

**SWAN HILL SPORTING CAR  
CLUB INCORPORATED  
A0032422J  
CONSTITUTION**

As amended on July 2012

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Constitution — July 2012

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## **1. CLUB MANAGEMENT**

This document details the constitution for the Swan Hill Sporting Car Club Incorporated., (hereafter referred to as "The Club") which explains the nature of the Club and rules under which it is managed.

Any changes to this constitution require a special resolution to be put to the vote by members.

In addition to this constitution, the Club also maintains by-laws, job descriptions and processes, which are determined and amended by resolution of the Committee.

Any requirement for further information or interpretation of Club management activities should be referred to the Committee whose decision is final.

## **2. CLUB PURPOSE**

### **2.1 Mission**

The Club's goal is to cater for the enjoyment of Motor Sport.

### **2.2 Objectives**

The Club aims to achieve its mission through the following actions:

- by promoting road safety
- by developing a culture of safe driving through training and education
  - by have regard to the public interests in its operations
- by conducting, encouraging, administering, promoting, advancing and managing motorsport within the club through fair competition
  - by ensuring that all motorsport within the club is carried out in a competitive and fair manner with consideration to the safety of participants, officials, spectators and the public
  - by helping members maintain and enhance their vehicles
- by communicating and interacting with similar interest clubs.
- by cooperating with and supporting other clubs whose activities and purposes are similar to our club
- by regularly publishing technical information and other articles of interest to members
- by organising and participating in activities such as:
  - tours, displays, meetings, social activities, technical sessions, deals on goods and services for members
- by encouraging and rewarding active participation in Club activities
- by promoting the awareness and appreciation of Motor Sport.

### **3. INCORPORATION**

The Club formed in November 1995 and was incorporated as "Swan Hill Short Course Club Incorporated in November 1995. It is subject to the *Associations Incorporation Act 198*, which is administered by the Victoria Department of Consumer Affairs. The club changed its name to Swan Hill Sporting Car Club Incorporated in July 2012.

As an Incorporated body, the Club can

- continue regardless of changes to membership
- accept gifts and bequests
- buy and sell property
- enter into enforceable contracts
- sue or be sued

The Incorporated status protects members by:

- ensuring the Club is managed in an appropriate manner
- using the Department of Consumer Affairs to effect Club rules where necessary
- limiting any financial liability of members to those fees required for joining and renewal purposes only
- ensuring that individual members cannot be sued for damages, in the event of a mishap whilst participating in any Club event

### **4. MEMBERSHIP**

#### **4.1 Qualifications**

All membership applications are subject to approval by the committee.

##### **4.1.1 Regular Membership.**

May be granted to person(s) over the age of twelve (12) years who has an interest in Motor Sport.

##### **4.1.2 Honorary or Life Membership**

Honorary or life membership may be conferred on a person who, in the opinion of the committee, has provided long, loyal or meritorious service to the club.

##### **4.1.3. Definition of the term Member**

All references to Members includes all types of members unless otherwise specified.

#### **4.2 Membership Management**

The Committee will maintain processes to cater for members joining and separating from the Club. This will include agreed practise for:

- maintenance of current application documentation
- ensuring all Club members have access to a copy of the constitution
- collection of required fees
- Committee approvals
- maintenance of a register of members

#### **4.3 Members Obligations**

All members, are required to:

- read and abide by the Club constitution
- keep the Club advised of any changes to contact details (address etc)
- pay Club fees as necessary. Any member whose subscription is overdue by more than six (6) weeks shall cease to be a member and will remain liable for any outstanding fees

#### **4.4 Members Entitlements**

Members' entitlements are not transferable to any other person.

All Members are entitled to:

- participate in Club events
- membership of the club's electronic mail lists and forums
- utilise the Club members network for advice and support
- speak and vote at Club members meetings
- attend Committee meetings by prior arrangement
- with legitimate reason, inspect Club records, books and other documents, free of charge, at any time with reasonable notice.

#### **4.5 Service of Notices**

Letters, notices and magazines will be considered to have been received by the member if they were:

- hand delivered or
- posted to the address as shown on the register of members or
- emailed to the address as supplied by the member

### **5. FUNDS MANAGEMENT**

#### **5.1 Financial Records**

The financial year of the Club is from 1<sup>st</sup> July to 30<sup>th</sup> June.

Club income can be generated from the following sources:

- members joining and renewal fees
- purchase, manufacture and resale of parts and merchandise
- donations
- bank interest
- any other sources decided upon by the Committee from time to time

Club funds may only be used in pursuance of the Clubs stated objectives.

Financial accounts are presented to members at each Annual General Meeting for approval prior to submission to Consumer Affairs Victoria.

#### **5.2 Club Fees**

The Committee will determine appropriate fees within the following guidelines:

- fees may be charged for
  1. joining the Club (where not a financial member the previous year)
  2. renewal of annual membershipMembership fees fall due at the start of the club financial year or upon successful application for membership.
- Membership fees are non refundable.

## **6. DISPUTES**

A 'dispute' is defined as *"a conflict between members, or member(s) and the Committee, on a Club-related matter, where a complaint is made in writing to the Committee for intervention and resolution"*

The detailed Dispute Resolution Process is maintained as a Club by-law and can be obtained from any Committee member.

The process supports a 3-tiered approach to ensure fairness to all members as follows:

1. Mediation.
2. Ruling.
3. Appeal.

The process is defined in the club by-laws

## **7. THE COMMITTEE**

### **7.1 Committee Powers**

The Committee is a temporary servant of the Club to:

- control and manage Club affairs
  - appoint non Committee members and/or Sub-Committees (as required) to research issues and recommend action to the Committee
- make decisions within the boundaries of the Club rules

### **7.2 Committee Positions**

The Club Committee must consist of 4 different members, to hold the positions of:

1. President
2. Vice President
3. Treasurer
4. Secretary

Other Committee positions may, from time to time, be allocated as determined by the Committee and can be allocated individually or as combined roles, for example:

- Communications Officer
- Events Manager
- Licensing Secretary

Each member holding one or more of the above roles has equal Committee voting rights.

The Committee must appoint a Public Officer (non Committee position) as the primary Club contact for Consumer Affairs Victoria, who must be advised of any changes to this role, including when vacant.

### **7.3 Committee Members**

#### **7.3.1 Committee Elections**

Committee elections are held at each AGM where all Committee positions are declared vacant and new office holders are elected or re-elected.

The outgoing Committee organises these elections in accordance with the agreed by-law covering the Committee election process.

### **7.3.2 Casual Vacancies**

If a Committee position becomes vacant prior to the following AGM, the remaining Committee members may appoint a member of the Club to that position until the next AGM.

### **7.3.3 Removal of Committee Members**

Any Committee member may be removed from office before the next AGM in accordance with the agreed by-law for removing Committee members.

## **7.4 Committee Roles**

The Club will maintain, as a by-law, Job Descriptions for each Committee position.

### **7.4.1 Delegation by Committee to Sub-Committee**

The Club will allow the Committee to delegate functions to one or more Sub-Committees as required. This will require a written record of the delegation covering its purpose, timeframe and powers.

## **7.5 Committee Meetings**

### **7.5.1 Committee Meeting Notices**

The Committee will meet at least 6 times during the financial year where the meeting date, time and venue has been advised to Club members with a minimum of 1 (one) weeks notice.

Additional Committee meetings may be called by any Committee member, at any time of the year, provided that the meeting date, time, purpose and venue has been advised to Committee members with a minimum of 1 (one) weeks notice.

### **7.5.2 Committee Meeting Attendance**

A Committee meeting can only be held when at least 4 members of that Committee is present.

The President or his delegate will chair each meeting. The Secretary or his delegate will take and distribute minutes.

Any Club member is welcome to attend Committee meetings.

### **7.5.3 Committee Meeting Voting**

Each Committee member present at a Committee meeting may cast one vote on any issue except where votes are equal on any question, then the chairperson can choose to defer the issue or exercise a casting vote.



## 8. MEMBERS MEETINGS

### 8.1 Types of Members Meeting

Club administration issues are generally addressed during Committee meetings, which any members are welcome to attend (see above).

Members meetings will support the Club objectives by focusing on communication regarding motor sport.

Where required, three types of administrative meetings are held for Club Members as follows:

Meeting Name	Called By	Purpose
Committee Meeting	The Committee	to discuss and agree to Club issues to administer the general operations of the club
Special General Meeting	The Committee or Members	• for the Committee or members to table a Special Resolution forum for Members to raise issues independently of the Committee as needed
Annual General Meeting	The Committee	to formally acknowledge and record the transition to a new financial year to provide a status update to members regarding Club affairs to elect Committee members

### 8.2 Members Meetings – Frequency

Meeting Name	Frequency
Committee Meeting	Called as required by the Committee
Special General Meeting	Called by the Committee as they require or when at least 10% of the total Club members request a Special General Meeting in writing
Annual General Meeting	Held once per year, within 2 months of the start of the Club financial year, except where an extension is granted by the Department of Consumer Affairs.

### 8.3 Members Meeting - Notices

The Committee must ensure that Club members receive notification of club meeting dates, times and venues with the following notice periods:

Meeting Name	Notice Required
Committee Meeting	7 days
Special General Meeting	<u>14 Days</u>
Annual General Meeting	<u>28 Days</u>

The type of meeting must be specified in the notice with details of the purpose of the meeting.

Different types of meetings can be held at the same time/venue but must be run separately (i.e. one meeting closed, the next opened).

## **8.4 Members Meetings - Attendance**

Any members meeting can only be held when at least 10% of Club members, eligible to vote, are present.

The President or his delegate will chair each meeting. Where this does not occur, those present may elect a chairperson.

The Secretary or his delegate will take and distribute minutes. Where this does not occur, those present may elect a minute taker.

## **9. SPECIAL RESOLUTIONS**

*A 'Special Resolution' is required to make any changes to this constitution or to cancel the incorporated status.*

To pass a Special Resolution:

1. The Committee will organise the meeting and distribute material, including funding, printing and deliveries (within a reasonable limit).
2. All members must be notified that a Special General Meeting is being called (see section 8)
3. The Special Resolution for voting must be clearly detailed to all members with any supporting information
4. A Proxy Form for voting must be supplied to all members
5. Three-quarters of the members who exercise their vote (in person or by proxy) must vote for the resolution.

An exception can be granted to the above requirements where a submission is made to the Consumer Affairs and it is agreed that the requirements are impractical for the subject in question.

## **10. DISSOLUTION OF CLUB**

In the event of the club being wound up or the cancellation of the incorporation of the club, the assets of the club must be disposed of in accordance with the provisions of the act.

The club shall be dissolved in the event of the membership being less than 3 persons.

The club may be dissolved voluntarily by a three quarter majority vote of the members present at an Extraordinary General Meeting convened to consider such question.

Proxy votes will be allowed at such EGM provided the Committee verifies them.

After discharging all liabilities the club's assets and funds on hand shall be dispersed in accordance with the wishes of the members attending the EGM.

## **By-Laws**

### **I Meetings Procedures**

#### **I.1 Raising Agenda Items**

To raise a business item for discussion by the Club, a member may:

- discuss the issue with a Committee member and entrust that member to carry the issue forward to a Committee Meeting on their behalf
- personally attend a Committee Meeting (by prior arrangement) and raise their issue
- write to the Secretary, detailing the issue and requesting the opportunity to table it at a meeting of members within 6 weeks from the date of the letter
- raise the issue in the 'any other business' section of a General Meeting

Where a member feels their issue was not dealt with satisfactorily, they may enlist the support of at least 5% of the Club members to request a Special General Meeting be held

#### **1.2 General and Special General Meeting Agendas**

General and Special General Meetings will utilise a formal Agenda including such items as:

- welcome and apologies
- an introduction of the purpose of the meeting
- validation of minutes of the last meeting (where appropriate)
- reports from members
- issue discussions
- any other business (General Meetings only)
- formal close

#### **1.3 AGM Agenda**

The AGM agenda will include:

- confirmation of the previous AGM minutes
- confirmation of minutes from any Special General Meeting held since the last AGM
- reports from the President, Vice-President and Secretary regarding activities in the last financial year
- presentation of financial accounts by the Treasurer
- reports from any other Committee members
- approval of the Annual Statement for submission to the Department of Consumer Affairs (within 1 month AGM)
- any other business
- declaration of all Committee positions vacant
- election of new Committee members

At the AGM, the retiring Committee is responsible for running the AGM and taking minutes, plus providing a timely hand-over to the new Committee.

## **1.4 Special General Meetings – called by members**

A petition by members for a Special General Meeting:

- must have the support of at least 5% of the Club members
- must clearly state the purpose(s) of the meeting
- must be signed by each member making the petition
- can include supporting documents, signed by one or more members making the petition
- must be lodged with the Club Secretary

On receipt of the petition, the Committee must call a Special General Meeting (with appropriate notice) within 6 weeks of the petition being lodged with the Secretary.

Where the Committee does not hold a meeting within the 6 weeks timeframe, one or more of the members who made the petition may convene a Special General Meeting within the following 3 months. This meeting:

- should be held in a similar way to other Club meetings
- entitles the petitioners to reimbursement of their expenses within a reasonable limit

## **1.5 Members Meetings - Voting**

### **1.5.1 Voting Entitlements**

A question arising at a meeting of members will generally be resolved by a show of hands. An alternative method of voting may be determined during the meeting if the majority of attendees require it.

Each financial Club member present at a meeting may cast one vote on any issue.

Where votes are equal on any question, the chairperson can choose to defer the issue, or exercise a casting vote.

### **1.5.2 Proxy Voting**

Each member is entitled to appoint another member to make his vote by proxy. The member can either instruct the proxy how to vote or allow them to vote as they see fit.

The notice appointing the proxy must not arrive later than the start time of the meeting.

## **1.6 Meetings – Adjournment/Conclusion**

If there are insufficient members present to hold a meeting, or the meeting time allocated is insufficient to conclude all items of business, the chairperson of a meeting may, with the consent of the majority of members present:

adjourn the meeting to another date, time and place, with the subsequent meeting(s) only discussing business originally planned for the adjourned meeting.

or

conclude the meeting, and carry unfinished items forward to the next appropriate meeting in the future.

or

cancel the meeting and deem the discussion item(s) closed.

## **II Disciplining, suspension and expulsion of Members**

II.1 Subject to these Rules, if the committee is of the opinion that a member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the committee may, by resolution-

- (a) suspend that member from membership of the Association for a specified period; or
- (b) expel that member from the Association.

11.2 A resolution of the committee under by-law II does not take effect unless-

- (a) at a meeting held in accordance with by-law 1, the committee confirms the resolution; and
- (b) if the member exercises a right of appeal to the Association under this rule, the Association confirms the resolution in accordance with this rule.

11.3 A meeting of the committee to confirm or revoke a resolution must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub-rule 2.4.

11.4 For the purposes of giving notice in accordance with sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the member a written notice-

- (a) setting out the resolution of the committee and the grounds on which it is based: and
- (b) stating that the member, or his or her representative, may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
- (c) stating the date, place and time of that meeting; and
- (d) informing the member that he or she may do one or both of the following-
  - (i) attending that meeting;
  - (ii) give to the committee, before the date of that meeting a written statement seeking the revocation of the resolution;
- (e) informing the member that, if at that meeting, the committee confirms the resolution, he or she may not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

11.5 At a meeting of the committee to confirm or revoke a resolution passed under sub-rule 2.1, the committee must-

- (a) give the member, or his or her representative, an opportunity to be heard; and
- (b) give due consideration to any written statement submitted by the member; and
- (c) determine by resolution whether to confirm or to revoke the resolution.

11.6 If, at the meeting of the committee, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in general meeting against the resolution.

11.7 If the Secretary receives a notice under sub-rule (11.6), he or she must notify the committee and the committee must convene a general meeting of the Association to be held within 45 days after the date on which the Secretary received the notice.

11.8 At a general meeting of the Association convened under sub-rule 11.7

- (a) no business other than the question of the appeal may be conducted; and
- (b) the committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
- (c) the member, or his or her representative, must be given an opportunity to be heard; and
- (d) the members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.

11.9 A resolution is confirmed if, at the general meeting, not less than two-thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

### **III Removal of Committee Members**

A Committee member who has not attended 3 consecutive committee meetings without submitting a formal apology prior to each meeting shall be deemed to have vacated the position.

In the event that apologies have been submitted, a vote of the Committee Members in attendance at the third meeting, shall determine if the member has been performing the duties required to the satisfaction of the committee. In the event that the vote deems the duties have not been performed satisfactorily, the position shall be declared vacant.

Should a committee position be deemed or declared vacant pursuant to this by-law, the position will be filled as per the requirements for casual vacancies as set out in clause 8.3.2 of the constitution

### **IV Family Membership**

#### **IV.1** A Family Membership confers the same rights as one (1) Regular Membership

##### 1V.1.1 Definition of Family

"Family" is defined as you, your domestic partner, and one or more Dependents. A dependent child means an unmarried child of a member, less than 25 years of age and dependent on the member for support. An unmarried child of a member, 25 years of age or over, whom is a full-time student and dependent for support on the member. All family memberships include up to 4 family members, but may be expanded at the discretion of the committee.

##### 1V.1.2 Family Membership Fees

As per Item 6.2 of the constitution, the committee will determine appropriate fees for Family Membership.

**FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_ (full name)

of \_\_\_\_\_  
\_\_\_\_\_ (address)

being member number \_\_\_\_\_ Of Swan Hill Sporting Car Club Inc.

hereby appoint \_\_\_\_\_ (name of proxy)

of \_\_\_\_\_  
\_\_\_\_\_ (address)

being member number \_\_\_\_\_ of Swan Hill Sporting Car Club Inc.

as my proxy, to vote for me on my behalf at the meeting of the association to be held on the  
\_\_\_\_\_ (date) and at any adjournment of that meeting.

In the absence of that person, the Chairperson of the meeting should act as my proxy.  
(delete if **not required**)

My proxy is authorised to vote IN FAVOUR OF I AGAINST / ABSTAIN (delete as required)

the resolution regarding

\_\_\_\_\_  
\_\_\_\_\_ (issue description)

(NOTE. Where the voting instructions are not completed, the proxy is authorised to vote as they see fit).

\_\_\_\_\_  
Signature of member

Date \_\_\_\_\_

**VOTING RIGHTS**

1. Single Members have one vote each
2. Only fully paid up members as at the voting day are permitted to vote

**This form must be sent to the Club Secretary to arrive not later than the start time of the meeting where the vote is to be taken.**

## **11. Committee Roles**

### **President**

Requires good communication, management and presentation skills.

**Responsibilities:** Chairing meetings, public face, overall direction of the club.

To preside at, and chair, meetings of the club. Maintain proper control and act in the best interests of the club. Maintain an impartial attitude in all discussions and publicly represent the club at official levels. Ensure that Office Bearers perform their duties. Advise Committee Members on club policy. Provide guidance and assistance for Committee Members. Represent the club at official non-club functions. Review performance of the club in achieving its goals. Develop and set policy direction for the future. Identify and advance new opportunities for the club. Keep abreast of club activities. Liaise with general membership.

In summary, the President should lead without controlling. Involve club members in decisions that affect them. Stimulate balanced discussions and ensure resolution to same. Conduct meetings in a professional manner and time meetings to conclude on time. Encourage focused discussion and keep meetings on track. Negotiate successfully between members. Seek and obtain feedback from the membership and ensure that the club attains the goals and represents the views of members.

### **Vice President**

Requires good communication, management and presentation skills.

**Responsibilities:** Assisting the President and other Committee Members.

To deputise for the President at club and committee meetings where the President is unable to attend, or as directed by the President. Ensure that the club functions are not compromised. Carry out Presidential duties as delegated by the President. Assist the President and other committee members with their duties as required.

### **Secretary / Membership Secretary**

Requires good management skills and documenting abilities.

**Responsibilities:** Documentation and maintaining of Official Records.

Ensure that the club is always operating within the guidelines and framework of its charter and statutory requirements. Ensure the club maintains all records as required by statutes. Issue formal notices as required. Prepare meeting agendas and circulate to all relevant parties. Document Committee Meetings and prepare formal minutes from same within a timely manner. Receive club correspondence, document and keep these safe. Primary contact for all statutory bodies.

Manage and maintain membership register. Prepare membership packs and ensure they are sent to new members in a timely manner upon receipt of application and payment of fees. Send correspondence to members as required. Ensure members are notified when renewal is required. Assist with budget planning and work to budgets provided.



## **Treasurer**

Requires good accounting and management skills.

**Responsibilities:** Management of Club Funds and Membership Register.

To receive all monies, pay all debts, manage club financial (bank) accounts, develop budgets, monitor investments, prepare reports and generally look after all financial dealings of the club. Prepare income and expenditure statements for reports on a regular basis and arrange for Auditing of accounts as required.

Work with the committee to present budgets that take into account the objectives of the committee/club. Manage the club's overall budget.

## **Communications Officer**

Requires good communication and management skills.

**Responsibilities:** Management of all internal and external communications.

Develop and build relationships (regular contact) with media outlets that would benefit the club. Promote the club through these outlets. Supervise the club magazine and Internet Site ensuring that they maintain high standards. Ensure that the clubs internet communication facilities can be accessed by all members and other relevant parties. Ensure that the clubs Internet presence is kept up to date. Assist with budget planning and work to budgets provided.

**Internet Administrator:**

**Responsibilities:** Source, prepare, edit and format material for Club Web Site.

Requires the ability to work remotely in a team, to ensure assigned tasks are properly completed. Good computer technical skills are also required. Ensure that the clubs Internet Services are operational and up to date at all times. Develop and maintain Internet services to assist the committee, members and other parties as required. Provide reports to the Communication Officer.

## **Licencing Secretary**

Requires a proficient level of understanding licence requirements and technical knowledge of club vehicles along with good communication skills.

**Responsibilities:** Ensure all participants have correct licence level.

Duties include; disbursing, supervising completion and sending all documents required for licences and club events to our governing body.

Liaise with our governing body and keep abreast of changes and updates.

Ensure the club and members are kept up to date will all changes regarding licencing and insurance changes

## **Events Manager**

Requires good planning and management skills.

**Responsibilities:** Planning, scheduling and co-ordinating all club events.

Schedule, plan, coordinate and supervise all club social events and technical evenings in conjunction with Technical Officer. Endeavour to ensure that events held are commensurate with the wishes and desires of the membership. Ensure that reports are prepared for Communication Manager. Assist with budget planning and work to budgets provided.

### **Events Coordinator: ( 2 )**

**Responsibilities:** Assist Events Manager.

Requires the ability to work alone, to ensure assigned tasks are properly completed. Assist the Events Manager as required.