



1 August 2021

## **Buick Car Club of Australia in NSW Inc.**

### **Notice of a Special General Meeting to Vote on a Proposal to Amend the Constitution of the Buick Club of Australia in N.S.W. Incorporated**

Fellow Buick Club Members

Subject to any unforeseen Covid restrictions, the management committee of the Buick Club of Australia in N.S.W. Incorporated ("the Club") will put a special resolution to members at a special general meeting to be held at 134 Queens Rd, Five Dock, NSW, commencing at 8.00pm on 21 October 2021. All members are entitled to attend the meeting and vote on the special resolution. A member may appoint a proxy to vote at the meeting in accordance with his or her intentions. Members who wish to appoint a proxy should advise the Treasurer by email at [Treasurer@buickclub.org.au](mailto:Treasurer@buickclub.org.au) or by post at 23 Bevan Pl, Carlingford NSW 2118.

The resolution, which is intended to be passed as a special resolution requiring at least three-quarters of the votes cast by members of the Club who, under the Club's constitution, are entitled to vote on the proposed resolution, is as follows:

***"That the constitution of the Buick Club of Australia in N.S.W. Incorporated be amended in the manner shown in the documents made available to all members."***

The documents referred to in the special resolution are available on the Club's website and, if required, can be posted to a member. They are:

1. the existing constitution;
2. the amended constitution; and
3. the existing constitution marked-up in red for each change proposed to be made.

To obtain these documents in hard copy, please send your request to the Treasurer by email at [Treasurer@buickclub.org.au](mailto:Treasurer@buickclub.org.au) or by post at 23 Bevan Pl, Carlingford NSW 2118.

It has become apparent to the Committee over the past year or so that these amendments to the Club's constitution are needed. The amendments proposed by the Committee fall into the following categories:

#### **1. Life Members**

Conditional registration of a motor vehicle depends on the registered operator being a financial member of a club approved for the purpose of the historic vehicle conditional registration scheme. Life members are not required to pay an annual membership fee and therefore might not be treated as financial members. Those life members who do not pay an annual fee do not currently have any vehicles on conditional registration. However, the chance exists that a life member with a historic vehicle registration, might forget to make a payment in some year. The Treasurer chases unpaid fees but wouldn't chase a life member and, as the constitution currently stands, that member might not be able to be said to be a financial member. This, apparently, is the view of RMS.

The proposed amendment in new rule 8(3) attempts to remove this uncertainty, as follows:

"8. ...

(3) In respect of a particular time in a financial year, a person shall be deemed to be a financial member of the association at that time –

- (a) if the person was an honorary member in respect of that financial year, or
- (b) if the person was an honorary life member."

## **2. Concessional Registration of Members' Cars**

The rules of the Historic Vehicle Scheme administered by RMS require that the registered operator of an eligible historic vehicle must be a financial member of an approved club, in order to be eligible for concessional registration.

Under the existing constitution, membership fees are due by the 30 June preceding the financial year. In the event that a member omits to make the payment of fees by 30 June, he or she will, nevertheless, continue to be treated as a member of the Club until 30 September. This period of grace does not mean that the member is a financial member during that period. As such, car(s) on historic plates held by a member who has not paid his or her membership fees by 30 June, would become unregistered on 1 July in that year.

In order to remove any doubt concerning the validity of a concessional registration, it is proposed to remove the period of grace from the constitution and require all fees to be paid before 1 July in the year. Any member who does not pay by that date will thereupon cease to be a member of the Club and any vehicles held by the former member will, as now, cease to be registered for use on NSW roads.

## **3. The Plates Registrar**

RMS is seeking to put more onus on the plates registrars (now referred to as "club registrars") of the approved clubs to ensure that the vehicles registered under the concessional registration scheme are qualified for that registration. RMS suggests that clubs should have more than one person nominated as a club registrar and requires the secretary to notify RMS of the name(s) of the club registrars and any changes thereto. It is becoming clear that our club registrar has an increasing responsibility in the Club and that, in fact, the registrar function is a significant reason for the Club's existence, ie, to have concessional registration available for members.

It is therefore proposed that the constitution be amended to formally recognise the club registrar and his or her functions and duties. The amendments proposed by the Committee are:

- (i) to define the term "club registrar" in rule 1 which also declares that, in the absence of an appointed club registrar, the public officer will have that responsibility;
- (ii) to provide in rule 13 that the club register is an office bearer of the Club which, in turn, requires that the club registrar be elected to the Club committee;
- (iii) to declare that it is the duty of the club registrar to ensure that the obligations of the Club concerning conditional registration are fulfilled.

## **4. Custody and Maintenance of Club Records**

The existing constitution calls for the public officer to maintain the register of members and for the secretary to handle the paperwork surrounding the admission and resignation of members. To reflect today's reality that it is currently the treasurer who maintains the register of members, it is proposed that the constitution be amended to provide for a new role called "the membership secretary", the occupant of which will be a committee member and will carry out the duties of the public officer and the secretary in regard to the admission or resignation of members. These amendments are:

- (i) in rule 1, the treasurer has been defined as the person holding that office and declares that, in the absence of a treasurer, the public officer has the treasurer's responsibilities;
- (ii) in rule 3, the membership secretary will deal with new member applications;
- (iii) in rule 6, the membership secretary will deal with the termination of memberships of the Club;
- (iv) in rule 7, the membership secretary will be responsible for the maintenance of the members register, and

- (v) in rule 38, the secretary, the membership secretary and the treasurer are made delegates of the public officer in respect of the obligation to have custody of all records, books and other documents relating to the Club.

## 5. Notices to Members

The existing constitution does not provide for required notices to members to be able to be sent via electronic means. The amendments proposed will bring the constitution into the electronic era. They are:

- (i) New rule 32A will allow a general meeting of members and committee meetings to be conducted at multiple locations using an electronic medium, such as Zoom;
- (ii) New rule 32B will allow the Club to conduct a postal or email ballot to determine any issue; and
- (iii) Rule 40 is rewritten to provide that notices required to be given to members or to committee members (for example, a general meeting or the AGM) can be sent by email or by placement in a prominent place in the Club's magazine. The amended rule 40 is as follows:

"40 (1) For the purpose of this constitution, a notice may be served on or given to a member:

- (a) by delivering it to the member personally; or
- (b) by sending it by pre-paid post to the address of the member shown in the register of members; or
- (c) by sending it by electronic transmission to an address specified by the member for giving or serving of electronic notices; or
- (d) by publishing the notice in a prominent place in an official journal of the association distributed to all members, whether in physical form or an electronic facsimile.

(2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee; and
- (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post; and
- (c) in the case of a notice sent by electronic transmission, on the date it was sent."

## 6. Other Amendments

Various other "machinery" amendments are proposed to remove errors and incorrect words, and to improve the layout of the text.

If you require any further information regarding the proposed special resolution, please contact the treasurer at [treasurer@buickclub.org.au](mailto:treasurer@buickclub.org.au) or myself at [president@buickclub.org.au](mailto:president@buickclub.org.au).



Peter Cook  
President