

IN GEAR



SEPTEMBER 2013

A Bi Monthly Magazine for Cerberus Car Club Members

CERBERUS CAR CLUB INC

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If you have any enquires regarding the club, no matter how small, please contact any of the committee members listed.

Meetings of the Cerberus Car Club Inc are held on the first Thursday of February, April, June, August, October and December at Le Mans Go Karts 11-55 Water view Close Dandenong South Meetings start at 8.00 pm.

YOUR ARTICLE IS NEEDED !

The deadline for each issue is one week after the General Meeting. Please ensure that your article is given to the Editor at or before each general meeting, or mailed to the below address.

Magazine E-mail - annemaree.dougherty@gmail.com or PO Box 279 Melton VIC 3337

You can also find us on the internet at
<http://www.cerberuscarclubinc.com>

DISCLAIMER:

The views expressed in this magazine are those of the author and do not necessarily represent those of the Cerberus Car Club Inc. Every effort is made to ensure accuracy of content and context but these can not be guaranteed. The printing of any advertising does not imply any endorsement or warranty from Cerberus Car Club Inc.

Our members communicate on our e-group.

This can be found at:

http://sports.groups.yahoo.com/group/cerberus_car_club

Apply to join and please identify yourself when doing this as the group is only open to members. Then come & join the fun and keep up to date with what's happening.

PREZ SEZ

Hello and welcome to another edition of In Gear. It has been a busy couple of months seeing the club run two events very successfully.

We started with our **Hillclimb at Haunted Hills**. For those of you that did not show up, you missed a fabulous day! The smaller field meant many runs for the day, with the diehards getting over twenty runs in. Talk about value for money! We had to haul Ashley James off the track 😊.

The small numbers were disappointing though. We had kept the cost low as we could to encourage members to turn up and when they didn't show on the day it meant we lost money. We ask members to nominate whether they will turn up and take it in good faith that they will. When they don't show on the day it means we miss the opportunity to invite other people to make up the numbers.

Our next event was our **Autocross at Swan Hill**. Various reasons saw us enter into an agreement with the Swan Hill Sporting Car Club to use their track. Can I say that they are a pleasure to deal with and fell over themselves offering all they could. The event ran well with good entries and after my first visit I am in love with the twin tracks. Match racing Simmo was so much fun (even though he hosed me). I can't wait to get back there in a car with oil in the front struts. We managed to get six runs in before we stopped for tea, then 3 more after that. The committee is keen to run our round there again next year and we will approach SHSCC to set this up.

We do have to call a **Special General Meeting** this week to vote on a new constitution. Corporate Affairs have changed the rules and we have to a new one. We have stuck to the model rules from them (to make our life easier) and it is pretty straight forward. But we need members to turn up and vote on this to ensure they are happy with it and we can then lodge it. All members should now have received an email from me providing them with a link to download the new constitution for viewing prior to the meeting. It is also within this month's magazine .

Mark

NOTICE OF SPECIAL GENERAL MEETING

3RD OCTOBER 2013



The next meeting of the Cerberus Car Inc to be held on the 3/10/2013 will be a Special General Meeting to vote on the adoption of a new Constitution.

We need to do this due to a change in the law under the Associations Reform Act 2012.

You will find a copy of the new Constitution on the following page for your consideration. The Committee decided at its last meeting to adopt the model rules in their entirety rather than go through the full legal and expensive process of creating our own.

We would ask as many members to attend as possible to ensure we fulfill our legal obligations in voting this in or out.

A proxy form for those unable to attend follows the copy of the new Constitution. Please ensure this gets to Mark Hallowell by Wednesday night at the latest so he can ensure these are sorted prior to the meeting. This form must be signed, so will need to be scanned and emailed or posted to Mark at 23 Hamilton St Crib Point Vic 3919

If you wish any guidance on this please contact Mark Hallowell on 0458 407 678.

Next Meeting is

THIS THURSDAY 3rd October!

Le Mans Go Karts (Function Room) 8pm



11-55 Waterview Close, Dandenong South



*Victoria's Newest &
Biggest Go Karting Complex*

***The Paul Eccles Sprint Go Karts Challenge
starts at 7pm so be there at 6.30pm to join
in on the crazy fun this championship
is proving to be!***



LAKESIDE TRACK



DAYTONA TRACK



LE MANS TRACK



With just over 5 weeks till the final round of the ARC & VRC organization has shifted up a few gears.

- The route is undertaking a major overhaul this year due to 2 stages being lost to a land slip and no guarantee from the Dept of Environment and Primary Industries - DEPI (Previously the DSE) that it will be repaired in time for the event. We lose the Tarago and Bunyip Stages that added to 30 km's and both ran twice.
- As a consequence of a last minute failure of a major sponsor to sign we are desperately looking for sponsorship and funds to conduct the event. This year sees 8 hours event coverage on free to air TV and for a modest investment companies/ product supplies gain significant exposure. If you have any suggestions on who to approach please contact alanm@rallyvictoria.com.au
- Apart from the ARC & VRC we are also running the Classics up the front and the SxS (Polaris & Can Am) both bolstering the field number and spectacle of the event
- We are also running a Power Stage at Lardner Park on the Friday morning prior to the media day. This culminates in a reverse order shoot out of the top 5 ARC crews and has 5 event points on offer to the winner & forms a significant part of the first 1 hour TV coverage.
- Rallysafe satellite tracking and safety system will be running in all cars as in 2012.
- The Officials Volunteer Website is live! We need assistance in all facets of the event eg- Stage Commanders, Assistants SC, Road Closures, Media Drivers, Signage Crews, Spectator Commanders and marshals, Service Park (this is where we need all CCC members to be helping out), Admin Staff, HQ Staff, Set up week, Equipment Manager, Podium Coordinator, Archie the Mascot wearer, and many, many more positions.

Please let Fiona know if you can help. fionam@rallyvictoria.com.au



ITEM 1 – FOREST WORKING BEE – ASSISTANCE REQUIRED!!

Date - Saturday October 12th

DEPI are not planning or prepared to undertake any preparatory work on any special stages. As a result we need to undertake some basic clean up ourselves.

Specific Attention to DEPI Ada River Road, first 6kms

- General Clean Up of Special Stages/Spec Point/Test Roads
- BBQ Lunch Provided
- Skills Required- use oxygen!

Please RSVP to Alan on – Rallysport@gotalk.net.au

ITEM 2 – OFFICIALS REGISTRATION

Cerberus Car Club's ARC is a mere 50 days away and there is the proverbial "Poo Load" of things left to do and organise.

The greatest assistance would be for all members available to help between 13-17th November (or part of). Go to the event website www.rallyvictoria.com.au and register via the officials link. *If you have received an email as a past official please use the link in the email.*

Cheers,

Alan Mackay

Event Manager & Clerk of Course
Rally Victoria

email: alanm@rallyvictoria.com.au

Web: www.rallyvictoria.com.au

Phone: (03) 5968 8105

Mobile: 0427 395 536



Dowel Takes Positives From Tough Rally Australia



Activ RallySport driver, Justin Dowel, has continued the development of his Volkswagen Polo Vivo at last weekend's Coates Hire Rally Australia at Coffs Harbour.

After an injury interrupted season, this was only Dowel's second event in the car this year, as he builds towards a full assault on the 2014 Australian Rally Championship (ARC) - a title he won back in 2011.

Together with experienced co-driver, Sue Evans, Dowel was hoping for a strong performance in the three-day event, but an unknown problem after the first Super Special Stage forced them to miss the second running of the test, and saw them incur a 10 minute penalty.

"The car ran perfectly on the first stage, but when we lined up for the second stage the engine was running on two cylinders and there was a constant flame coming out the exhaust," Dowel said.

"Rather than risk blowing the engine, we decided to drive the car back to the service park, but by the time we arrived the car was running perfectly again and the problem seemed to have rectified itself."

While the Activ RallySport team went over the VW thoroughly, they still don't know the exact cause of the misfire, but believe it may have been a blocked exhaust or a problem with the catalytic converter, which they then replaced.

With the car running well again, Dowel and Evans set off on Friday's dusty gravel stages, although with a 10 minute penalty, the Victorian admitted that it was difficult to sustain his motivation in the early parts of the event.

"To be honest, I drove terribly on the first two days of the event and I got back in to a few old habits of trying to drive the front-wheel drive car like a four-wheel drive," he said.

"It wasn't working, so I called Simon (Evans) and had a chat to him, then put in to play what he suggested and our times improved from then on."



The VW was a real crowd favourite at Rally Australia and was widely recognised as the best sounding car in the event, and while it dropped some horsepower on Saturday afternoon's stages, Dowel was happy with its performance.

"The car is awesome to drive. The brakes are great and it handles really well.

"We probably need another 40 or 50 horsepower to be competitive against the Hondas and Renaults, and the steering is a bit slow and heavy, but we have some time to work on those things before the start of next season.

Victory in Rally Australia was taken by the Honda of Eli Evans and Glen Weston, which secured them the 2013 ARC title.

- See more at: <http://www.activrallysport.com.au/home/latest/dowel-takes-positives-from-tough-rally-australia.html#sthash.CMVOzsi1.dpuf>

GET INVOLVED!

Competitor Driver/Navigator

- Rally
- Circuit
- Drift
- Speedway
- Karting
- Hill Climb
- Off Road
- Drag



Official

- Starter
- Flags
- Recovery
- Medical
- Scrunity
- Timing
- Admin
- Fire

Team Personnel

- Engineer
- Mechanic
- PR, Media
- Marketing
- Assembly
- Transport
- Logistics
- Sign Writing



Operations

- Communications
- Category Manager
- Catering & Hospitality
- Broadcasting

www.wams.org.au

Women of Australian Motor Sport (WAMS) was founded in 2010 to act as an interface with the newly created FIA Women & Motor Sport Commission (WMC).

Their mission is to increase female participation in all disciplines and positions within motor sport in Australia.

This includes (but is not limited to) disciplines such as circuit racing, drag racing, speedway, rally, off road, drifting, motorkhana/khana, autocross, hill climbing, sprints and positions such as competitors, engineers, mechanics, pit crew, media personnel, administrators and officials.

Find out more about WAMS at

<http://www.wams.org.au>

VCRS ROUND 3 COOPER MEMORIAL SPRINT – MAY 2013



Tom Ruessman & Annie Dougherty

Finished 11th – A very pleasing result, especially after their frustrating DNF at the Blue Rock Stages

Paul Eccles & Steve Eccles

Finished 13th – A great result considering Paul really battled with the awesome power of a Hyundai Excel after stepping out of the WRX.

Brian Newton & Zac Newton

By far the luckiest CCC competitors on the night. Finishing 32nd, they were lucky to finish at all after brushing up against a VERY big tree in the final stage. Zac scored himself a precautionary trip to the hospital after crossing the finish line. Thankfully, he was okay.



Kav earnt an honourable mention here after cracking a stethoscope joke with the wrong first aid 'lady' *cough* She told him precisely where to go in rather colourful fashion!

FROM THE EDITOR'S DESK

Hi All, just a quick couple of messages from me this month:

Merchandise:

Andrew Kavanagh now has the CCC merchandise and it is available to purchase at club meetings. Items for sale include Polo Shirts (\$25.00), Fleece Tops (\$30.00), Long Sleeve T-Shirts (\$15.00), Quality Jackets (\$75.00), Fluro Jackets (\$65.00), Beanies (\$10.00) and Caps (\$10.00).

Sizes S-3XL are available.

Website:

I am currently upgrading the CCC website and would welcome content contributions or suggestions on what you would like to see feature in the new look website.

Rally Victoria:

Alan Mackay recently asked everyone to be on the lookout for roadside white posts that are not in use eg. in gutters, knocked down, slightly damaged etc. We need up to 30 for Rally Vic and I'm assuming that unless a whole pile of them have fallen off the back of a council truck recently, that he could still do with them.

CCC Intro Rally 2014

Cerberus have put in an application to run an Introductory Rally next year. It will run out of Dunolly at a date to be confirmed once that calendar is formed. We are hoping to introduce a new bunch of members to organising rallies and hope they will get as much out of it as us more senior (cough) members – Mark's words, not mine! At any rate, the committee is very much looking forward to this event and we will bring you more information as it firms up.

Autocrosses, Hill Climbs & Rally Sprints

I hope you all enjoy this September edition of In Gear, designed to be a bit of a 'bumper edition'. My apologies for the absence of a July In Gear. Unfortunately business swallowed me whole throughout June and July, leaving little time to do much else besides eat, sleep, work and repeat! It's been quite a busy few months for Cerberus though, meaning the extremely successful VCAS Round at Swan Hill, our fun Haunted Hills Come & Try Day, as well as a report on the Mt Porepunkah Rally Sprint and the upcoming VRC Akademos round will all have to feature in the November edition of In Gear, along with all of the news from Rally Victoria.

Annie

VRC ROUND 2 BEGA VALLEY RALLY – JUNE 2013

The June long weekend saw CCC Crews head north across the border for the eagerly anticipated Bega Valley Rally. A freezing cold Eden greeted us and the roads were well worth the trek!



The Eden Wharf was the ceremonial start for the event and plenty of locals and rally enthusiasts were there to get up close and personal with the cars and crews.

Neil Bates was out at the speccy point, entertaining all of the kids whilst the action on the road kept the adults entertained too!



Fast times were being set on fast roads and what started as a cold morning was fast becoming a great sunny day

... Cerberus Crews started dropping like flies!



Kav & Tom were on fire in the Nissan 200sx, setting very good early stage times until they found themselves *on fire!*



Coil pack failure plagued Jeremy's car, despite him doing well throughout the first 5 stages of a long-awaited return to rally



← Kav, understandably frustrated and this was *before* he went on to discover over \$5k worth of damage and a new engine!



FIVs were sent in after the Wrights ventured off the road!

THE ROAD TO THE 2013 BEGA VALLEY RALLY



Well, where do I begin....

After weeks of preparation I turned up to take part in scrutineering for the Blue Rock Stages, round 2 of the VCRS Series. You must remember that it had taken me 6 years to get the car to the point of doing a rally and finally driving it on the dirt. Luke and Lenny met me at the scrutineering venue and we passed with flying colors. All that was needed before the rally was a quick run on the dyno to give the VL Turbo the neck snapping power it needed to keep the grade E drivers honest.



I took the rally car into work and parked it in the down stairs car park all ready to give it a tune the next day. After a 12hr shift I cruised down to Bennica Motors to get the Autronic ECM and CDI sorted. After some simple mods and plenty of time scratching our heads the car was finally producing the power I required to take on the rally.

Then... disaster struck!! The tail shaft let go at 5,000rpm in 4th gear and smashed a massive hole through the floor. Once the smoke cleared it was evident that the rear universal let go and damaged the starter motor, gearbox bell housing, tail shaft, floor, fuel lines, brake lines, fire extinguisher and many of the parts that cannot be identified as they were all mashed together.



Feeling pretty low the decision was made to pull the entry on the event and to rub salt into my wounds I decided to help out at the event at the spectator point. This seemed a good idea until I realized that the next car on the road should have been me, but instead I was freezing my butt watching everyone else enjoy the rally.



Over the coming weeks with advice from some people with more panel experience than me, I went onto cut the damaged floor from the car and stich in a new, albeit a second hand one.

With some help from Grunt Performance and Comet Autobody, the floor and other components were painted, ready for reassembly.



With a last ditch effort on the night before scrutineering, we passed and were ready for the Bega Valley Rally. Tim took over from Luke, as Luke was going to complete with Dave in the Pulsar. As the car had completed scrutineering now it was time to finish of the small items to make the VL more driveable. A new diff ratio and 4 pinion LSD was fitted to give the VL Turbo the traction required to keep the 200RWKW's under control . Then down to Pedders for a wheel alignment on Friday afternoon @ 4pm.

Wheel alignment completed and more bad news. The 10 bolt full floater I purchased that was in an ex-Auscar was bent. 7mm toe in on one side and 2mm toe out on the other. Not much I can do now but put up with it and be carefull on the dirt. Clearly the diff was designed to go round a track in one direction.



A new blow off valve was fitted on Friday to rectify the lag issue. Down to see Liam at Grunt Performance and the cross over pipe was welded and fitted Friday afternoon.

The car was loaded the next morning and after nearly hitting a P Plater car that stopped on the yellow at the lights we ended up in Eden around 4pm Saturday afternoon. Book in completed, drivers briefing completed and back to the VL to stick it together for the rally in the morning.

Sunday morning came and with some assistance from the "Aerostart" the VL Turbo burst into life. Note to myself, cold start tune to be completed before next event.



Started SS1 and after a few corners in I worked out this car was going to be a rally weapon. Plenty of power with good handling and brakes to match. All I needed to do was finish the first stage and I would be happy. Stage completed and a slow time would give us a battle with an Excel at the back of the pack. Jumping out of the car I noticed the front RHS of the bumper was missing. Yet another thing that needed to be altered before the start of the event but was missed. Thankfully for me Todd Reed in the Evo3 behind me smashed it into the ground and never to be seen again.

After a short hold up we started SS2. After a couple of km's I noticed an engine miss. The RWKW's dropped from 200 down to 150. With engine oil blowing out the breather over my fresh engine bay paint work the decision was made to get to service to see what could be done. Completed SS3 and we were off to service.

At service the problem was identified as a spark (coil pack failure) issue but as I had no spares for this part of the car I made the decision to leave with a VL Turbo not pulling as required.

Two more stages were completed including the awesome SS5. Fast flowing roads that would have suited the VL Turbo were lost due to the lack of power. The brakes started to work well and we started to back the VL Turbo into some of the corners on the rear brakes.

Back to service to kick the tyres and go out for some more rally action. We stopped outside control on SS6 and turned off the car. After waiting for 6 mins I started the car and noticed a massive blue cloud of smoke from the rear of the VL Turbo. No wanting to break down on the stage we limped through the next three stages and arrived in service where the decision was made to end the event.



Having SS9 Snake to contend with which was 20km's of windy roads and the possibility of running the last two stages in the dark on standard headlights, I feel the decision to pull the pin was a wise one. The only thing I didn't realise was I was the last P4 competitor in the rally. What might have been!!

A big thank you to the following people for their efforts in helping my compete in the Bega Valley Rall in 2013. Dave, Lenny, Chris, Liam, Nick, Craig, Luke, Tim, Michael and my father for helping out before the event. New headlights and front bumper bars pieces purchased, engine rebuild on the way and some diff mods before we do it all again. Gotta go now, need to get onto eBay to get a polished rocker cover and fluffy dice to finish the VL turbo project.

BEGA VALLEY RALLY IMAGE GALLERY

Thanks to Robin Smalley for these great shots of CCC Members during competition



Annual CAMS Awards

Date: Friday 6th December 2013

Venue: 'Champions Room' at MSAC, Albert Park

CAMS Observed Licence Test (OLT)

There is one more OLT scheduled for 2013. It will be held on Friday the 8th of November at Sandown. This will be your last opportunity to get your Circuit Licence in Victoria in 2013. Entry forms will be available by the beginning of October.

Officials Training

The upcoming Officials Training courses being offered are as follows:

- * Silver Module (Night I) - Thursday 24th October at the CAMS Victorian Meeting Room.
- * Silver Module (Night II) - Thursday 31st October at the CAMS Victorian Meeting Room.

To register for these courses, contact Corey via Corey.Pais@cams.com.au

- *Please note that these courses and dates are subject to participation/availability, and may be cancelled.*

News Bites:

* WRC Will Return To Australia In 2014

<http://www.cams.com.au/media/news/latest-news/wrc-set-to-return-to-australia-in-2014>

* Mitchell Celebrates Surprise 4WD Win

<http://www.cams.com.au/media/news/latest-news/mitchell-celebrates-surprise-title-win>

* Ogier Wins Rally Australia But Not Title

<http://www.cams.com.au/media/news/latest-news/rally-australia-report>

* CAMS Technical News Can Be Found On Twitter

Follow [@CAMSTECHNICAL](https://twitter.com/CAMSTECHNICAL)

VCRS ROUND 4 NISSAN NIGHTMOVES – JUNE 2013

The Nissan Nightmoves, based in the (often brutal) Heathcote forest saw the next round of the VCRS at the end of June.



It was a cold night out in the forest and the dust was extremely thick in places, causing trees to appear out of nowhere! Tom & Annie spent an hour or so in the forest at a road closure on the 6th stage with some great volunteers whilst they awaited the arrival of their awesome service crew!



Brian & Zac Newton (and their car) had long since recovered from their Cooper acco and performed brilliantly, finishing 8th outright in the event. This left them well-placed to relax with a drink and enjoy our 5 Star digs at the Rushworth Caravan Park!



Come and see some 'real' horsepower on Melbourne Cup Day – Tuesday November 5.

We invite you and your car club to celebrate the launch of this year's Ballarat Festival of Motoring Motor Show.

Featuring an Exhibition that includes a unique collection of historically significant Cars, Motorcycles & Models

Ballarat's historic motor sport significance in Victoria includes recognition as the venue where motor racing re-commenced after World War II; and the only airfield based motor racing circuit in Australia to host an International motor racing meeting

Last year, the Ballarat Festival of Motoring set another milestone in the history of motor sport, when the event attracted the participation of the cars driven by Australia's two F1 World Champions – Sir Jack Brabham's 1966 Repco Brabham BT19 and Alan Jones' 1980 Williams FW07. Until then, this unique situation had never occurred before.

Now in its third year, The Ballarat Festival of Motoring will again feature a Motor Show based at the iconic and historic Ballarat Mining Exchange in Lydiard Street in the heart of the city of Ballarat. The Show will feature a unique collection of historically significant cars and motorcycles. Following on from the success of last year's Model Expo, there will also be another collection of some 1000 items that will include examples of rare die-cast scale models; antique tether model racing cars; and vintage model aero engines from the 1930's. Many of the models that will be on display will be for sale.

This year's activities will start at 10am on Melbourne Cup Day this November 5 with a Show and Shine at Buninyong (within 5k's of Ballarat city). Entry for any current road registered or Vicroads club permit pre-1990 car; motorcycle or commercial vehicle will be free. Some 15 categories will be offered and class winners will receive a Ballarat Festival of Motoring Commemorative Medallion. At Midday the contingent of pre-1990 vehicles will then tour to the Mining Exchange where the Launch of the Motor Show will take place.

Ballarat has a huge amount to offer and makes an ideal Cup Day getaway being only a one and a half hour drive from Melbourne, so get some of your club members and family together for an inexpensive day and escape the Melbourne Cup Day traffic to see some 'real' horsepower on Cup Day.

For more information go to: [**http://www.ballaratfestivalofmotoring.com.au/**](http://www.ballaratfestivalofmotoring.com.au/)

Or contact **John Emery: 0408 570 217 [**johnkemery@bigpond.com**](mailto:johnkemery@bigpond.com)**

VCRS ROUND 5 SPRING 200 – SEPTEMBER 2013

Great event, great roads, great finale to the VCRS Championship! Everyone was keen to get back into it after a long 3 months between rounds and Marysville was the perfect place to do it!

Tom & Annie finished =11th, making the hard hours spent in the shed to get the car repaired after Nightmoves (which also included an engine rebuild !) time very well spent.

Brian & Zac finished =8th, an awesome result for the last round of the series.

Jeremy Coleman unfortunately had to withdraw before the event, but in true Cerberus member style, made the trip to Marysville to man a road closure for the night.



Pictures from this event are yet to surface. Definitely visit YouTube or the VCRS Facebook page, where there is plenty of video footage! The best I've got was this cute family of ducks beside the water!



... Or, in keeping with the wet, creek-related theme, this image of Simon Pilepich after Andrew Murdoch Jnr navigated them off a bridge! Both are okay and the Swift is almost dry ... just a bit bent.





MEMBERSHIP APPLICATION / RENEWAL

Applicant 1

Full Name: _____ Date of Birth: _____

Address: _____

Postcode: _____

Ph (AH) _____ Ph (BH) _____ Ph (Mobile): _____

Postal Address (If different): _____

E-mail Address: _____

Current Membership No: _____ Expiry Date: _____

I, of the above address, desire to become a member / renew my membership of CERBERUS CAR CLUB Inc. In the event of my admission as a member, I agree to be bound by the rules and constitution of the CERBERUS CAR CLUB Inc and those of C.A.M.S for the time being in force.

Signature: _____

Date: _____

Applicant 2

Full Name: _____ Date of Birth: _____

E-mail Address: _____

Current Membership No: _____ Expiry Date: _____

I, of the above address, desire to become a member / renew my membership of CERBERUS CAR CLUB Inc. In the event of my admission as a member, I agree to be bound by the rules and constitution of the CERBERUS CAR CLUB Inc and those of C.A.M.S for the time being in force.

Signature: _____

Date: _____

Membership Fees

Single(18+) \$40.00 **Double** \$60.00 **Junior** (under 18) \$20.00

Family (with children up to and including 14 y/o) \$70.00.

I/We apply for new membership/renewal of **CERBERUS CAR CLUB Inc** and enclose payment of \$_____

Cheques should be made payable to 'Cerberus Car Club Inc'

PO Box 4029

Dandenong South Victoria 3164

CONSUMER AFFAIRS VICTORIA
Associations Incorporation Reform Act 2012

MODEL RULES
For an
INCORPORATED
ASSOCIATION

Associations Incorporation Reform Regulations 2012

Part 3

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Model Rules for an Incorporated Association

Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is “Cerberus Car Club Incorporated”.

2 Purposes

- 2.1 To foster, conduct and control an interest in motorsport within the club.
- 2.2 To be affiliated with C.A.M.S and to compete in motor sport within their stipulated National Competition Rules
- 2.3 To encourage safe driving and a sense of responsibility to other road users and the environment.
- 2.4 To promote and conduct inter-club events.
- 2.5 To promote a sense of sportsmanship between competitors

3 Financial year

The financial year of the Association is each period of 12 months ending on 31 December

4 Definitions

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

associate member means a member referred to in rule 14(1);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

Committee means the Committee having management of the business of the Association;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of the Association;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Association 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 any terms and in any manner as it thinks fit;
 - (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;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Association from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Association must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

9 Application for membership

- (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—
 - (a) wishes to become a member of the Association; and
 - (b) supports the purposes of the Association; and
 - (c) agrees to comply with these Rules.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Association under rule 12(3).

10 Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.

11 New membership

- (1) If an application for membership is approved by the Committee—
 - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the person's membership; or
 - (b) the person pays the joining fee.

12 Annual subscription and fee on joining

- (1) At each annual general meeting, the Association must determine—
 - (a) the amount of the annual subscription (if any) for the following financial year; and

- (b) the date for payment of the annual subscription.
- (2) The Association may determine that a lower annual subscription is payable by associate members.
- (3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Association.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

13 General rights of members

- (1) A member of the Association who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) the member is a member other than an associate member; and
 - (b) more than 10 business days have passed since he or she became a member of the Association; and
 - (c) the member's membership rights are not suspended for any reason.

14 Associate members

- (1) Associate members of the Association include—
 - (a) any members under the age of 15 years; and
 - (b) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Association.

Note

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is an associate member, a note to that effect;
 - (v) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Association or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—
 - (a) specify the date, time and place of the meeting; and
 - (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

25 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Association.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

26 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

27 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and

- (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

28 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) The ordinary business of the annual general meeting is as follows—
 - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;

- (c) to elect the members of the Committee;
- (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Association—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time and place of the meeting; and

- (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

34 Proxies

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.
- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
 - (a) state that the member may appoint another member as a proxy for the meeting; and
 - (b) include a copy of any form that the Committee has approved for the appointment of a proxy.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

35 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.

- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
- (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- (b) in any other case—
- (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
- (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned—
- (a) if there is insufficient time to deal with the business at hand; or
- (b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
- (a) subject to subrule (3), each member who is entitled to vote has one vote; and
- (b) members may vote personally or by proxy; and
- (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

40 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
 - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
 - (a) appoint and remove staff;
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

43 Delegation

- (1) The Committee may delegate to a member of the Committee, 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 a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

44 Composition of Committee

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) ordinary members (if any) elected under rule 53.

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.

- (5) Committee members and former committee members must not make improper use of—
- (a) their position; or
 - (b) information acquired by virtue of holding their position—
- so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 President and Vice-President

- (1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.
- (2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

47 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
 - (a) maintain the register of members in accordance with rule 18; and
 - (b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and
 - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

48 Treasurer

- (1) The Treasurer must—
 - (a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and
 - (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

- (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
 - (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting.

50 Positions to be declared vacant

- (1) This rule applies to—
 - (a) the first annual general meeting of the Association after its incorporation; or
 - (b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

51 Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of the Association may—
 - (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of President etc.

- (1) At the annual general meeting, separate elections must be held for each of the following positions—
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.

- (4) On his or her election, the new President may take over as Chairperson of the meeting.

53 Election of ordinary members

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of ordinary committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

55 Term of office

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.
- (5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) ceases to be a member of the Association; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—
 - (a) has become vacant under rule 56; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.

- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the President or by any 4 members of the Committee.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee 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.

62 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

63 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—
 - (a) in the case of a special meeting—the meeting lapses;

- (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

65 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

66 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 65.

67 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

68 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

69 Management of funds

- (1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.
- (3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.
- (6) 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.

70 Financial records

- (1) The Association must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
 - (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
 - (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - (c) the common seal must be kept in the custody of the Secretary.

73 Registered address

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—
the postal address of the Secretary.

74 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given—
 - (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Association or the Secretary; or
 - (ii) by facsimile transmission to the facsimile number of the Association.

75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) the register of members;
 - (b) the minutes of general meetings;
 - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

76 Winding up and cancellation

- (1) The Association may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

77 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

Cerberus car Club Inc

Proxy Voting Form

Special Resolution Proxy Voting Form

I, _____

being a financial member of the Cerberus Car Club Inc

appoint _____

or in his/her absence, the Chairperson, to be my proxy at the Special General Meeting to be convened on Thursday 3/10/2013 and to vote on my behalf on the Special Resolutions to be put in the following manner:

The Special Resolution is:

- Accept the new constitution based wholly on the model rules set by Consumer Affairs Victoria in line with the Associations reform Act 2012

My Vote is as below :

In favour of / against / use his/her discretion *

(* delete which ones do not apply)

Signed: _____ Date: _____