Oaths, Affidavits and Declarations Act 2010</i> a person wilfully making a false statement or altering a statement, in a statutory declaration is guilty of a crime and is liable to a penalty or imprisonment, or both.</p>			

Application for change of constitution and/or change of association name


Supporting documents checklist	
Prescribed application fee/s – See the incorporated association's page for current fee.	Yes / No
Amended constitution reflecting the name change or other changes attached	<input checked="" type="radio"/> Yes / No
A copy of minutes adopting changes attached	<input checked="" type="radio"/> Yes / No
Completed and signed public officer declaration	<input checked="" type="radio"/> Yes / No
Privacy statement	
The Northern Territory Government complies with the Information Privacy Principals scheduled by the <i>Information Act 2002</i> .	
Disclaimer	
<p>The Northern Territory Government respects and is committed to safeguarding the confidentiality and privacy of the information that it collects and handles, in accordance with the <i>Northern Territory Information Act 2002</i>.</p> <p>You have been asked to provide personal information necessary for us to meet your application requirements. You do not have to provide your personal information but if you choose not to, this application will be incomplete and we will be unable to process it.</p> <p>The information you provide will be accessible to Occupational Licensing and Associations and will only be used to provide a department service or program. We will not disclose your personal information to third parties unless, authorised or required by law to do so you have given us consent to share your personal information for a specific purpose.</p> <p>You may request access to the personal information we hold about you. If you want more information about the Northern Territory's privacy laws, please refer to the <i>Northern Territory Information Act 2002</i>, or the Office of the Information Commissioner NT.</p>	
Lodgement	
Complete applications can be lodged in person, email or via post at a Territory Business Centre below:	
Darwin:	Darwin Corporate Park, Ground Floor, Building 3, 631 Stuart Highway Berrimah
Katherine:	Big Rivers Government Centre, 5 First Street, Katherine
Tennant Creek:	Barkly Business Hub, 63 Haddock Street, Tennant Creek
Alice Springs:	Ground Floor, The Greenwell Building, 50 Bath Street Alice Springs
1800 193 111	territorybusinesscentre@nt.gov.au GPO Box 9800 Darwin NT 0801
Payment details	
<p>A fee is payable on lodgement of this application form. Payment can be made by:</p> <ul style="list-style-type: none"> • Cash (in person only); or • Cheque (made out to Receiver of Territory Monies); or • Credit card (Visa or MasterCard accepted in person or over the phone). Note: A staff member from the Territory Business Centre will contact you via phone for payment. 	
Payment date:	Receipt number: Amount paid:

Annexure "A" to be affixed to the front page of the constitution

This is the annexure marked "A" referred to in the statutory declaration of:

Name of public officer ROSS PEARCE 

Made on (date) 12/5/2026

Before me 

(signature of witness on statutory declaration)

**Northern Territory of Australia
Oaths, Affidavits and Declarations Act 2010
Statutory Declaration**

(1)
Insert name of
person making
declaration

I, (1) ROSS PEARCE

(2)
Address

of (2) 24 Bunggulway Cl Nhulunbuy NT 0880
do solemnly and sincerely declare:

(3)
Insert name of
association (old
name)

1. I am the Public Officer of

(3) Nhulunbuy BMX Club INC

Incorporated

2. The following special resolutions to amend the association's constitution and/or change the name of the association was/were passed in accordance with the constitution at a meeting held on:

(4)
Insert date of
meeting

(4) 26/4/2026

(5) Resolution: Nhulunbuy Bicycle Motocross Club INC
a) To change the associations name to:

Incorporated and/or

(5) insert new
name approved by
the members

b) The constitution (a copy of which is attached at annexure "A") be adopted.

3. The amended constitution complies with the *Associations Act 2003*

I make this solemn declaration by virtue of the *Oaths, Affidavits and Declarations Act 2010* and conscientiously believing the statements contained in this declaration and accompanying application to be true in every particular.

Declared at Nhulunbuy

(6)
Today's date

on:

(6) 12/5/2026

(7)
Signature of the
person making the
declaration

(7) 

(8)
Signature of the
witness

Before me:

(8) 

Name and contact address and telephone number of person before whom the declaration is made, legibly written, typed, or stamped.

(9)
Name of witness

(9) ALICE MARY DOYLE

(10)
Address of witness

(10) 77 BANYAN ROAD, NHULUNBUY NT 0881

(11)
Telephone number
of witness

(11) 0477 022 242

Note:

- This declaration may be made before any person who has attained the age of (18) eighteen years.
- A person wilfully making a false statement in a statutory declaration is liable to a fine or imprisonment.



SINCE 1983

**CONSTITUTION OF THE NHULUNBUY BICYCLE MOTOCROSS
CLUB INCORPORATED**

Date: 21 APRIL 2026

Contents

CONSTITUTION OF THE NHULUNBUY BICYCLE MOTOCROSS CLUB INCORPORATED	1
PART 1 – NOT SURE WHAT PART 1 is – was missing from original	4
1. Name	4
2. Objects and purposes	4
3. Definitions	5
PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION	6
4. Powers of Association	6
5. Status and Compliance of Club	6
Recognition of Club	6
Constitution of the Club	6
AusCycling	6
Amendment of the Constitution	6
Notification to AusCycling	6
PART 3 - MEMBERS	7
6. Minimum number of members	7
7. Application for membership	7
8. Membership Fees	7
9. Life Membership	7
10. Associate Membership	8
11. General	8
12. Effect of Membership	8
13. Access to information on Association	9
14. Raising grievances and complaints	9
15. Associate Members	9
17. Death of member or whereabouts unknown	9
18. Suspension or expulsion of members	9
19. Appeals against suspension or expulsion under Clause 18.	10
PART 4 - MANAGEMENT COMMITTEE	11
20. Role and Powers	11
21. Composition of Committee	11
22. Delegation	11
23. Eligibility of committee members	12
24. Nominations for election to committee	12
25. Retirement of committee members	12
26. Election by default	12
27. Election by ballot	12
28. Vacating office	12
29. Removal of committee member	13
30. Filling casual vacancy on Committee	13
31. Collective responsibility of Committee	13
32. President and Vice-President	13
33. Secretary	14
34. Treasurer	14
35. Public Officer	14
PART 5 - MEETINGS OF MANAGEMENT COMMITTEE	15
36. Frequency and calling of Meetings	15
37. Voting and decision making	15
38. Quorum	15
39. Procedure and order of business	15
40. Disclosure of interest	15
PART 6 - GENERAL MEETINGS	21
41. Convening general meetings	21
42. Special general meetings	21
43. Annual general meeting	22
44. Special resolutions	22
45. Notice of meetings	22
46. Quorum at general meetings	22
47. Lack of quorum	22
48. Voting	23
PART 7 - FINANCIAL MANAGEMENT	24
50. Financial year	24
51. Funds and accounts	24
52. Accounts and audits	24
PART 8 - GRIEVANCE AND DISPUTES	25
53. Grievance and disputes procedures	25
PART 9 - MISCELLANEOUS	24
54. Common Seal	24
55. Distribution of surplus assets on winding up	24

PART 1 – NOT SURE WHAT PART 1 is – was missing from original

1. Name

The name of the incorporated association shall be the Nhulunbuy Bicycle Motocross Club Incorporated ("the Association") hereinafter referred to as "the Club".

2. Objects and purposes

The Club is established solely for the Objects. The objects of the Club are to:

- (1) participate as a member of AusCycling (or alternative association) so Cycling can be conducted, encouraged, promoted, advanced and administered throughout the Local Area;
- (2) conduct, encourage, promote, advance and administer Cycling (which includes all disciplines of Cycling) throughout the Local Area;
- (3) act on behalf of and in the interest of the Members and Cycling in the Local Area;
- (4) affiliate and otherwise liaise with AusCycling (or alternative affiliate association) and adopt its rule and policy frameworks to further these Objects.
- (5) do all that is reasonably necessary to enable the objects of AusCycling (or alternative association) to be achieved, having regard to the Act;
- (6) effectively promulgate and enforce the AusCycling (or alternative association) Governing Documents and the UCI Governing Documents;
- (7) abide by, promulgate, enforce and secure uniformity in the application of the rules of Cycling as may be determined from time to time by AusCycling (or alternative association) or UCI and as may be necessary for the management and control of Cycling and related activities in the Local Area;
- (8) use and promote Intellectual Property.
- (9) advance the operations and activities of the Club throughout the Local Area;
- (10) select, prepare and enter teams in competitions;
- (11) have regard to the public interest in its operations; and
- (12) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these objects.

3. Definitions

In this Constitution, unless the contrary intention appears -

Act means the *Associations Act 2003 (NT)* and regulations made under that Act;

AusCycling means AusCycling Limited (ACN 644 149 351);

AusCycling Governing Documents means the constitution, regulations, code of ethics and other governing documents of AusCycling in force and as amended from time to time;

Club means Nhulunbuy Bicycle Motocross Club Incorporated.

Committee means the Management Committee of the Club;

Constitution means this Constitution as amended from time to time, and a reference to a particular clause is a reference to a clause of this Constitution;

Cycling means cycling in all its forms (as a competitive sport, as a healthy recreational activity, as a means of transport and/or for fun) and disciplines including road cycling, mountain biking, BMX, track cycling, observed trails , paracycling, cyclocross, and/or other disciplines as recognized and regulated by UCI from time to time;

Financial Institution means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

General Meeting means a general meeting of members convened in accordance with clause 47;

Member means a member of the Association;

Register of Members means the register of the Club's members established and maintained under section 34 of the Act;

Special resolution means a resolution notice of which is given under clause 50 and passed in accordance with section 37 of the Act;

UCI means the Union Cycliste Internationale;

UCI Governing Documents mean the constitution, regulations, code of ethics and other governing documents of UCI in force from time to time.

PART 2 - CONSTITUTION AND POWERS OF ASSOCIATION

4. Powers of Association

- (1) For achieving its objects and purposes, the Club has the powers conferred by sections 11 and 13 of the Act.
- (2) Subject to the Act, the Club may do all things necessary of convenient for carrying out its objects or purposes, and in particular, may -
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on the terms and in the manner it considers appropriate;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf; and
 - (g) enter into any other contract it considers necessary or desirable.

5. Status and Compliance of Club Recognition of Club

The Club is a member of AusCycling and is recognised as the entity responsible for the delivery of Cycling in the Local Area and is subject to compliance with the AusCycling constitution. The Club shall administer Cycling in the Local Area in accordance with the Objects of AusCycling,

Constitution of the Club

This Constitution will clearly reflect the objects of AusCycling and will conform to the constitution of AusCycling, subject always to the Act. If there is any inconsistency between this Constitution and the AusCycling constitution or policies (as applicable) shall prevail to the extent of that inconsistency.

AusCycling

The Club must not resign, disaffiliate or otherwise seek to withdraw from AusCycling without approval by Special Resolution.

Amendment of the Constitution

No addition, alteration, amendment or rescission shall be made to this Constitution unless the same has been approved by Special Resolution of the Club.

Notification to AusCycling

The Club must advise AusCycling as soon as practicable of any serious administrative, operational or financial difficulties.

PART 3 - MEMBERS

Division 1 - Membership

6. Minimum number of members

The Club must have at least five (5) members.

7. Application for membership

- (1) To apply to become a member of the Club, a person or family unit must apply through the prescribed process and pay the appropriate membership fee as deemed payable by an individual, family or associate member of the Club.
- (2) The Committee shall at their discretion accept as Members who have made application through the prescribed process accompanied by the Membership Fee applicable.

8. Membership Fees

- (1) The annual membership fee for both members and associate members shall be set annually by the Committee at its first meeting and shall take effect from the beginning of the upcoming racing season (calendar year).
- (2) Each member must pay either -
 - (a) a pro-rata annual fee at 6 months, based on the remaining part of the calendar year, or
 - (b) the annual membership fee upon joining the Club and
 - (c) thereafter at or prior to a date to be determined by the Committee having due regard to the start of the Club's racing season as determined by the Committee.
- (3) A member whose membership is not paid within 3 months or the time stipulated by the Committee at time of setting fees, ceases to be a member.
- (4) In addition to the annual membership fee, the Committee shall set all other relevant fees including that for racing, facility use and other services to members for the upcoming racing season at its first meeting.

9. Life Membership

- (1) Life membership may be conferred on a member for the purpose of acknowledging outstanding service to the Club.
- (2) Life members may only be appointed at the discretion of the Committee and its decision in the matter shall be final.
- (3) A Life member:
 - (a) shall not be required to pay the annual membership fee; racing fees as and where applicable to a life member, shall be levied as for any ordinary member, and
 - (b) shall have full membership rights, including voting and eligibility for any office within the Club.

- (4) Life membership may only be repealed at Annual General Meetings.

10. Associate Membership

- (1) Associate membership may be conferred on application, to an individual or Family unit member of another affiliated BMX club, on payment of prescribed fee and approval by the Committee.

Division 2 - Rights of members

11. General

- (1) Subject to clause 11(2), a member may exercise the rights of membership when his or her name is entered in the register of members.
- (2) A right of membership of the Club -
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates on the cessation of membership whether by death, resignation or otherwise.
 - (c) A member must treat all fellow members, committee, contractors and representatives of the Club with respect and courtesy at all times.
 - (d) A member must not act in a manner unbecoming of a member or prejudicial to the Objects and interests of the Club or Cycling, or both.

12. Effect of Membership

- (1) Members acknowledge and agree that -
- (a) this Constitution constitutes a contract between each of them and the Club and that they are bound by this Constitution, the AusCycling Governing Documents and the Policies;
 - (b) they shall comply with and observe this constitution, the AusCycling Governing Documents and the Policies and any determination, resolution or policy which may be made or passes by the Board or any duly authorised committee;
 - (c) by submitting to this Constitution, the AusCycling Governing Documents and the Policies they are subject to the jurisdiction of the Club;
 - (d) this Constitution is made in pursuit of a common purpose, namely for the mutual and collective benefit of the Club, the Members and Cycling;
 - (e) this Constitution and Policies are necessary and reasonable for promoting the Objects and particularly the advancement and protection of Cycling;
 - (f) neither membership of the Club nor this Constitution gives rise to -
 - (i) any proprietary right of Members in, to or over the Club or its property or assets;
 - (ii) any automatic right of a Member to renewal of their membership of the Club; or
 - (iii) subject to the Act and the Club acting in good faith, the right of Members to natural justice unless expressly provided for in this Constitution; and
 - (iv) they are entitled to all benefits, advantages, privileges and services of Club membership.

13. Access to information on Association

The following must be available for inspection by members:

- (1) a copy of this Constitution, as a document or online;
- (2) a censored copy of general committee meeting minutes will be made available on request;
- (3) annual reports and annual financial reports.

14. Raising grievances and complaints

- (1) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Club.
- (2) The grievance or complaint must be dealt with by the procedures set out in Part 8.

15. Associate Members

An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

Division 3 - Termination, death, suspension and expulsion

16. Termination of membership

Membership of the Club may be terminated by-

- (1) a notice of resignation addressed and posted to the Club or given personally to the Secretary or another committee member.
- (2) non-payment of the annual membership fee within the time allowed under clause 8(3); or
- (3) expulsion in accordance with this Division.

17. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

18. Suspension or expulsion of members

- (1) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Club, the Committee must give notice of the proposed suspension or expulsion to the member.
- (2) The notice must -
 - (a) be in writing and include -
 - (i) the time, date and place of the committee meeting at which the

- (b) (ii) question of that suspension or expulsion will be decided; and
the particulars of the conduct; and
be given to the member not less than 30 days before the date of the
committee meeting referred to in paragraph (a)(i).
- (3) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (4) The Committee may suspend or expel or decline to suspend or expel the member from the Club and must provide written notice of the decision and the reason for it to the member.
- (5) Subject to clause 19, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

19. Appeals against suspension or expulsion under Clause 18.

- (1) A member who is suspended or expelled under clause 18 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.
- (2) The appeal must be considered at a general meeting of the Club, and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.
- (3) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.
- (4) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.

PART 4 - MANAGEMENT COMMITTEE

Division 1 - General

20. Role and Powers

- (1) The business of the Club must be managed by or under the direction of a Management Committee.
- (2) The Committee may exercise all the powers of the Club except those matters that the Act or this Constitution requires the Club to determine through a general meeting of members.
- (3) The Committee may appoint and remove staff.
- (4) The Committee may establish one or more subcommittees consisting of the members of the Club the Committee considers appropriate.

21. Composition of Committee

- (1) The Management Committee shall consist of-
 - (a) President;
 - (b) Vice-President;
 - (c) a Secretary;
 - (d) a Treasurer;
 - (e) a Registrar ; and
 - (f) at least three (3) but not exceeding six (6) general committee members.
- (2) The Management Committee must appoint a member to be the Association's Public Officer.

22. Delegation

- (1) The Committee may delegate to a subcommittee or staff any of its powers and functions other than -
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 - Tenure of office

23. Eligibility of committee members

- (1) A committee member must be a member who is 18 years or over.
- (2) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 30.

24. Nominations for election to committee

- (1) Any member is eligible for election to the Committee upon nomination any time before or at the next annual general meeting.
 - (a) The nomination must be seconded
 - (b) The nominee must signify his or her willingness to stand for election.
- (2) A person who is eligible for election or re-election under this clause may -
 - (a) vote for himself or herself.

25. Retirement of committee members

- (1) A committee member holds office until the next annual general meeting unless the member vacates the office under clause 28 or is removed under clause 29.
- (2) Subject to subclause (3), at an annual general meeting the office of each committee and operating member becomes vacant and elections for a new Committee and operation members must be held.
- (3) The President of the outgoing Committee must preside at the annual general meeting until a new member is elected as President.
- (4) Members may serve consecutive terms on the Committee.

26. Election by default

- (1) If the number of persons nominated for election to the Committee under clause 24 does not exceed the number of vacancies to be filled, the President must declare the persons to be duly elected as members of the Committee at the annual general meeting.
- (2) If vacancies remain on the Committee after the declaration under subclause (1), the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 30.

27. Election by ballot

- (1) If the number of nominations exceeds the number of vacancies on the Committee, ballots for those positions must be conducted.
- (2) The ballot must be conducted in a manner determined from time to time by resolution at a general meeting.
- (3) The members chosen by ballot must be declared by the President to be duly elected as members of the Committee.

28. Vacating office

The office of a committee member becomes vacant if -

- (1) the member -

- (a) is disqualified from being a committee member under section 30 or 40 of the Act;
 - (b) resigns by giving written notice to the Committee;
 - (c) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - (d) ceases to be a resident of the Northern Territory;
 - or
 - (e) ceases to be a member of the Club;
- (2) the member is absent from more than -
- (a) three (3) consecutive committee meetings
 - or
 - (b) three (3) committee meetings in the same financial year without tendering apology to the President; of which meeting the member received notice and the committee has resolved to declare the office vacant.

29. Removal of committee member

- (1) The Club, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (2) If a vacancy arises through removal under subclause (1), an election must be held to fill the vacancy.

30. Filling casual vacancy on Committee

- (1) If a vacancy remains on the Committee after the application of clause 26 or if the office of a committee member becomes vacant under clause 28, the Committee may appoint any member of the Club to fill that vacancy.
- (2) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 - Duties of committee members

31. Collective responsibility of Committee

- (1) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.
- (2) The Committee is collectively responsible for ensuring the Club complies with the Act and regulations made under the Act.

32. President and Vice-President

- (1) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.
- (2) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (3) If the President and Vice-President are both absent, the presiding member for that meeting must be -
 - (a) a member elected by the other members present if it is a general meeting;
 - or
 - (b) a committee member elected by the other committee members present if it is a committee meeting.

33. Secretary

The Secretary must as a minimum -

- (1) coordinate the correspondence of the Club;
- (2) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- (3) maintain the register of members in accordance with section 34 of the Act;
- (4) unless the members resolve otherwise at a general meeting- have custody of all books, documents, records and registers of the Club, other than those required by clause 34(5) to be in the custody of the Treasurer; and
- (5) perform any other duties imposed by this Constitution on the Secretary.

34. Treasurer

- (1) The Treasurer must as a minimum -
 - (a) receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club;
 - (b) pay all moneys received into the account of the Club;
 - (c) make any payments authorized by the Committee or by a general meeting of the Club from the Club's funds; and
- (2) The Treasurer must ensure the accounting records of the Club are kept in accordance with section 41 of the Act.
- (3) The Treasurer must coordinate the preparation of the Club's annual statement of accounts in accordance with Schedule 4 of the *Association Regulations*.
- (4) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- (5) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Club unless the members resolve otherwise at a general meeting.
- (6) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

35. Public Officer

- (1) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act;
- (2) The public officer must keep a current copy of the Constitution of the Club.

PART 5 - MEETINGS OF MANAGEMENT COMMITTEE

36. Frequency and calling of Meetings

- (1) The Committee must meet together for the conduct of business not less than 6 times in each financial year.
- (2) The President, or at least half the committee members, may at any time convene a special meeting of the Committee.
- (3) A special meeting may be convened to deal with an appeal under clause 19.

37. Voting and decision making

- (1) Each committee member present at the meeting has a deliberative vote.
- (2) A question arising at a committee meeting must be decided by a majority of votes.
- (3) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

38. Quorum

For a committee meeting, one-half of the committee members constitute a quorum.

39. Procedure and order of business

- (1) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.
- (3) Only the business for which the meeting is convened may be considered at a special meeting.

40. Disclosure of interest

- (1) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Club must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.
- (2) The Secretary must record the disclosure in the minutes of the meeting.
- (3) The President must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

PART 6 - GENERAL MEETINGS

41. Convening general meetings

- (1) The Club must hold its first annual general meeting with 18 months after its incorporation.
- (2) The Club must hold all subsequent annual general meetings within 5 months after the end of the Club's financial year.
- (3) The Committee -
 - (a) may at any time convene a special general meeting;
 - (b) must, within 30 days after the Secretary receives a notice under clause 19(1), convene a special general meeting to deal with the appeal to which the notice relates; and
 - (c) must, within 30 days after it receives a request under clause 42(1), convene a special general meeting for the purpose specified in that request.
- (4) The association may hold a general meeting at two or more venues using any technology that gives the members as a whole a reasonable opportunity to participate, including to hear and be heard.
- (5) Anyone using this technology is taken to be present in person at the meeting.

42. Special general meetings

- (1) Special General Meetings of the Club may be summoned at the request of one or more of the following:
 - (a) The President
 - (b) Five Members of the Committee
 - (c) A petition signed by ten (10) or more members.
- (2) The request must state the purpose of the special general meeting;
- (3) If the Committee fails to convene a special general meeting within the time allowed -
 - (a) for clause 41(3)(b)- the appeal against the decision of the Committee is upheld; and
 - (b) for clause 41(3)(c)- the members who made the request may convene a special general meeting as if they were the Committee.
- (4) If a special general meeting is convened under subclause (3)(b), the Club must meet any reasonable expenses of convening and holding the special general meeting.
- (5) The Secretary must give to all members not less than 21 days notice of a special general meeting.
- (6) The notice must specify -
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted .

43. Annual general meeting

- (1) The Secretary must give to all members not less than 14 days' notice of an annual general meeting.
- (2) The notice must specify -
 - (a) when and where the meeting is to be held; and
 - (b) the particulars of and the order in which business is to be transacted.
- (3) The order of business for each annual general meeting is as follows:
 - (a) the adoption of the minutes of the last annual general meeting;
 - (b) the consideration of the accounts and reports of the committee;
 - (c) the election of new committee members;
 - (d) any other business requiring consideration by the Club at the meeting.

44. Special resolutions

- (1) A special resolution may be moved at any general meeting of the Club.
- (2) The Secretary must give all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- (3) the notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution .

45. Notice of meetings

- (1) The Secretary must give a notice under the Part by -
 - (a) serving it on a member personally; or
 - (b) sending it by post or electronically to a member at the address of the member appearing in the register of members.
- (2) If a notice is sent by post under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

46. Quorum at general meetings

At a general meeting, 5 members present in person constitutes a quorum.

47. Lack of quorum

- (1) If within 20 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present -
 - (a) for an annual general meeting or special general meeting convened under clause 41(3)(a)- the meeting stands adjourned to the same time on the same day in the following week and to the same place;
 - (b) for a meeting convened under clause 41(3)(b) - the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
 - (c) for a meeting convened under clause 41(3)(c) - the meeting lapses.
- (2) If within 20 minutes after the time appointed by subclause (1)(a) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting.
- (3) The President may, with the consent of a general meeting at which a quorum is

present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.

- (4) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (5) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

48. Voting

- (1) Subject to clauses 10, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- (2) At a general meeting -
 - (a) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and
 - (b) a special resolution put to the vote is passed if two-thirds of the members who are present in person or by proxy vote in favour of the resolution.
- (3) A poll may be demanded by the President or by 3 or more members present in person or by proxy.
- (4) If demanded, a poll must be taken immediately and in the manner the President directs.

49. Proxies

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting.

PART 7 - FINANCIAL MANAGEMENT

50. Financial year

The financial year of the Club is the period of twelve months ending on 30th June.

51. Funds and accounts

- (1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
- (2) All drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members nominated by the committee for this purpose.
- (3) All funds of the Club must be deposited into the financial account of the Club no later than 5 working days after receipt or as soon as practicable after that day.
- (4) With the approval of the committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

52. Accounts and audits

The responsibility of the Committee under clause 31(2) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to -

- (1) the keeping of accounting records;
- (2) the preparation and presentation of the Club's annual statement of accounts.
- (3) the auditing of the Club's accounts.

PART 8 - GRIEVANCE AND DISPUTES

53. Grievance and disputes procedures

- (1) The Grievance procedure set out in this clause applies to dispute under this Constitution between -
 - (a) a member and another member, or
 - (b) a member and the Committee
- (2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.
- (4) The mediator must be -
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement -
 - (i) for a dispute between a member and another member - a person appointed by the Committee; or
 - (ii) for a dispute between a member and the Committee - a person who is a mediator appointed or employed by the department administering the Act.
- (5) A member of the Club can be a mediator.
- (6) The mediator cannot be a party to the dispute.
- (7) the parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) the mediator, in conducting the mediation, must -
 - (a) give the parties to the mediation process every opportunity to be heard.
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law or through any dispute resolution mechanism provided from time to time by the sport's governing body.

PART 9 - MISCELLANEOUS


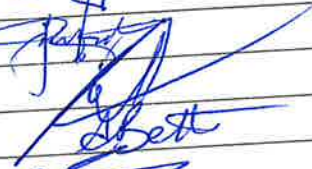

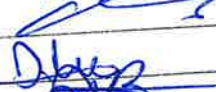


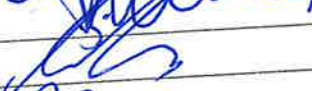



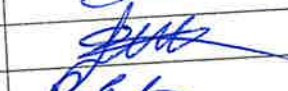





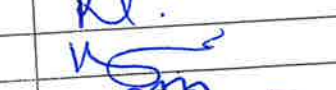
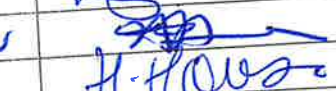
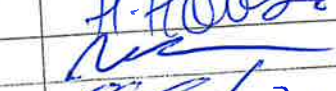











54. Common Seal

- (1) The common seal of the Club must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (2) The affixing of the common seal of the Club must be witnessed by any 2 of the following:
 - (a) the President;
 - (b) the Secretary;
 - (c) the Treasurer.
- (3) The common seal of the Club must be kept in the custody of the Secretary or another person the Committee from time to time decides.

55. Distribution of surplus assets on winding up

- (4) If on the winding up or dissolution of the Club, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.

Special General Meeting Attendance Sheet 26/04/2026

Name	Signature
Dyann De Santis	
Sam Christie	
Emma Guinay	
Arken Basford	
Aiden Wainstall	
Aliso Betts	
Barclay Cans	
Daniel King	
Ashleigh Ayres	
Gemma Wilson	
Beth McCarthy	
Jess James	
Rachael Coonan	
Nick Coonan	
Jack Frantz	
Jess Mumford	
Dan. Rule.	
Jed Milliffe	
Ranae Easton	
Lily Kay	
Janus Newitt.	
Courtney Myers	
Mark King	
Daniel King	
Bradley Kingston	
Kirstie Ann Shepherd	
Frank Komar.	
Richie Adams	
Renel Jaso	
Wayne Jaso	
Holly Howse	
Hannah Howse	
Mitch Howse	
Elise Leach	
Caroline Williams	
Katey Deane	

Special General Meeting (SGM) Template

Nhulunbuy BMX Club

Date: ___26/04/2023_____

Time: ___1645_____

Location: ___Nhulunbuy BMX Track_____

Special General Meeting Agenda

1. Welcome

- Meeting opened by: ___Ross Pearce President___
- Time opened: ___1645_____

2. Attendance

Name	Position	Present/Apology
Ross	President	Present
Jasmine	Vice President	Present
Lizzie	Secretary	Present
Wanda	Finance Officer	Present

Scanned list of paying member attached.

3. Confirmation of Quorum

- Quorum achieved: Yes
-

4. Purpose of Special General Meeting

Outline the reason for the SGM: Changes to the Constitution to bring up to date and change to club name to bring into line with ABN and ATO.

5. Previous Meeting Minutes

- Confirmation of previous meeting minutes: N/A
 - Carried: Yes / No
-

6. Business Arising

Item Discussion Action Required

Special Resolution(s)

Motion to make changes to The Nhulunbuy Bicycle Motocross Club Constitution.

Changes proposed:

- Clause 1- Amended title
- Clause 2 – added or affiliate association terminology
- Clause 3 – new clause
- Clause 4 – updated club name
- Clause 6 – updated constitution of the club definition
- Clause 8 – Updated appn process, added subclause (2)
- Clause 8 (old) – removed
- Clause 9 – updated heading & fees terms
- Clause 14 – added online
- Clause 20 – finished sentence
- Clause 43 – updated request, removed 2B
- Clause 48 – (2) finished sentence
- Clause 50 – removed (proxies)
- Clause 51 - removed refence to cheques
- Clause 55 – removed (2) – reference to NCL

Global changes:

- Added Part 1
- Added table of contents
- Clause changes updated throughout
- Updated refences to clauses referencing throughout
- Global editing

-
- Moved by: _Ross Pearce President
 - Seconded by: _all in favour 65 to 0
-

Vote Result:

X Carried

Defeated

8. General Business N/A

Topic Notes Action

9. Next Meeting

Date: __18/05/2026__

Time: __1800__

10. Meeting Close

- Time closed: __1658__
-

Signed

Chairperson: __Ross Pearce__

Signature: ____

Date: __26/04/2026__

Action Items Summary

Action Item Responsible Person Due Date