



For the better

BY-LAWS OF THE ROYAL AUTOMOBILE CLUB OF W.A. (INCORPORATED)

**These By-Laws are issued by the Council under Rule 16.3 of the
Rules**

(Approved by Council 28 August 2023)

Table of Contents

By-Law	Page
1. DEFINITIONS AND INTERPRETATION	2
1.1 Definitions	2
1.2 Interpretation.....	2
2. EXCESSIVE USE OF CLUB SERVICES BY MEMBERS.....	2
3. DISCIPLINARY COMMITTEE	3
3.1 Composition of Disciplinary Committee.....	3
3.2 Quorum for Disciplinary Committee	3
3.3 Powers, Duties and Proceedings of Disciplinary Committee	3
4. GENERAL MEETINGS	5
4.1 Notice of General Meeting	5
4.2 Participation at a General Meeting.....	5
4.3 Attendance Record	5
4.4 Adjournment of Meeting.....	5
5. COUNCIL	6
5.1 Nomination of Candidates.....	6
5.2 Election.....	7
5.3 Ballot Paper	7
5.4 Voting by Ballot.....	8
5.5 Result of Ballot.....	9
5.6 Declaration of Ballot.....	10
5.7 Destruction of Ballot Papers.....	10
6. COUNCIL MEETINGS.....	11
6.1 Voting at Council Meetings	11
6.2 Notice of Motion.....	11
6.3 Leave of Absence – Electoral leave of absence.....	11
7. EXERCISE OF POWER OF ATTORNEY	12
SCHEDULE 1	13
SCHEDULE 2	22

BY-LAWS OF
THE ROYAL AUTOMOBILE CLUB OF W.A. (INCORPORATED)

1. Definitions and Interpretation

1.1 Definitions

In these By-Laws, a word has the meaning given to it in the Rules and otherwise:

Ballot Paper means a voting document, whether in paper form or electronic form.

Chair means (as applicable) the person presiding over a General Meeting under Rule 11.5 or a person presiding over a Council Meeting under Rule 15.4.

Excessive Use Policy means the Club Policy regarding excessive use of the Club's services by Members.

Nominee means a person nominated by the Chief Executive to fulfil a function or role.

Issuing Officer means the person appointed by the Council or Chief Executive as 'Issuing Officer' for the purpose of these By-Laws.

1.2 Interpretation

In these By-Laws:

- (a) headings are for convenience only and do not affect interpretation;
- (b) "under" includes by, by virtue of, pursuant to and in accordance with;
- (c) "including" and similar expressions are not words of limitation;
- (d) if a word or phrase is defined, other grammatical forms of that word or phrase have a corresponding meaning; and
- (e) unless the context otherwise requires, a reference to:
 - (i) a person includes a corporation, a firm, a body corporate, an unincorporated association or any authority;
 - (ii) the singular includes the plural;
 - (iii) a Schedule is to a schedule to these By-Laws;
 - (iv) time is a reference to Perth, Western Australia time; and
 - (v) \$ is to Australian currency unless denominated otherwise.

2. Excessive Use of Club Services by Members

- (a) Subject to the Excessive Use Policy, the Council, the Chief Executive or any Nominee may notify a Member in writing that the Member:
 - (i) appears to be making excessive use of the Club's services or facilities; and

- (ii) the continued excessive use may result in terms or conditions being imposed on the Member's use of the Club's services or facilities.
- (b) Subject to the Excessive Use Policy, if the Member continues with the excessive use, the Council, the Chief Executive or Nominee may in its discretion:
 - (i) withhold the Member's right to use the Club's services or facilities on terms or conditions, if any, as seen fit; and
 - (ii) charge the Member a fee for the excessive use of the Club's services or facilities.

3. Disciplinary Committee

3.1 Composition of Disciplinary Committee

The Disciplinary Committee will consist of:

- (a) the Chief Executive;
- (b) the President;
- (c) the Senior Vice-President; and
- (d) two other Councillors as determined by Council from time to time.

3.2 Quorum for Disciplinary Committee

- (a) The quorum for the Disciplinary Committee will be 5 members of the Disciplinary Committee, 2 of whom shall be the President and the Chief Executive.
- (b) A member of the Disciplinary Committee who has a personal interest in the outcome of any meeting of the Disciplinary Committee must not be present at that meeting.
- (c) In the absence of a member of the Disciplinary Committee, the Disciplinary Committee may second another Councillor to the Disciplinary Committee.

3.3 Powers, Duties and Proceedings of Disciplinary Committee

- (a) The Disciplinary Committee will operate under Club Policy.
- (b) If the Disciplinary Committee intends to issue a notice to a Member under By-Law 3.3(d), until such time as the Disciplinary Committee makes its final decision, the Disciplinary Committee may:
 - (i) withhold all or any of the Club's services and facilities from the Member to whom the notice is to be given; or
 - (ii) impose upon the Member to whom the notice is to be given, any terms or conditions for any of the Club's services or facilities as the Disciplinary Committee determines.

- (c) Nothing in By-Law 3.3(b) precludes the Council, Chief Executive or Nominee from:
 - (i) withholding all or any of the Club's services and facilities from a Member; or
 - (ii) imposing upon a Member any terms or conditions for any of the Club's services or facilities,
under Club Policy.
- (d) Prior to making any decision at a meeting of the Disciplinary Committee in respect of a Member, the Disciplinary Committee must give:
 - (i) 14 days written notice to the Member concerned specifying the purpose of the Disciplinary Committee meeting; and
 - (ii) the Member concerned an opportunity to be heard at the meeting of the Disciplinary Committee.
- (e) The notice to be given to the Member under By-Law 3.3(d) must contain particulars of:
 - (i) the alleged conduct of the Member;
 - (ii) the time and place of the meeting;
 - (iii) whether and to what extent the services and facilities of the Club will be withheld from the Member;
 - (iv) any terms or conditions for the use of any of the Club's services or facilities; and
 - (v) the procedures of the Disciplinary Committee.
- (f) The Member may make written submissions to the Disciplinary Committee about the alleged conduct prior to the meeting.
- (g) The Disciplinary Committee is not required to give oral evidence of the alleged conduct of the Member at a Disciplinary Committee meeting.
- (h) If the Member is present at a Disciplinary Committee meeting:
 - (i) the Member is entitled to be accompanied by any person other than an advocate, a lawyer or a person who holds legal qualifications; and
 - (ii) any person accompanying the Member will not have the right to act as the Member's advocate but will be entitled to attend solely to support to the Member.
- (i) In making a decision, the Disciplinary Committee:
 - (i) is not bound by rules of evidence;
 - (ii) may act without regard to technicalities and legal formality;
 - (iii) must ensure procedural fairness; and

- (iv) may inform itself of any matter as it thinks fit.
- (j) The Chief Executive will, as soon as practicable following the Disciplinary Committee meeting, notify the Member of the decision of the Disciplinary Committee.
- (k) The Disciplinary Committee is not required to provide reasons for its decision.
- (l) The decision of the Disciplinary Committee of:
 - (i) a finding of guilt of the Member; or
 - (ii) a penalty of suspension of Membership or expulsion,is final, conclusive and binding on the Member.

4. General Meetings

4.1 Notice of General Meeting

- (a) Notice of a General Meeting will specify the nature of the business to be transacted at the meeting.
- (b) Only business of which notice has been given, will be transacted at the General Meeting.

4.2 Participation at a General Meeting

- (a) Unless the Chair invites a person to speak, only a Member shall be entitled to speak at a General Meeting.
- (b) The Chair may request any person that is not a Member to leave the General Meeting at any time.
- (c) The Chair may request any Member to leave the General Meeting if the Member is engaging in disorderly conduct in the reasonable opinion of the Chair.
- (d) The Chair shall determine the conduct of the General Meeting and the rules of debate on any motion.

4.3 Attendance Record

The Chair will ensure an attendance record of a General Meeting in the form prescribed by the Council from time to time is kept.

4.4 Adjournment of Meeting

- (a) A Member who has moved or seconded or spoken to a motion or to any amendment of a motion will not have the right to move or second a motion to adjourn the General Meeting until after the motion has been put or withdrawn.
- (b) The only permissible amendments to a motion to adjourn will be those relating to the time, date and place of the adjourned General Meeting.

- (c) The mover of a motion to adjourn the General Meeting has no right of reply.
- (d) If the motion to adjourn is lost the Chair will conduct the meeting in the following order:
 - (i) the subject then under consideration;
 - (ii) the next subject on the notice paper;
 - (iii) any other subject that may be allowed precedence by the Chair; and
 - (iv) any subsequent motion for adjournment.
- (e) The Chair may adjourn a General Meeting where in the Chair's opinion it is impossible to maintain order.

5. Council

5.1 Nomination of Candidates

- (a) The Chief Executive will provide a nomination form to any Member who requests one.
- (b) All nominations of Candidates will be in the form set out in Schedule 1 or in such other form as the Council may prescribe from time to time.
- (c) For each Candidate, other than a retiring Councillor:
 - (i) the nomination form must be signed by:
 - A. each nominator;
 - B. each Candidate (to signify their consent to a nomination),as being a true and correct record of the information provided; and
 - (ii) the nomination form must be completed in accordance with any instructions included in the nomination form.
- (d) Each Candidate who is a retiring Councillor:
 - (i) must sign the nomination form as being a true and correct record of the information provided; and
 - (ii) complete the nomination form in accordance with any instructions included in the nomination form.
- (e) Each Candidate, including a retiring Councillor, must submit the following at the Candidate's expense:
 - A. a National Police Certificate which is no more than 2 months old calculated from the date in clause 5.1(f); and
 - B. a Bankruptcy Register Search certificate which is no more than 2 months old calculated from the date in clause 5.1(f);

- (f) The duly completed nomination form and the certificates required under By-Law 5.1(e) must be lodged with the Chief Executive no later than 12 noon on the last business day of July or such other date as the Council may decide in the year of the election.
- (g) The Returning Officer may declare a nomination invalid and the Candidate ineligible for election if:
 - (i) the Candidate's nomination form is incomplete or the information provided is false or misleading; or
 - (ii) the Candidate is not eligible or entitled to hold office under Rule 7.2.
- (h) The Returning Officer may decline to publish any words he or she considers defamatory, illegal or offensive.
- (i) A Candidate who has submitted a nomination form may not withdraw the nomination unless the Candidate has put their intention to withdraw in writing addressed to the Returning Officer and receives the written consent of the Returning Officer.

5.2 Election

If an election must be held under Rule 12.4, then an election must be held by a ballot.

5.3 Ballot Paper

- (a) If an election by ballot is necessary then the Ballot Paper and notice of the election must be given to each Voting Member setting out:
 - (i) the number of vacancies;
 - (ii) the name of every Candidate and whether the Candidate is a retiring Councillor;
 - (iii) the latest time and date on which Ballot Papers must be in the hands of the Returning Officer which must be not later than 12 noon, 7 days before the date of the Annual General Meeting; and
 - (iv) such other information as the Council may decide.
- (b) Ballot Papers must be distributed in such manner as the Council decides.
- (c) The material provided with the Ballot Paper must show the suburb or town of residence and primary occupation or profession of every Candidate.
- (d) A Member may apply for a Ballot Paper by an application to the Issuing Officer.
- (e) An application for a Ballot Paper must be received by the Issuing Officer by not later than 10.00am at least 10 days before the date of the Annual General Meeting.

- (f) The Issuing Officer will provide, either by post or electronically, a Ballot Paper to a Member who has requested one under By-Law 5.3(d).
- (g) A Ballot Paper that has not been distributed under By-Laws 5.3(b) and 5.3(d) is informal and must not be counted.

5.4 Voting by Ballot

- (a) Each Voting Member may cast a vote by post or electronic ballot for:
 - (i) only the full number of Candidates required to be elected to fill the vacancies; or
 - (ii) less than the full number of Candidates required to be elected to fill the vacancies,by putting a clearly identifiable mark opposite the name of each Candidate for whom the Voting Member wishes to cast a vote.
- (b) Each Voting Member may only vote once on the election of Candidates.
- (c) The first ballot of a Voting Member received and validated will be counted.

Postal vote:

- (d) The Ballot Papers must be returned in a Ballot Paper envelope by reply paid or pre-paid post to the Returning Officer at the address specified on the envelope provided with the Ballot Paper or such other address as the Council decides.
- (e) The Ballot Paper envelopes containing the Ballot Papers:
 - (i) must be sealed and marked "Ballot Paper";
 - (ii) signed personally by the Member; and
 - (iii) state the Member's name and Membership number.
- (f) A Ballot Paper is informal and will not be counted if the Ballot Paper:
 - (i) is returned in an envelope that does not comply with By-Law 5.4(e);
 - (ii) has a vote for more than the full number of Candidates required to be elected to fill the vacancies; or
 - (iii) is received by post later than noon seven days before the date of the General Meeting.

Electronic vote:

- (g) A Voting Member will:
 - (i) receive voting information and directions about how to vote electronically;
 - (ii) be required to enter their Membership number to authenticate their identity against the online system; and

- (iii) access the electronic Ballot Paper to cast their vote.
- (h) The election remains valid even if:
 - (i) a Member does not receive a Ballot Paper; or
 - (ii) the Returning Officer does not receive a Ballot Paper on which the Voting Member has cast a vote.

5.5 Result of Ballot

- (a) The ballot is under the control of the Returning Officer who will determine:
 - (i) the method of counting votes;
 - (ii) whether or not Ballot Papers are informal; and
 - (iii) any other matters arising in connection with the ballot.
- (b) The result of an election for Councillors will be decided according to those Candidates who have received the greatest number of votes.
- (c) The first past the post system of voting will be used.
- (d) In the case of an equality of votes between two or more Candidates the Returning Officer will decide by a random draw the Candidate or Candidates who will receive an additional vote.
- (e) The decision of the Returning Officer as to the result of the election shall be final, conclusive and binding.
- (f) Subject to By-Laws 5.5(h) and 5.5(i)(ii), if:
 - (i) a person who is nominated as a Candidate for the election dies or withdraws under By-Law 5.5(g); or
 - (ii) a person becomes no longer eligible to be elected; or
 - (iii) a person's nomination is declared by the Council to be invalid,
 before the announcement of the ballot results under By-Law 5.6(a), the ballot is not informal and it is not necessary to make any change to the Ballot Paper.
- (g) Votes for the Candidate who dies, withdrew, became ineligible or whose nomination is declared invalid will be disregarded by the Returning Officer in determining the results of the election.
- (h) The Returning Officer will cancel the election where, as a result of any of the circumstances set out in By-Law 5.5(f), the number of remaining Candidates:
 - (i) is the same as the number of vacancies on the Council; or
 - (ii) is less than the number of vacancies on the Council.
- (i) When an election is cancelled under By-Law 5.5(h):

- (i) the remaining Candidates are deemed to be elected under Rule 12(3)(d) of the Rules; and
- (ii) the incoming Council may fill any vacancy under Rule 12(3)(d) of the Rules; and
- (iii) neither the Returning Officer nor the Club is required to notify Members that the election has been cancelled.

5.6 Declaration of Ballot

- (a) At the Annual General Meeting the Returning Officer:
 - (i) will announce the names of the persons who have been elected;
 - (ii) will announce the number of votes received by all of the Candidates.
- (b) Prior to the announcement under By-Law 5.6(a) and subject to the prior approval of the President, the Returning Officer may within 24 hours before the Annual General Meeting advise the Council and the Candidates of the election results.
- (c) If the Returning Officer advises the Council and the Candidates of the outcome of the election before the Annual General Meeting, the Returning Officer will use best endeavours to ensure that the Council and the Candidates are given the advice at approximately the same time.
- (d) The Councillors must keep the election results confidential until the election results are announced at the Annual General Meeting.
- (e) Before the Returning Officer may give a Candidate the election results, the Candidate must give the Returning Officer, a written undertaking, in a form and on terms acceptable to the Returning Officer, that the election results will be kept confidential until they are announced at the Annual General Meeting.
- (f) The election will not be invalidated by:
 - (i) the Returning Officer deciding not to notify or failing to notify; or
 - (ii) the non-receipt of advice by,

the President, the Council or the Candidates, of the election results.

5.7 Destruction of Ballot Papers

- (a) After the completion of a ballot, the Returning Officer will keep all paper form Ballot Papers sealed in secure packets, and all online Ballot Papers digitally secured, for one month.
- (b) After the one month period referred to in By-Law 5.7(a), the Returning Officer will have the Ballot Papers destroyed.

6. Council Meetings

6.1 Voting at Council Meetings

- (a) Subject to By-Law 6.1(b), only those Councillors:
 - (i) personally present at a Council meeting or a meeting of a committee of the Council; or
 - (ii) using any technology consented to by a majority of the Councillors, will be entitled to vote.
- (b) Councillors will be entitled to vote either personally (including by using any technology consented to by a majority of the Councillors) or by proxy at any Council meeting in respect of a proposal before Council regarding:
 - (i) the election of a Member to fill a casual vacancy under Rule 14.1;
 - (ii) the appointment of a director to the Board of any subsidiary company of the Club;
 - (iii) the appointment of a Councillor to a Committee;
 - (iv) the removal of a Councillor from the position of President or President Elect under Rule 13; and
 - (v) the election of Councillors to the positions of President, Senior Vice President and Vice President of the Club.
- (c) All proxy forms will be with the Chief Executive 48 hours prior to the commencement of the meeting at which the election or appointment is to take place.
- (d) An instrument appointing a proxy will be in the form set out in Schedule 2 or in any form which the Council may prescribe from time to time.

6.2 Notice of Motion

- (a) The Chair will decide whether a motion is to be accepted at a Council Meeting without notice.
- (b) Where any notice of motion is required to be given under this By-Law the notice must be dated and given by the intending mover to the Chief Executive at least fourteen days before the date of the Council Meeting at which the motion is to be considered.
- (c) A motion will not be proceeded with in the absence of the Councillor who gave notice of the motion.

6.3 Leave of Absence – Electoral leave of absence

- (a) If a Councillor publicly announces that they intend to nominate as, or are publicly endorsed by a political party as a nominee to be, a candidate for election as a member of an Australian state, territory or federal parliament, or intends to nominate as a member of a governing body of a local government in an Australian state or territory, the Councillor must:
 - (i) inform the President and Chief Executive immediately; and

- (ii) seek a leave of absence in writing to take effect immediately.
- (b) Upon receipt of the written notification under By-Law 6.3(a), a leave of absence will be granted immediately by Council and confirmed at the next Council meeting, and will continue until the earlier of (and inclusive of) the date:
 - (i) the declaration of the results of the election are made public; or
 - (ii) on which the 3rd meeting of Council is held after the date of the written notification under By-Law 6.3(a).
- (c) If a Councillor is elected as a member of:
 - (i) an Australian state, territory or federal parliament; or
 - (ii) a governing body of a local government in an Australian state or territory,

the Councillor is not eligible to be a Councillor and the Councillor must resign from Council.
- (d) During a leave of absence:
 - (i) the Councillor will not have access to Council papers or communications related to Council matters; and
 - (ii) the Councillor will not be entitled to attend Council meetings or any sub-committee meetings.
- (e) A Councillor may seek only one period of absence under By-Law 6.3 during their term on Council.

7. Exercise of Power of Attorney

If an attorney appointed by the Club executes an instrument (including a deed), the attorney must as soon as reasonably practicable notify the Chief Executive in writing of the details of the instrument executed.

Schedule 1

NOMINATION FORM

PART A
NOMINATION FORM

Group Chief Executive
The Royal Automobile Club of W.A. (Incorporated)
GPO Box C140
PERTH WA 6839
(email: CouncilElections@rac.com.au)

Dear Sir

We, the undersigned, being Voting Members of The Royal Automobile Club of W.A. (Incorporated) (**Club**), nominate

_____ of _____
NAME ADDRESS

for election as a member of the Council of The Royal Automobile Club of W.A. (Incorporated), under the Rules and the By-Laws of the Club.

Signatures of Nominators may be electronic signatures.

Nominators: (Please complete details in BLOCK CAPITALS)

1. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

2. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

3. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

4. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

5. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

6. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

7. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

8. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

9. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

10. Full Name _____ Address _____

_____ Membership No. _____ Signature _____

11. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

12. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

13. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

14. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

15. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

16. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

17. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

18. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

19. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

20. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

21. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

22. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

23. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

24. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

25. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

26. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

27. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

28. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

29. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

30. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

31. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

32. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

33. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

34. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

35. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

36. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

37. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

38. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

39. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

40. Full Name _____ Address _____
_____ Membership No. _____ Signature _____

PART B

**PERSONAL PARTICULARS OF CANDIDATE FOR ELECTION
TO COUNCIL OF THE ROYAL AUTOMOBILE CLUB OF W.A. (INCORPORATED)**
*(Items marked * may be completed at the option of the Candidate)*

***TITLE:** _____ **SURNAME:** _____ **GIVEN NAMES:** _____
(Block letters) (In full block letters)

ADDRESS: _____

POSTCODE: _____ **TELEPHONE:** _____ **EMAIL:** _____

Date of Birth: _____

Membership No.: _____ **Date of joining:** _____

Primary Occupation or Profession (for inclusion in the election materials):

***Academic Qualification(s):** _____

Are you aware of any actual or perceived conflicts of interest that you may have if you were elected to Council? If so please provide details:

*Employment History:			
Employer	Position	From	To
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

***Directorships:** _____

PART C

In no more than 150 words, please provide a brief personal statement of why you wish to become a member of the RAC Council and what you consider you are able to contribute to the Council. (**The statement must be legible, in the English language and written in the first person**).

Note: Subject to By-law 5.1(h), this statement will be published verbatim in *"horizons"* or the Club's election material unless the Returning Officer decides otherwise.

I acknowledge that all or part of the information contained in this Nomination Form will be distributed to Members of the RAC with the election Ballot Paper.

I elect/do not elect (delete which is non-applicable) to include a photograph in the election materials.
(If photograph is to be included, it must be submitted electronically to CouncilElections@rac.com.au).

Signature of Nominee: _____ Witness: _____
Date: _____ Date: _____

PART D

STATUTORY DECLARATION

I,

.....
(name, address and occupation of person making declaration)

sincerely declare as follows:

1. The contents of my nomination form are true and correct, including the details provided in the personal statement.
2. The photograph I have submitted with this nomination form is a photograph of me and is not more than 6 months old.
3. I am eligible to be a member of a management committee under the *Associations Incorporation Act 2015** (the "Act") and under the Rules.
4. I am a Voting Member of the Club and have been entitled to vote at Annual General Meetings of the Club for each of the 5 years preceding the date of this nomination form.
5. If I cease to be eligible to be a member of a management committee under the Act prior to the announcement of the election at the Annual General Meeting or while I am a member of Council, I shall inform the Council in writing immediately and I acknowledge the consequences under the Rules should any of these circumstances occur.

*** Extract from the Act:**

"39. Persons who are not to be members of management committee

(1) Subject to section 40, this section applies to the following persons —

(a) a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;

(b) a person who has been convicted, within or outside the State, of —

- (i) an indictable offence in relation to the promotion, formation or management of a body corporate; or
- (ii) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than 3 months; or
- (iii) an offence under Division 3 or section 127.

(2) A person to whom this section applies must not, without leave of the Commissioner, accept an appointment or act as a member of a management committee of an incorporated association.

40. Limitation of period for which section 39 applies to certain persons

Section 39 applies to a person referred to in subsection (1)(b) of that section, in relation to the person's conviction of an offence, only for the period of 5 years —

(a) from the time of the person's conviction; or

(b) if the conviction results in a term of imprisonment, from the time of the person's release from custody."

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at.....
(place)

.....
(date)

in the presence of -

by.....
(Signature of person making the declaration)

.....
(Signature of authorised witness)

.....

.....
(Name of authorised witness and qualification as such a witness)

NOTES FOR NOMINATION FORM:

- (i) This nomination form is required to be lodged with the Chief Executive NO LATER THAN TWELVE NOON ON THE **last business day of July**, being the date nominated by Council under the Rules.
- (ii) In conformity with the Rules each Candidate for election, other than a retiring Councillor, shall be nominated by at least twenty-five Voting Members, who are Voting Members as at the date of lodgement of the nomination form.
- (iii) Each Candidate, other than a retiring Councillor, must complete parts A, B, C and D of the nomination form.
- (iv) A retiring Councillor who is a Candidate must only complete parts C and D of the nomination form.
- (v) Subject to the Rules only Voting Members are entitled to hold office or vote.
- (vi) Candidates must submit a brief statement with their nomination form of why they wish to become a member of the RAC Council, or be re-elected to the RAC Council, and what they consider they are able to contribute to the Council. The statement must not exceed in total one hundred and fifty words **(150)** and may include the candidate's history and background. Subject to By-Law 5.1(h), this statement will be published verbatim in the official journal or election material of the Club.
- (vii) A candidate may submit a photograph which must be:
 - Digital and submitted electronically;
 - Not more than 6 months old;
 - Taken in front of a plain background;
 - A full front view of the candidate's head or head and shoulders;
 - With eyes open and clearly visible; and
 - Obtained by the candidate at his or her own cost,for inclusion in the Council election materials distributed to members. The photograph should be submitted no later than noon on the last business day of July, and sent to CouncilElections@rac.com.au.
- (viii) Full name means your given names in addition to the surname.
- (ix) All particulars required of the Nominee and the Nominators must be provided in legible English language in block capitals wherever specified.
- (x) Failure to comply with any of the above conditions may at the discretion of the Returning Officer render the nomination invalid.

Schedule 2

PROXY FORM

The Royal Automobile Club of W.A. (Incorporated)

I _____
FULL NAME

Of _____
ADDRESS

being a Councillor of The Royal Automobile Club of W.A. (Incorporated) appoint
_____ (name of Councillor to be proxy)

Of _____
ADDRESS

as my proxy to vote for me and on my behalf at the Council Meeting of The Royal Automobile Club
of W.A. (Incorporated) to be held on _____
(date of meeting)

Signed this _____ day of _____

Signature of Councillor of The Royal Automobile Club of W.A. (Incorporated)