

By-laws of the Mazda MX-5 Club of Western Australia Incorporated

ABN 30 339 335 490

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This document is complementary to the Mazda MX-5 Club of WA Incorporated (in this document referred to as the “Club”) Constitution. If a conflict arises between these By-Laws and the Constitution then the Constitution shall prevail.

Unless contrary intention appears, the definitions contained in Rule 2.1 of the Constitution apply to this document.

By-Laws are a way of documenting Club decisions (policy) and guidelines for Club procedures without the formality of amendments to the Constitution.

These By-Laws may be amended by the Committee. When a change occurs it is recorded in the meeting minutes and the revised By-laws are posted on the Club’s website.

These By-Laws were approved by the Committee at its meeting of 23 November 2017.

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1 Safety and Due Care

The MX-5 Club of WA has as one of the “objects” in its Constitution “to encourage courtesy, good driving and safety on the roads of Australia.” To this end the Club:

- Runs driver proficiency courses for its Members aimed at demonstrating good car control and defensive driving. These are also offered to family Members;
- Requires organisers to reaffirm the Club’s support of safe driving and encouraging Members to be courteous to other road users;
- Drives incorporate appropriate regroup points to facilitate safe group driving i.e. not trying to keep the group together as a convoy of MX-5’s to the detriment of other road users; and
- Promotes responsible drinking. To this end if a Club event ends at a pub or winery Members are reminded at the pre event briefing to drink responsibly and designate a driver for the trip home. A reminder such as “If you plan to drink; act responsibly and designate a skipper” is included in the final instruction of the cruise notes for such events.

2 Relationship with Mazda Australia Pty. Ltd., Mazda WA and Mazda Dealers

Mazda Australia Pty. Ltd. provides financial support to the Club by nominally sponsoring our Vehicle Club Insurance.

Mazda WA was instrumental in the establishment of the Club.

The Club shall endeavour to not favour one Mazda dealer over another other than promote Dealers that are Members and or sponsors of the Club over those that are not. Most metropolitan WA Mazda Dealers support the Club by providing discounts to Members.

3 Relationship with other Australian MX-5 Clubs

The Club is affiliated with other MX-5 Clubs in Australia and, through the President or designated Committee Member, takes part in regular telephone meetings with the other Presidents to discuss matters of mutual interest.

Every two years, the MX-5 Clubs from every State of Australia get together for a national gathering called NatMeet. NatMeet brings together owners from all around Australia in the one place to talk, have fun and show off their pride-and-joy. The event program combines a day of Motorsport with other events like funkhanas, navigation rallies, treasure hunts and cruising with a Concours d’Elegance and a good deal of social activity over the four days.

Memberships are reciprocal between Australian MX-5 Clubs; MX-5 Club of WA Members enjoy membership rights with the other MX-5 Clubs when in the eastern States. Similarly Members of any of the other Australian Mazda MX-5 Clubs have membership rights of the MX-5 Club of WA when they are in WA.

The reciprocal membership rights to the MX-5 Club of WA will be granted, subject to proof of membership of the MX-5 Club of the Member’s home State, for the duration of the Member’s visit to WA, or if the move to WA is for 6 months or more, until their membership of the MX-5 Club in their home state comes up for renewal.

Reciprocal membership enables interstate visitors to participate in WA Club events at Members rates (where applicable) whilst they are not required to pay a membership fee. It does not confer voting rights on the visiting interstate Member nor an entitlement to MX-Press, the Club’s bi-monthly newsletter.

4 Officers of the Association and Committee

The Committee is the “face of the Club”, it has an important role in the efficient operation of the Club, welcoming new Members and representing the Club to potential Members and external parties.

Although the Club’s purpose and general business operations are defined in the Constitution, there is very little detail given regarding the role of Ordinary Committee Members. The following sections provide additional guidance regarding the role of Committee Members.

Rule 10.2 of the Constitution states that the Officers of the Association shall be the Governance Office Holders of the Association:

- I. The President;
- II. The Vice President;
- III. The Secretary;
- IV. The Membership Secretary; and
- V. The Treasurer.

Rule 10.2(a) of the Constitution states that the Committee will consist of the above Governance Office Holders plus not less than one other office holder. To ensure the effective operations the Club has the following Ordinary Committee Members as other office holders:

- I. Assistant Treasurer
- II. Event Coordinator
- III. Social Coordinator
- IV. Motorsport Manager
- V. Motorsport Administrator
- VI. Newsletter Editor;
- VII. Newsletter Production Manager;
- VIII. Webmaster
- IX. Merchandising Officer; and
- X. One or more general Committee Members may be elected at the Committees discretion.

Note that in accordance with Rule 10.2(e) of the Constitution no person shall be entitled to hold more than one of the Governance Office Holders positions at any time. However any office holder may hold one or more of the Ordinary Office Holders responsibilities. Thus whilst a Member cannot be both President and Treasurer (as these are both Governance Positions) a Member can be President and Newsletter editor (one Governance position plus one Ordinary Committee position) or Webmaster and Merchandising Officer (two Ordinary Committee positions).

4.1 Code of Conduct

The responsibilities of Committee Members are set out in Rule 11.2 of the Constitution. In addition Committee Members shall behave in accordance with the following “Code of Conduct”:

- Committee Members shall not be part of and/or act in a manner that could discredit the Club, any other Committee Person, and/or the Committee as a management body.
- Committee Members’ first obligations are to all Members of the Club. Where a Member has an issue that needs to be dealt with, such issue shall be referred to the Committee for further guidance and action. Where such issue is very urgent and/or of a very sensitive nature, such referral shall be to the President in the first instance.
- Committee Members shall take care when entering into debate, fostering debate, or soliciting opinions from the membership not to express opinions which they know to be in conflict with the Committee’s position.
- Committee Members shall ensure that they adhere to the Club’s Privacy Policy, including avoiding the disclosure of Members’ email addresses by using the blind copy feature when sending bulk emails as well as the use of email addresses for non-Club business.
- Committee Members shall not commit the Club to any expenditure and/or financial liability without first obtaining a minute in writing authorising them to do so unless it is clearly included in an annual Club budget previously approved by the Committee.
- Committee Members must take all reasonable steps to ensure that the Club complies with all legal statutes and its obligations at law.
- Committee Members shall attend the monthly Committee meetings on a regular basis; it is expected that Committee Members will generally attend for at least 9 of the 11 meetings (including the AGM), refer Rule 13.1(a)vii of the Constitution.

4.2 President

The role of the President is defined in Rule 11.3 of the Constitution. In addition the President shall:

- Ensure that all Members are given an opportunity to participate in Club events;
- Act as principal spokesperson for the Club;
- Maintain a liaison with Mazda Australia Pty Ltd to ensure that the operation of the Club benefits from the knowledge Mazda Australia Pty Ltd has of the Mazda MX-5 motor vehicle;
- Carry out such duties as the Committee may, by a majority, direct from time to time;
- Facilitate other Committee Members in performing their roles and provide guidance as required;
- Be the primary conduit of communication with Members and he or she shall ensure they are visible to Members and maintain open lines of communication;
- Be the liaison with the other State Presidents of MX-5 Clubs and shall maintain regular contact;
- The President and Vice President jointly are the “keepers” of the Constitution and By-Laws and shall ensure that these are kept up to date to reflect any changed circumstances in the running of the Club. When amendments are made the Vice President shall place an electronic copy of the amended documents into the Club’s Cloud Storage on Google Drive and provide a PDF copy to the Webmaster for uploading onto the Club Website;
- The President and Vice President are also jointly charged with ensuring that all of the Club’s business and the conduct of the Committee and Members is in accordance with the Constitution and By-Laws; and.
- The President and Vice President jointly are the “Administrators” for the Club’s Cloud Storage on Google Drive.

4.3 Vice-President

The role of the Vice-President is defined in Rule 11.4 of the Constitution. In practice this position is a floating resource with the incumbent assisting with special projects and assisting the President on plans or special work needed.

4.4 Secretary

The role of the Secretary is defined in Rule 11.5 of the Constitution.

4.5 Membership Secretary

The role of the Membership Secretary is defined in Rule 11.6 of the Constitution. This role focuses on increasing Club membership through various means, including following up with prospective and lapsed Members, as well as maintaining a database of financial Members and their details.

The Membership Secretary shall:

- Upon receipt of an application form and payment of the applicable membership fees enter the applicant's name in the membership List and with as little delay as possible, notify the applicant of details of his membership of the Club;
- Keep and maintain the membership List in the form of an Excel spreadsheet in which shall be entered the full name, address and date of entry of the name of each Member, such other information as required by the Constitution and any further information as the Committee shall determine from time to time;
- Weekly (If a change has been made within that week); email a copy of the membership List to the Club Committee. If an existing Club Member has changed any of their details include a description of the change in the email and highlight the affected field in the spreadsheet;
- Weekly (If a change has been made within that week); update the Club website membership email list & membership details;
- Weekly (If a change has been made within that week); upload the latest membership List into the Club’s Cloud Storage;

- Provide a list of financial Members, without personal details, on request to people organising Club functions with Club discounts / sponsorship;
- Facilitate Members inspecting the Register of Members in accordance with Rule 8.2 of the Constitution (refer to section 5.1 on how the Register of Members is created);
- Facilitate the provision to Members of copies of the Register of Members in accordance with Rule 8.3 of the Constitution;
- Manage the ordering and distribution of Club name badges and coordinate with Merchandise free Club caps for new Members; and
- Manage the membership component of the annual budget.

4.6 Treasurer

The role of the Treasurer is defined in Rule 11.7 of the Constitution.

The Treasurer shall:

- Be responsible for obtaining and maintaining appropriate insurance cover for the Club and ensuring that the Committee and Members are aware of the cover and limitations of the Club's insurance policies.
- Maintain petty cash at a reasonable and workable level (typically \$200 maximum);
- Ensure excess funds are transferred to a high interest bearing account;
- Ensure sufficient monies are available in the cheque account to meet all expenses;
- Liaising with banks to maintain signatories for accounts, etc.;
- Liaising with Merchandising Officer to ensure that excess cash from merchandise sold is banked;
- Liaising with Merchandising Officer to ensure that the value of merchandise is accurately recorded as a Club asset;
- Monthly (approximately); place an electronic copy of the past month's financial data, including the Club's accounting software database, into the Club's Cloud Storage;
- Producing an annual operational budget;
- Prepare and maintain the Club's asset register, managing depreciation and updating the asset register at the end of each Financial Year. Depreciation of all non-current assets is currently (2017) applied at the rate of 20% per year; and
- Manage the Overhead component of the annual budget.

4.7 Assistant Treasurer

The Assistant Treasurer shall assist the Treasurer generally and assume the duties of the Treasurer if the latter is unable to perform any or all of the duties set out in section 4.6.

4.8 Events Coordinator

The Events Coordinator, has as prime objective the coordination of Club non-motor sport events such as the Club's "First Sunday of the month" and "Country" Cruises as well as "Dawn BreakFast Raids" and Weekend Away Trips. The role is one of coordination, rather than organising each and every event.

The Event Coordinator is assisted by the Social Coordinator who has responsibility for organising the Club's Social events.

The Event Coordinator shall:

- Encourage Members to organise the Club's "First Sunday of the month", "Country" Cruises, "Dawn BreakFast Raids" and Weekend Away Trips by actively seeking volunteers without coercing Members to do so;

- Ensure the Club's "First Sunday of the month", "Country" Cruises, "Dawn BreakFast Raids" and Weekend Away Trips are planned in advance and keep abreast of Members progress in organising events;
- Manage the Club's coming events calendar in conjunction with the Motorsport Manager, for Motorsport events and the Social Coordinator for Club social events;
- Ensure the Club's non-motorsport events are advertised in the Club's MX-Press magazine and on the Club website;
- Email Members with reminders for the Club's "First Sunday of the month" and "Country" Cruises as well as "Dawn BreakFast Raids" and Weekend Away Trips and post reminders on the Club Facebook Page;
- Facilitate Members organising Club events and provide guidance in how to run events, including providing guidance notes on the website;
- Ensure there is a back-up in the event a Member is unable to run an event;
- Ensure Members running events reaffirm the Club's support of safe driving; adherence to all road traffic rules, driving within Member's and their vehicle's limits, driving to the conditions e.g. taking account of wet patches, dirt on the road, oncoming traffic, etc. and keeping a safe distance from other cars;
- Ensure Members running events reaffirm the Club's encouragement of responsible drinking by reminding Members to drink responsibly and designate a driver for the trip home at the pre event briefing and including a reminder such as "If you plan to drink; act responsibly and designate a skipper" in the final instruction of the cruise notes if a Club event ends at a pub or winery;
- Ensure Members running events either appoint a "volunteer" to write a brief story for the MX-Press magazine or write their own report, and that such reports are submitted to the editor in a timely fashion;
- Encourage and coordinate inter-club driving events with other kindred Car Clubs;
- Manage the Social component of the annual budget; and
- Monthly (approximately); place an electronic copy of the past month's cruise notes and other relevant records into the Club's Cloud Storage.

4.9 Social Coordinator

The Social Coordinator assists the Event Coordinator and has as prime objective the coordination of Club social events such as the Club's Annual Dinner & Trophy Night, Saturday and midweek events including Movie nights, etc. The role is one of coordination, rather than organising each and every event.

The Social Coordinator shall:

- Encourage Members to organise Club social events by actively seeking volunteers without coercing Members to do so;
- Ensure the Club's social events are planned in advance and keep abreast of Members' progress in organising these events;
- Provide the Event Coordinator with information to advertise these events in the MX-Press magazine and on the Club website;
- Send Members event reminder emails, post reminders on the Club Facebook Page, and coordinate collation of RSVP's and venue bookings where required;
- Facilitate Members organising Club social events and provide guidance in how to run social events;
- Ensure there is a back-up in the event a Member is unable to run a social event;
- Ensure Members running social events reaffirm the Club's support of safe driving; adherence to all road traffic rules, driving within Members and their vehicles limits, driving to the conditions e.g. taking account of wet patches, dirt on the road, oncoming traffic, etc. and keeping a safe distance from other cars as applicable to the social event;

- Ensure Members running social events reaffirm the Club's encouragement of responsible drinking by reminding Members to drink responsibly and designate a driver for the trip home at the pre event briefing and including a reminder such as "If you plan to drink; act responsibly and designate a skipper" in the instructions if a Club event ends at a pub or winery;
- Ensure Members running social events either appoint a "volunteer" to write a brief story for the MX-Press magazine or write their own report, and that such reports are submitted to the editor in a timely fashion; and
- Encourage and coordinate inter-club social events with other kindred Car Clubs.

4.10 Motorsport Manager

The prime objective of the position is to manage the Club's Motorsport and driver assistance courses. The Motorsport Manager is assisted by the Motorsport Administrator who has responsibility for the administration of the Club's Motorsport and driver assistance courses.

The Motorsport Manager shall:

- Encourage Members to participate in Motorsport events;
- Organise the Club's Motorsport events such as the Club's Autotest and Sprints;
- Organise the Club's driver proficiency courses and Funkhanas;
- Design courses, choose dates, book venues, arrange (AASA) insurance, appoint a Clerk of Course, Safety Officer, First Aider, instructors, helpers, etc. for Motorsport events;
- Advise Members on car and driver improvements;
- Ensure the Club's Motorsport events are included in the Club's coming events calendar in conjunction with the Events Coordinator;
- Promote upcoming events in MX-Press and on the Club website;
- Report on the Club's Motorsport events competition results in MX-Press;
- Identify non-club Motorsport events suitable for Members to participate in and promote, include these in MX-Press;
- Investigate and report competing Members' competition results in non-club Motorsport events in MX-Press; and
- Manage the Motorsport component of the annual budget.

4.11 Motorsport Administrator

The Motorsport Administrator assists the Motorsport Manager and has as prime objective the administration of the Club's Motorsport and driver assistance courses.

The Motorsport Administrator shall:

- Manage Member enrolments in the Club's Motorsport and driver assistance courses, including distribution of pre-event notes and programs and the collection of entrance fees in conjunction with the Treasurer;
- Manage the operation of Timing Gear during the Club's Motorsport events;
- Ensure a suitable First Aid kit is available at the Club's Motorsport events;
- Email Club's Motorsport events competition results to participants and the Webmaster for publishing on the Club website;
- Manage catering for the Club's Motorsport and driver proficiency courses if applicable;
- Maintain electronic records of Motorsport activities on the dedicated Motorsport Cloud Storage; and
- As appropriate place electronic records of the Motorsport Budget, income and expenditure into the Club's Cloud Storage.

4.12 Newsletter Editor

The Newsletter Editor's focus is to provide a bi-monthly newsletter that promotes the organisation and activities of the Club and provides:

- A record of Club events both past and planned;
- A forum for Members to express their views; and
- Content that is varied, informative, interesting and relevant to Club Members.

The incumbent is solely responsible for all content of each newsletter and make decisions accordingly and liaises with Newsletter Production regarding timing, content and progress of each edition and assist when necessary. The incumbent aim is to produce a publication that Members will want to read and encourage others to read and:

- Reviews a draft copy of each issue before publication and edits content to keep within the bounds of decency and legality and provide a high standard of literacy and grammar;
- Continually explores ways of improving the content of the newsletter;
- Encourages Members to make submissions and ensure that any submissions are in prior to the end of the two month period covered by the edition;
- Obtain and manage advertising and sponsorship displayed in the Club magazine; and
- Manage the Communication's component of the annual budget.

4.13 Newsletter Production

The Newsletter Production Officer assists the Editor in production of the newsletter, in practice this means:

- Retain material submitted by the Editor for the coming edition of MX-Press;
- Encourage Members to make submissions (text and accompanying photos) for MX-Press;
- Continually explores ways of improving the look of the newsletter;
- Liaise with the Editor and Committee Members to obtain submissions;
- Commence building the coming edition approximately 2-3 weeks prior to the closing date;
- Aim to complete draft for review by the Editor in the first week following the two-month period covered by the edition;
- Aim to have the final print to the printers by the end of the first week following the two-month period covered by the edition;
- Liaise with Membership Secretary regarding financial Members to maintain the mailing list for MX-Press;
- Organise to print fliers and inserts for MX-Press;
- Aim to post MX-Press by no later than the second week following the two-month period covered by the edition; and
- Maintaining archive copies (PDF and native files) of MX-Press on a regular basis. Keep a copy of archives at home and electronically on the Club's Cloud Storage.

4.14 Webmaster

The Webmaster is responsible for updating and maintaining the Club website at www.MX5Club.com.au. This includes:

- Facilitate addition of coming events to the Club website and moving them to past events once the date has passed;
- Upload brief descriptions of past events and include event photos resizing images to suit the site and adding the Club URL as a watermark;

- Upload Club / MX-5 related news and photos as required;
- At the end of the Club year update the Club History page;
- Update the website when the Committee changes;
- Update the example MX-Press issues on the website with 9 month – 18 month old editions;
- Update Club documents linked to the site when documents are added or changed;
- Update various sections of the website based on input from the Committee or individual Committee Members;
- Monitor Club website statistics, use results to update or fix any site issues and make sure site is compatible with the majority of our worldwide online audience, make changes to suit new browser types and versions;
- Renew the Club domain when required, the Club has an account with Melbourne IT to renew the domain;
- Maintain the Club web host, renew or change as required; the site is currently located at www.PowWeb.com;
- Maintain and keep up to date the Club email addresses:
 - Email forwards for each Committee Member;
 - The Committee@MX5Club.com.au email group;
 - The Allclubs@MX5Club.com.au email group which includes each Australian MX-5 Club state President; and
 - Other email groups as required from time to time.
- Manage the Club's social media presence including the Club's Facebook Group Page; and
- Manage the Website component of the annual budget.

4.15 Merchandise Officer

The Merchandise Officer is responsible for the:

- Development of a merchandising budget and marketing plan that provides for seasonal items, disposal sales, and internet sales that are outside the Club membership, special offers, and promotional events;
- Provision of one-size-fits-all merchandise to Members;
- In coordination with the Membership Secretary issue free Club caps to new Members to the maximum value as determined by the Committee;
- Design, development and purchasing of such merchandise including enabling Members to direct purchase size specific merchandise from nominated suppliers;
- Set prices, organise raffles of merchandise, stock increase or reduction, or other fund raising activity concerned with merchandise in order to achieve the merchandise annual budget.
- Promotion of merchandising items in the Newsletter and on the Club website,
- Ensure one-size-fits-all merchandise is available at meetings and functions;
- Provide a monthly report of sales to the Treasurer;
- Submit a stock valuation to the Treasurer on a 6 monthly basis;
- Reconciliation of purchases, sales, and stock holding on a quarterly basis;
- Manage the Merchandise component of the annual budget;
- Ensure safe keeping of all stock on hand; and
- Maintain relevant records on the Club's Cloud Storage.

4.16 General Committee Member

The role of General Committee Member is to assist the Committee Members Generally and to carry out any other duty given to them by the Committee.

4.17 Change of Committee

To assist with continuity in the management of both Member activities and Club business matters development plans need to extend beyond the life of a current Committee for review of priorities / adoption / progression by the next Committee, and there needs to be a handover to new Committee Members.

On retirement from a Committee position there is an expectation that the outgoing Committee Member:

- Has a handover to the incoming Committee Member with brief recommendations;
- Provides the incoming Committee Member with all relevant forms, records and files. Please note that all files generated by the Committee Members remain the property of the Club, not the individual Member, including if this person is removed from office for whatever reason; and
- Attend the first 2 Committee meetings after retirement and any subsequent meetings by invitation.

5 Club Records

Key documents such as Club records are generally kept electronically using the Club Cloud Storage on Google Drive. Some older historical records are stored in hard copy by the Secretary. The Act requires the Club to keep the following records:

- an up-to-date register of all Members (the Register of Members), including their nominated contact information;
- an up-to-date version of the Rules (Constitution);
- an up-to-date list of the names and addresses of people who are office holders under the Rules of the Association (the Record of Office Holders), including Committee Members, any trustees and those authorised to use the common seal and to sign cheques;
- accounting records that correctly record and explain the financial transactions and position of the Club in such a manner that allows true and fair accounts to be prepared (the Financial Records); and
- every disclosure of interest made by a Committee Member to be recorded in the minutes of the meeting at which the disclosure was made. The Club records these occurrences in a register maintained by the Secretary (Disclosure Register).

The Commissioner for Consumer Protection can request an Association to produce any or all of the records listed above.

Under the Act Members have the right to inspect and copy each of the first three records listed above. A Member who wants to inspect a record must contact the Secretary to make the necessary arrangements for the inspection free of charge at such time and place as is mutually convenient to the Club and the Member, refer Rules 27.2 and 27.3 of the Constitution.

5.1 Register of Members:

The Register of Members as defined in Rule 8.1 of the Constitution contains each Members name and contact information being their email address or, in the case a Member has no email address, a postal address as well as the class of membership held by the Member, the details of the Members Mazda MX-5 and the date on which the person became a Member. The Associations Incorporation Act 2015 provides for Members to have the right to inspect the Register of Members and make a copy of any part of its contents.

The Club keeps a database of Members information in its membership List, an Excel workbook located in the membership area on the Club Cloud Storage on Google Drive which contains additional information such as telephone numbers, residential addresses, vehicle registration, driver and competition licences, etc.. Not all of this data constitutes the Register of Members. The Register of Members can be extracted from the database by:

- Copying the <current Members> tab into a new Excel Workbook;

- Editing this copy by copying the postal address into the email field for those Members without email address;
- Deleting all columns other than First Name, Surname, Status, Joined, e-mail, Year, Colour, Model;
- Checking the Status column is correctly populated with membership type (Ordinary membership, Associate membership, Country membership, Honorary Life membership or Foundation membership) and renaming it "Membership Type"
- Renaming the e-mail column "contact information";
- Saving the file as "Register of Members DDMMYY";
- Next copy the <not renewing> tab into a new Excel Workbook;
- Editing this copy by copying the postal address into the email field for those Members without email address;
- Deleting all columns other than First Name, Surname, Status, Joined, e-mail, Year, Colour, Model;
- Checking the Status column is correctly populated with why they are no longer a Member (deceased, did not renew, resigned or expelled);
- Copy all the rows (apart from the header row) into the "Register of Members DDMMYY" file; and
- Sort the file on Surname before saving it again.

In order to meet the requirement of The Commonwealth's privacy legislation Members can only access the Register of Members and not the full database of Members information contained in the membership List database.

Members seeking access to the Register of Members shall be required to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of the Club. Please note that under the *Associations Incorporation Act 2015* misuse of the information exposes the Member to a fine of \$10 000. For that reason it is suggested that Members who want to contact a specific Member email the Secretary asking them to forward the email to the Member concerned, or if they want to contact all Members, email the Secretary asking them to forward the email to all Members.

5.2 Constitution and By-laws

The Club Constitution and these By-laws are available to Members, and others, on the Club website. The working documents are located on the Club Cloud Storage on Google Drive in the <Constitution> folder.

5.3 Record of Office Holders

The Secretary, or a person authorised by the Committee from time to time, must maintain a record of office holders (Committee Members) that must include;

- The full name of each office holder;
- The office held and the dates of appointment and (if applicable) cessation of the appointment;
- A current contact postal, residential or email address of each office holder; and
- Those Members who are authorised to use the common seal

Rule 26 .2 of our Constitution states that the Club can execute a document with its common seal, if the fixing of the seal is witnessed by any two authorised cheque signatories as authorised by the Committee, one of whom should be either the Treasurer or President. The Club therefore records who the authorised cheque signatories are.

The Record of Office Holders is documented in an Excel workbook which is kept on the Club Cloud Storage on Google Drive at <Secretariat> <General>.

Contact details of all Committee Members are available to Members, and others, on the Club website.

If desired Members, and others, can give anonymous feedback to Committee Members by going to the <Contact Us> section of the Club website, selecting the relevant the Committee Position and leaving the name, contact phone and contact email fields blank when they complete the enquiry form.

5.4 Financial Records

The Act requires records to be kept of the Association's finances. The requirements of the Act are quite specific:

- Associations must keep sufficient accounting (or financial) records so that the financial transactions and financial position of the Association are correctly recorded;
- these records need to be kept in a way that will allow true and fair accounts (or Financial Statements) to be prepared from time to time, and so that these accounts can be conveniently audited if required; and
- the Financial Records are required to be kept for at least seven years.

The Club uses cloud based accounting software for its accounting from which Financial Reports are generated for discussion at Committee Meetings. An electronic copy of the financial data, including the Club's accounting software database, is loaded onto the Club Cloud Storage on Google Drive in the <Treasury> folder.

5.5 Disclosure Register

Under Rule 11.2(e) of the Constitution a Committee Member having any material personal interest in a matter being considered at a Committee Meeting must:

- i. As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee;
- ii. Disclose the nature and extent of the interest at the next General Meeting of the Club; and
- iii. Not be present while the matter is being considered at the Committee Meeting or vote on the matter.

Rule 11.2(e) of the Constitution does not apply in respect of a material personal interest that:

- i. Exists only because the Committee Member belongs to a class of persons for whose benefit the Club is established; or
- ii. The Committee Member has in common with all, or a substantial proportion of, the Members of the Club.

The Secretary must record every disclosure made by a Committee Member under Rule 11.2(e) of the Constitution in the minutes of the Committee Meeting at which the disclosure is made.

Additionally the Secretary shall log the disclosure in the Disclosure Register. The Disclosure Register is an Excel workbook which is kept on the Club Cloud Storage on Google Drive at <Secretariat> <General>.

5.6 Archiving

5.6.1 *President*

- At the end of each Club year; ensure that copies of that year's records of liaison with Mazda Australia Pty Ltd, other State Presidents of MX-5 Clubs, Presidential correspondence, the Constitution and By-Laws and other relevant records are placed into the Club's Cloud Storage.

5.6.2 *Treasurer*

- At the end of each Club year place an electronic copy of all the Club Financial Records including bank statements and any files/databases required to maintain the Club accounting software into the Club's Cloud Storage; and
- At the end of each Club year ensure the Club's hard copy treasury archives (electronic bank statements, receipts, invoices, etc.) are up to date and remove any bank statements and Financial Records over 7 years old that are not of historical significance. Store these records in a secure, cool, dry and dark place.

5.6.3 *Secretary*

- At the end of each Club year; ensure that copies of that year's records including the Club year's minutes in PDF form and/or Microsoft Word, the record of Committee Members and other persons authorised to act on behalf of the Club, and other relevant records are placed into the Club's Cloud Storage; and
- Maintain the Club's historical hard copy archives and store these records in a secure, cool, dry and dark place.

5.6.4 Events Coordinator

- At the end of each Club year ensure an electronic copy of the past year's cruise notes and other relevant records are loaded into the Club's Cloud Storage.

5.6.5 Motorsport Administrator

- At the end of each Club year ensure electronic records of Motorsport activities on the dedicated Motorsport Cloud Storage are up to date; and
- At the end of each Club year ensure the appropriate electronic records of the Motorsport Budget are placed into the Club's Cloud Storage.

5.6.6 Membership Secretary

- At the end of each Club year place electronic copies of the Club's membership List spreadsheet into the Club's Cloud Storage.

5.6.7 Webmaster

- At the end of the Club year place electronic copies of the Club website and any additional information such as website FTP details and password lists into the Club's Cloud Storage.

5.6.8 Merchandising

- At the end of the Club year place electronic copies of the Club merchandise logos and embroidery files into the Club's Cloud Storage if there have been changes during the past year.

5.6.9 Newsletter Team

- Keep a printed copy of each issue of "MX-Press" for binding and email a PDF version of the MX-Press to the Club Webmaster;
- At the end of the Club year place copies of all the Club year's magazines in PDF form and in the raw Desktop Publishing files (and any attached/included files) into the Club's Cloud Storage; and
- Organise for the Club magazines to be bound as required, bound copies are stored in a secure, cool, dry and dark place at the home of the Newsletter Production Officer.

5.7 Cloud Storage Administration

The Club's management data is stored on the Club's Cloud Storage on Google Drive under the username **mx5clubofwa**. This Cloud Storage is both secure (access is restricted) and backed up by Google so server or individual computer failures do not result in lost data. Thus, by using the cloud storage, Committee Members do not need to organise individual backup solutions and/or store copies of their data off site in secure locations. There are separate folders set up for each Committee area.

The President and Vice President are the Administrators of the cloud storage, only they hold the password for the mx5clubofwa account. Individual Committee Members are given shared access with full read and write rights to their own Committee area folders and additionally read-only access to other folders as required (e.g. Constitution, By-laws, Committee meeting agendas and minutes, membership list). This way, no one can inadvertently delete or change any information outside their own area. Whilst Committee Members can have read-only access to key documents, only "the owner" can edit these documents.

When there is a change in the Committee membership the Administrators shall revoke the sharing rights of those retiring from the Committee, alter those for Committee Members that take on new roles and add sharing rights for new Committee Members. When either the President or the Vice President retires the account password shall be changed so the retiring Member no longer has "Administrator Access".

6 Club Awards and Recognitions

The Club makes the following awards and recognitions of service to the Club.

6.1 Member of the Year

- Awarded for excellent service to the Club over the previous 12 months which is deserving of recognition;
- Recipient or Recipients are determined by the President based on recommendations received from individual Committee Members;
- Recipient(s) are announced at the annual anniversary dinner; and
- A framed certificate and a Club name badge stating "Member of the Year" and the year for which it was awarded are the physical recognitions of the award.

6.2 Honorary Life Membership

Life membership is the highest Award available to recognise the exceptional contribution of individuals to the Club. It is therefore only to be awarded in exceptional circumstances.

In considering the award of Life membership the following points shall be taken into account:

- The individual shall have demonstrated significant, sustained and highly meritorious contributions to the Club;
- The general attitude and overall demeanour of the nominee to ensure that the attitude is one that reflects a dedication to the values of the Club; and
- The Nominee shall have been a Member of the Club for at least 10 years

Any 3 Members can nominate another Member for Life membership. Nominations shall demonstrate how the nominee meets the above criteria and shall be presented to the President no later than 3 months prior to the scheduled date of the annual anniversary dinner for consideration prior to the annual anniversary dinner.

- When a nomination has been received the President shall establish a Life membership Committee to assess the nomination for Life membership. The Life membership Committee shall be made up of a minimum of 3 and up to 6 Committee Members co-opted by the President, except that the Nominee and the nominating Members shall be excused if they are Committee Members;
- The views of the existing Life Members on the Nominee's worthiness of becoming a Life Member shall be taken into consideration by the Life membership Committee when assessing the nomination;
- Life membership is awarded if the Life membership Committee endorses the nomination unanimously;
- Recipient(s) are announced at the annual anniversary dinner; and
- A framed certificate and a gold Club name badge stating "Life Member" are the physical recognitions of the award.

In the event that the Nominee for Life membership is the current President, the nomination shall be presented to the Vice-President, and the Vice-President shall fulfil the role of the President regarding the requirements of this clause.

7 Privacy Policy

7.1 Preamble

The Club values the importance of maintaining the confidentiality and privacy of its Members and suppliers. The Committee shall adhere to the *Privacy Act 1988* and subsequent amendments including the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* which became operative on 12 March 2014). The Club's Privacy Policy sets out to outline in plain English:

- The collection process for Members' personal information;
- How the Club uses and discloses Members' personal information;
- The accuracy of Members' personal information;
- How Members can access their personal information;

- The security of Members' personal information; and
- How Members can contact the Club for more information, or for complaints regarding breaches of the Club's Privacy Policy

7.2 What Information Is Collected And How It Is Collected.

The Club generally collect personal information directly from Members, for example, when you submit a membership application or deal with us in person, email, over the telephone or via our web site.

The nature of personal information collected and maintained by the Club generally comprises information such as Members' names and addresses, contact details (phone and mobile numbers, email and mailing addresses) and vehicle details.

Financial information is held and recorded only to the extent that the Club require it to process Members' financial transactions with the Club.

7.3 What The Club Uses The Information For

The only purpose that the Club has in collecting or holding this information is the efficient management of the Club in accordance with the Club's Constitution and By-laws.

The Club will use Members' email addresses for the purpose of alerting Members to coming events or notices regarding Club business. Members' email addresses will not be provided or added to an external mailing list or used or disclosed for any other purpose without the Member's consent. The Club uses Members' mailing addresses to send Members the Club magazine MX-Press.

The Club will use reasonable endeavours to prevent the disclosure of Members' personal information except to the extent:

- Indicated at the time Members supply the information to the Club, or as expressly permitted under any agreement with you;
- Required for performance by the Club of our activities for Members;
- Required under compulsion of law (e.g. the Associations Incorporation Act 2015 provides for Members to access the Register of Members) or provided in cooperation with any government authority; and
- Where it is already publicly available or it is disclosed by the Club in a manner that does not readily permit identification of information relating to a Member.
- The Club undertakes not to sell, rent or trade Members' personal information.

7.4 Accuracy of Information

The Club will use reasonable endeavours to ensure that the information held by the Club is accurate. The Club will update the Club records at the earliest opportunity following notification of any errors or changes.

7.5 Accessing Information

On request, Members may access their personal information collected and held by the Club. Further, if a Member believes that their personal information is not accurate, or incomplete, the Member may request that the Club makes the necessary corrections, additions or deletions. All requests for corrections to personal information shall be in writing (e.g. by email to Membership@MX5Club.com.au).

7.6 Who Uses The Information and Is It Secure

Members' personal information will be held in a responsible manner, with access limited to those with a legitimate "need to know", bona fide officers of the Club or those in the Club with the delegated authority of the Committee.

7.7 Questions or Complaints

Members who wish to discuss any aspect of this Privacy policy, or would like more information on the Club's approach to privacy, should contact the Secretary.

Any Member having a complaint in relation as to how the Club has dealt with their personal data, or any Member believing the Club may have breached the Club's Privacy Policy, should email the President at President@MX5club.com.au. The President shall investigate the complaint and respond to complainant within a reasonable period.

8 Membership Fees & Discounts

8.1 Membership Fees

Rule 9 of the Constitution states that entrance and annual subscription fees are determined by the Committee from time to time and recorded in the Club By-Laws.

An entrance fee of \$25 is payable by all new Ordinary and Associate Members and all rejoining past and Associated Members whose Club membership has lapsed for a period exceeding 12 months. Country membership has no entrance fee.

As off financial year 2010/2011 the following annual membership fees apply:

- Ordinary membership - \$70;
- Associate membership - \$70;
- Country membership - \$25; and
- Honorary Life membership and Foundation membership - \$70 optional.

New Ordinary or Associate Members who join after December but before April pay the full entrance fee and a reduced first year membership fee of \$60 applies for the remaining Club year.

New Ordinary or Associate Members who join after March will pay the full entrance fee and \$70 membership fee up to the end of June in the following year.

8.2 Membership Discounts

The Club typically sponsors specific events, such as the Annual Dinner and Trophy Night, Motorsport and driver proficiency courses, by providing discounts to Members who are financial at the time of the event. These discounts will be as determined by the Committee on a case-by-case basis depending upon surplus funds available, etc.

The Committee should endeavour to provide at least two subsidised events annually.

9 Payments and Receipts

9.1 Payments to Suppliers

It is Club policy that all payments are made by the Treasurer unless it is absolutely unavoidable for an individual Member to make the payment. In the latter case the Member shall request prior approval, stating the reasons why the Member has to pay personally.

9.1.1 EFT Preferred

The Club requires that all requests for payment be substantiated with an Invoice. EFT transactions from the Club accounts is the preferred means of payment as these are the most easily monitored by the Treasurer and are the most transparent. Committee Members receiving an invoice from a supplier (for magazine printing, track hire, venue hire, etc.) shall forward the invoice to the Treasurer for payment without delay to ensure payment is made within the terms of the invoice.

Both the Club email addresses of the Member organising the event and the Treasurer shall be provided to the supplier who should be asked to send the invoice to both to ensure payments are made in a timely manner.

9.1.2 Use of Personal Credit Card

In some instances Suppliers do not accept EFT payment and in such cases payment can be made by Club cheque or personal Credit Card.

Where the use of a personal credit card is unavoidable and the payments is in excess of \$150 the person planning to make the payment shall first send an email to all the authorised cheque signatories explaining what is being paid, usually supported by the invoice, and why a personal payment must be made. Only when two of the authorised cheque signatories approve the use a personal credit card can the payment be made. This ensures use of personal credit cards is as transparent as possible,

9.2 Receipts from Members

It is Club policy that all substantial payments are made by EFT into the Club bank account. For some small transactions such as merchandise sales this is not practicable and cash receipts are acceptable.

9.2.1 *EFT Preferred*

The preferred method of receiving money from Members for membership fees, event payments for annual dinners or Motorsport events, etc. is by EFT into the Club bank account.

9.2.2 *Cash Receipts*

For some incidental small transactions such as merchandise sales this is not practicable and cash receipts are acceptable. In such cases when a Committee Members receives cash a receipt shall be issued for each individual receipt of money. The Club provides receipt books for this purpose to those who may receive incidental cash receipts from time to time. The original shall be provided to the Member making the payment, the first copy shall be forwarded to the Treasurer for the Club records and is the evidence required to support any cash receipts. This copy can be scanned and emailed to the Treasurer. The copy remaining in the receipt book is for the Committee Members' records.

When a large volume of small transactions occurs at the same time, e.g. during social events such as the Club's croquet night it is acceptable to record the transactions in a table and to email a copy of the table to the Treasurer.

When receiving cash payments a Committee Member shall transfer the aggregate amount into the Club accounts by EFT. All incoming funds must be banked in their totality, separate from any expense reimbursements. All transfers shall be accompanied by an explanation of the cash receipt (supported by scans of the receipts from the receipt book or table recording the payments) emailed to the Treasurer.

10 Expense Reimbursement Policy and Procedures

10.1 Expense Reimbursement Policy

It is Club policy to reimburse Committee Members and Club Members for ordinary, necessary and reasonable expenses when directly related to Club business, refer Rule 15 of the Constitution. Directly related means:

- There is the expectation of deriving some current or future benefit for the Club, e.g. Club runs, events and/or weekends away, stationary, etc.
- The Committee Member is actively engaged in an activity necessary to the performance of the Committee Member's duties.

Reimbursement of expenses that are not in compliance with the above policy requires a resolution of the Committee, refer Rule 15.1 of the Constitution.

10.2 Reimbursable Expenses

The following are reimbursable expenses assuming they are in compliance with the above Club policy:

- Petrol use in the planning of cruises capped at \$50 for day cruises and \$100 for weekends away.
- Hotel or motel accommodation to a value not greater than the accommodation being arranged for a Club weekend away event. This reimbursement only applies for the planning of weekends away, is limited to one (1) overnight stay per event and capped at \$120 per event.
- Other reasonable and necessary business expenses, clearly allowed for in an annual Club budget previously approved by the Committee (for example magazine expenses) and not specifically excluded by this section but approved by the President and Treasurer.

The following expenses are not reimbursable under this policy:

- Traffic fines, parking fees, tips, hotel/motel room movies and other forms of personal entertainment;
- Alcohol, drinks and meals;
- Oil, tyres, wear and tear and/or vehicle parts;
- Motor vehicle insurance excess;
- Any medical claim; and
- Any expenses deemed by the Committee as not in the spirit of this policy.

10.3 Committee Members

Committee Members are expected to exercise prudent judgement regarding expenses covered by this policy and shall ensure that any expenses to be reimbursed are clearly included in an annual Club budget previously approved by the Committee.

All Committee Members are responsible for complying with this policy. Committee Members submitting expenses that are not in compliance with this policy risk a delay, partial or forfeited reimbursement.

No policy can anticipate every situation that might give rise to legitimate Club expenses. Reasonable and necessary expenses which are not listed in section 9.2 may be incurred. Each Committee Member must use his/her best professional judgement in determining if an unlisted expense is reimbursable under section 9.1 of this policy.

10.4 Club Members

Club Members may claim for reimbursement in accordance with this policy provided they have been nominated and tasked to conduct Club business on behalf of the Club by a Committee Member for instance for organising a Sunday Cruise or midweek social event.

10.5 Policy Exceptions

Generally, any exception to this policy must have the prior approval of the Treasurer. Request for exceptions shall document extenuating circumstances or proposed overall savings to the Club. At certain times, under unusual circumstances, exceptions may be made after the fact; however, payment by the Club will not be made without the approval of the Committee.

10.6 Reimbursement Procedure

Requests for reimbursement of expenses must be submitted to the Treasurer. The Club requires that all requests for reimbursement be substantiated with adequate records. This substantiation must include information relating to:

- the amount of the expenditure
- the time of the expenditure
- the purpose of the expenditure

While original receipts are recommended for all expenses submitted for reimbursement, unless a prior agreement has been made with the Treasurer, they are required for all expenses greater than twenty dollars (\$20). Requests for reimbursement lacking this information will not be processed and will be returned to the originator.

The Treasurer is authorised to make payments by electronic transfer with the emailed consent of one or more authorised cheque signatories, refer Rule 21.1(e) of the Constitution. It is our practice to require a cheque signatory not associated with the expenditure to be an approver; the person submitting the request for payment or reimbursed should not be counted as an approver.

It was resolved at the May 2017 Committee Meeting that whilst the emailed consent of one or more authorised cheque signatories, refer Rule 21.1(e) of the Constitution, is appropriate for larger payments it recognised that it is unnecessarily onerous for the majority of our Club's EFT payments which made are less than \$150. After the meeting the Vice President, as one of the authorised cheque signatories, gave the Treasurer a "blanket" email authorisation for payments up to \$150 per payment provided the amount being reimbursed has been budgeted for.

11 Advertising

11.1 Free Advertising

At the discretion of the Editor, private “for sale” notices may be placed in MX-Press free of charge, and such notices may on occasion also be included on the Club website at the discretion of the Club’s Webmaster.

11.2 Commercial Advertising

It is Club policy to allow commercial advertising, to a limited degree, to be placed in the Club magazine, MX-Press. This is being done in order to defray the expense of producing and mailing MX-Press to Members.

All advertising accepted will be limited to set sizes (full page (A4), half page and quarter page). Adverts in the stated sizes will be accepted as ‘one-offs’ as well as annual (six issues of MX-Press) from the date of payment for the advert. Advertising layout in each issue of MX-Press will be at the discretion of the Editor and MX5-Press production personnel.

The Editor of MX-Press will consider applications for advertising in MX-Press and only if deemed contentious will be referred to the Committee. Rates to be charged for advertising will be set by the Editor and agreed with the Committee. These rates will be negotiated with the advertisers at the time of the agreement.

Advertising may extend to a small banner and link within a page on the Club website, the Webmaster will be included in any discussion relating to advertising on the website before any agreement is made (with or without the Committee’s approval).

All advertisements, images or web banners are to be provided by the advertiser in the format, size and file size requested by the Club.

Parties giving discounts to Club Members are listed on the website and this may include links and logos of such parties. The website also provides links to Mazda dealer Club Members in WA.

12 Merchandising

One-size-fits-all merchandise such as caps, beanies, scarves and stubby holders, etc. is typically sold at prices that cover the cost of purchasing, plus a mark-up to cover projected unsold or marked down product or the costs involved in carrying unsold or slow moving stock.

Members can order size specific merchandise such as shirts, jackets, etc. directly from the Club’s merchandise supplier, refer to the Club website for details.

Membership of the Club is not a prerequisite to purchase of merchandise. MX-5 Club of WA merchandise should be made available to any person requesting it.

13 Use of Club Name and Logo

The Club name “Mazda MX-5 Club of Western Australia Incorporated”, the short-title of which is “MX-5 Club of WA”, and Club logo shown on the first page of this document are and remain the property of the Club and its Members.

Ordinary Members are not entitled to use the Club and or logo name without prior written authorisation from the Committee.

The Committee shall, from time to time and in the course of carrying out its responsibilities, use the name and or logo provided always that no individual Ordinary Member shall personally gain materially and/or financially by the use of such Club name.

The Committee shall not unreasonably withhold the authorisation to use the Club name to an Ordinary Member where such use is determined to be in the best interests of the Club.

The Committee in all instances acts as Trustee of the Club name and shall use all reasonable endeavours to apply the name legally and responsibly in carrying out of the Club’s general activities.

These provisions exclude car stickers, name badges, merchandise, cruise notes and publications such as MX-Press, that are by virtue of prior consent already in the public domain.

14 Grievance Procedure

The Club encourages the use of informal discussion to resolve grievances. Therefore, unless they feel unable to do so, any Member wishing to express a grievance about another Member should first of all discuss the issue with the person directly involved in the matter. This provides an opportunity to resolve the grievance without recourse to the formal procedure.

If the matter is not satisfactorily resolved within 14 days of the matter coming to the attention of each party, a Member may initiate the formal grievance procedure by giving written notice to the Secretary by email to Secretary@MX5Club.com.au of the parties to the dispute and the matters that are the subject of the dispute.

The written notice shall set out the nature of the grievance, specify the time(s) and place(s) of the incident, what was said or done, names and details of any witnesses / previous incidents if any and the complainant's preferred outcomes. Once the complainant has raised the matter in writing all matters are confidential and the formal Grievance Procedure under Rule 28 of the Constitution will be initiated.

15 Insurance

The Club has Vehicle Club Insurance Policy in place that provides both "Public and Products Liability" and "Association Liability" coverage.

"Public and Products Liability" insurance covers legal liability to third parties for injury and or damage to property caused by an occurrence in connection with the Club's activities.

Club activities include "General Meetings, Static Displays, Swap Meets (up to 200 sites), Touring Runs, Picnics, Barbecues and Club" but exclude "all Racing, Practising, Qualifying, Timed or Speed Trials, Rallying, Hill Climbs, Motorkhana or any event for which Sanctioning or Permits are required".

The Club arranges separate AASA insurance for its timed Motorsport events.

The "Association Liability" insurance covers the personal liability of the President, Committee Members, officials and volunteers including any accompanying Member of their families from any claims by reason of any wrongful act in the capacity of "office bearer".

The Policy does not cover:

- Personal Injury arising out of the ownership, maintenance, operation or use by the insured of any vehicle in respect of which compulsory insurance is or should be available for such personal injury; and
- Property Damage arising out of the ownership, maintenance, operation or use by the insured of any vehicle in respect of which there is required to be in force a policy of compulsory liability insurance.

In other words Members are responsible for their own (vehicle) insurance(s); the Club's insurances are only aimed at protecting the Club and its officers.

Participants on Club cruises are reminded that they are driving on public roads and that the only insurance that they have while taking part in a cruise is the insurance that they have whenever they drive on public roads. Participants take part in Club cruises entirely at their own risk. The Club takes no liability whatsoever for any damage or injury that occurs to participants or third parties, or their property; "*Participants are on their own*". If any event occurs that causes, for example, damage to their property or third party property or injury to themselves or to others, the Club is not liable in any way.

Participants at Motorsport events are reminded that they are not insured at such events from the commencement of the event until they re-enter public roads where their own insurance takes over. Participants take part entirely at their own risk. The Club takes no liability whatsoever for any damage or injury that occurs to participants or third parties, or their property; "*Participants are on their own*". If any event occurs that causes, for example, damage to their property or third party property or injury to themselves or to others, the Club is not liable in any way.

The insurance policy documents are kept on the Club's Cloud Storage on Google drive. Any Member wishing to consult the full text of the policy can do so by requesting access via the Secretary.