

## State Council Standing Orders (Including State Council Executive)

Version 3.0

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### Version History

Version	Approved By	Approved Date	Effective Date	Sections Modified
1.0	CAMS Board	29.08.2018	29 August 2018	Combined State Council and State Executive Standing Orders.
2.0	Motorsport Australia Board	24 April 2020	24 April 2020	Updated
3.0	Motorsport Australia Board	18 November 2020	1 January 2021	Updated with introduction of State Council Secretariate

# Standing Orders

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## 1. Scope

- (a) In accordance with clause 12(a) of the Constitution, a State Council can be established in each State of Australia.
- (b) Each State Council will co-ordinate activities within its defined Area of Responsibility as described in these Standing Orders.
- (c) Each State Council will comply with the Motorsport Australia Constitution, the FIA International Sporting Code and Motorsport Australia policies and procedures in the discharge of its functions and responsibilities under these Standing Orders.
- (d) In accordance with clause 8.1 (a)(ix) of these Standing Orders the State Council, as necessary, may appoint and authorise a State Council Executive to undertake some of the business of the State Council and to provide a mechanism to expedite decision making.

## 2. Objective

The objective of these State Council Standing Orders is to define the functions and responsibilities of the State Council and State Council Executive.

## 3. Definitions and Interpretation

### 3.1 Definitions

- (a) **Affiliated Voting Club** means an Affiliated Voting Club as defined by Article 7 of the NCR.
- (b) **Affiliated Non-Voting Club** means an affiliated Non-voting club as defined by Article 7 of the NCR.
- (c) **Board** means the Board of Motorsport Australia.
- (d) **CEO** means the Chief Executive Officer of Motorsport Australia.
- (e) **Chairperson** means the Chairperson of the State Council and of the State Council Executive.
- (f) **Constitution** means the Constitution of Motorsport Australia.
- (g) **Delegate** means a delegate to the State Council who has been appointed or elected by an Affiliated Club to exercise the rights of that Club at meetings of the State Council.
- (h) **Deputy Chairperson** means the Deputy Chairperson of the Council.
- (i) **Elected Director** has the same meaning as in the Constitution.
- (j) **Motorsport Australia** means the Confederation of Australian Motor Sport Ltd. trading as Motorsport Australia.

- (k) **NCR** means the Motorsport Australia National Competition Rules.
- (k) **Secretariate** means the Secretariate of the Council.
- (l) **Standing Orders** means these Standing Orders.
- (m) **State Council** means a body established by Motorsport Australia and to which certain powers and functions of Motorsport Australia may be delegated under clause 12 of the Constitution.
- (n) **State Council Executive** means a group composed of the State Council Executive members as appointed by the State Council.
- (o) **State Council Executive Meeting** means a formal meeting of the State Council Executive.
- (p) **State Council Executive Member** means a member of the State Council Executive and includes the Chairperson, the Deputy Chairperson and the Secretariate.

### 3.2 Interpretation

The rules for interpretation stated in the Motorsport Australia NCR apply to these Standing Orders. The Constitution prevails over these Standing Orders to the extent of any inconsistency.

## 4A. Gender Equality

Motorsport Australia acknowledges the significant issue of underrepresentation of women in motorsport. Motorsport Australia is committed to ensuring that all eligible members, irrespective of gender, have the opportunity to nominate for State Council and State Council Executive positions.

## 4. Authority

- (a) The State Council and State Council Executive will coordinate activities within their defined Area of Responsibility as described in these Standing Orders.
- (b) The State Council may make any policy or procedure in relation to the operation of that Council in addition to these Standing Orders. Any such rule, policy or procedure will only have effect to the extent that it does not conflict with these Standing Orders, the Constitution and Motorsport Australia's rules, policies and procedures.
- (c) Any policy or procedure of the State Council in existence before these State Council Standing Orders remains in full force and effect. However, any such policy or procedure will only have an effect to the extent that it does not conflict with these Standing Orders.
- (d) The State Council Executive, each State Council Executive Member, and State Council Executive Meeting will comply with these Standing Orders, the Constitution and Motorsport Australia's rules, policies and procedures.

## 5. Composition

### 5.1 State Council

Each State Council will consist of:

- (a) the Affiliated Voting Clubs and Affiliated Non-Voting Clubs in the relevant State Council Area of Responsibility. Each such club is entitled to appoint one Delegate and one Alternate Delegate to the State Council;
- (b) a Chairperson and Deputy Chairperson as elected by that State Council;
- (c) a Secretariate as elected by that State Council;
- (d) the individual members of the State Council Executive as elected by that State Council; and
- (e) the Elected Director, who will be an observer.

### 5.2 State Council Executive

- (a) The process for the election or appointment of each State Council Executive Member (other than the Chairperson) will be by a mechanism outlined in these Standing Orders.
- (b) The State Council Executive will be composed of the following State Council Executive Members:
  - (i) the Chairperson, who will be the State Council Chairperson;
  - (ii) the Deputy Chairperson, who will be the State Council Deputy Chairperson;
  - (iii) the Secretariate, who will be the State Council Secretariate; and
  - (iv) a minimum of one (1) and a maximum of seven (7) State Council Executive Members in addition to a Chairperson, the Deputy Chairperson and Secretariate.
- (c) To be eligible for election or appointment to the State Council Executive, a person must be a current member of an Affiliated Club or the holder of a current Motorsport Australia licence (or both).
- (d) State Council reserves the right to attend to matters within the remit of the State Council Executive until State Council Executive members are elected or appointed.

### 5.3 Elections

- (a) Election of the office bearers of the State Council (namely the Chairperson, Deputy Chairperson, Secretariate, State Council Executive members and any others as determined by the State Council), will be by an electoral process determined and adopted by the State Council such as will satisfy the requirements of the Constitution and as approved by the Board.
- (b) The election of the Elected Director will be as prescribed by the Constitution.
- (c) All elections will be conducted by secret ballot.

## **5.4 Terms of Office**

- (a) Unless otherwise determined by the State Council, a State Council Executive Member, Secretariate, State Council Deputy Chairperson and State Council Chairperson will be elected to a term of three (3) calendar years, commencing on 1 January and ending on 31 December in the relevant year. State Council Executive Member, Secretariate, State Council Deputy Chairperson and State Council Chairperson are permitted to be elected to a maximum of three (3) consecutive terms in each role respectively.
- (b) A State Council Executive Member may:
  - (i) resign at any time; and
  - (ii) have their position terminated in accordance with these Standing Orders.
- (c) Where a State Council Executive or Secretariate position is vacant, a replacement may be appointed by the process as determined by the State Council (or in absence of any determination, the process stated in clause 5.3), in which case the replacement will hold that position for the remainder of the original term.
- (d) State Council has the discretion to waive the requirements of clause 5.3(c) in appointing a person to State Council Executive to fill a vacancy.
- (e) Subject to the provisions of these Standing Orders relating to the earlier death, resignation, disqualification, retirement or removal of members, State Council Executive members will remain in office from 1 January in the calendar year following that of their election until 31 December in the third calendar year following that of their election. Two (2) Executive members will retire in the first year, three (3) in the second and two (2) in the third until, after three (3) years the seven (7) original Executive members have retired and so on.
- (f) If fewer than seven (7) State Council Executive members are elected, they must agree upon a system of retirement so as to ensure no State Council Executive Member serves longer than three (3) consecutive years.
- (g) Elected Directors will hold office for a period as prescribed by the Constitution.

## **6. Operation**

### **6.1 Procedures**

- (a) The State Council will meet not less than two (2) times in each year.
- (b) The State Council Executive will meet as determined by the Chairperson.
- (c) The date, time and place of each meeting will be as determined by State Council or State Council Executive members and notified to each eligible person at least seven (7) calendar days before the meeting.
- (d) At each meeting of the State Council or State Council Executive, the Chairperson will take the Chair. In the Chairperson's absence, the Deputy Chairperson will take the Chair. In the absence of both, the State Council or State Council Executive will elect an acting Chairperson from amongst those present.

- (e) The Chairperson of any Panel set up by the State Council or State Council Executive will be entitled to attend meetings but will only have the right of discussion on topics directly connected to their particular panel, unless approved by the Chairperson of the meeting.
- (f) Business not listed or which does not otherwise arise from a matter listed on the agenda for the meeting may be dealt with at the discretion of the Chairperson, or by two-thirds majority of the meeting.
- (g) The accepted rules of debate will apply to each meeting. Members will address only the Chairperson who will be the sole judge of who has the right to speak.
- (h) Although it is standard practice for meetings to be held face to face and for members to attend in person, the State Council or the Chairperson may decide to conduct a meeting via the use of videoconferencing (or other visual technologies) or teleconferencing (or other audio technologies) to ensure maximum participation opportunity by members.

## **6.2 Minuting**

- (a) The Secretariate (or nominee) will keep a record of each meeting and submit these to the Chairperson for confirmation within seven (7) days, except where reasonable circumstances prevent this from occurring.
- (b) Following receipt of the Chairperson's confirmation, the minutes will be distributed to Delegates, or in the case of State Council Executive the members, and presented to the next ordinary meeting of State Council or State Council Executive to be considered for adoption as a true and accurate record of the meeting held.
- (c) Amendments to a minute constitute a decision of the subsequent meeting and are recorded in the minutes of the subsequent meeting.
- (d) All drafted minutes will be considered confidential and as such will be reviewed by Motorsport Australia administration prior to any publication. Where sections of minutes are considered not suitable for publication the Administration and State Council Chairperson will address these sections prior to publication.

## **6.3 Quorum**

- (a) The quorum for a:
  - (i) State Council meeting will be the delegates representing at least 25% of the Affiliated Voting Clubs at the time of the meeting and in any case not fewer than five (5) delegates representing Affiliated Voting Clubs of that State Council;
  - (ii) State Council Executive meeting will be at least half the voting members, plus one (1).
- (b) If within thirty (30) minutes after the time appointed for a State Council meeting a quorum is not present the meeting will stand adjourned and business set down for consideration by the State Council will be referred to the next meeting of the State Council or of the State Council Executive.

- (c) If within thirty (30) minutes after the time appointed for a State Council Executive meeting a quorum is not present the meeting will stand adjourned until a time and date as determined by the Chairperson.

#### **6.4 Voting**

- (a) Voting procedures at meetings of the State Council will include:
  - (i) the Delegate of each Affiliated Voting Club will have the right to move and to second motions, to discuss such motions and to vote on any matter before their State Council;
  - (ii) the Delegate of each Affiliated Voting Club will be entitled to exercise one (1), and only one (1), deliberative vote on any matter before the State Council;
  - (iii) the Delegate of each Affiliated Non-Voting Club will have the right to move and to second motions and to discuss such motions but will not be entitled to vote on any matter before the State Council;
  - (iv) the Chairperson, Deputy Chairperson, Secretariate, and State Council Executive members will have the right to move and to second motions, and of discussion, but will not have any right to vote other than while acting as the Delegate of an Affiliated Voting Club;
  - (v) the Elected Director is an observer and will not have the right to move, second or vote on motions, nor be a Delegate of an Affiliated Club;
  - (vi) for any motion to be carried at a State Council or State Council Executive meeting it must be supported by a simple majority of eligible votes cast;
  - (vii) for any motion to be carried outside a State Council meeting, via the use of technology, it must be supported by a simple majority of that State Council's Affiliated Voting Clubs. Where such a decision is made, that decision must be noted in the State Council's next meeting minutes as a decision made out of session;
  - (viii) in the event of equality of votes, there is no casting vote and the motion will be declared lost;
  - (ix) the State Council may determine whether or not proxy voting will be permitted and whether or not any one (1) person may exercise more than one (1) deliberative vote. If proxy voting is permitted each voting delegate may exercise a maximum of one (1) proxy vote. Proxy votes do not count towards a quorum;
  - (x) voting on general matters other than elections at a meeting of the State Council will be by show of hands or via the use of technology, unless otherwise decided by a majority of those present and eligible to vote;
  - (xi) the voting process for elections is established in clause 5.3.
- (b) Voting procedures at the meetings of the State Council Executive will include:
  - (i) the members of the State Council Executive will have the right of discussion (including that of moving or seconding motions) and will have one (1) deliberate vote only;

- (ii) any other person present may be granted by the Chairperson leave to discuss matters before the meeting but will have no deliberate vote;
- (iii) in the event of an equality of votes, there is no casting vote, and the motion will be declared lost;
- (iv) voting on general matters other than elections at a meeting of the State Council Executive will be by show of hands unless otherwise decided by a majority of those present and eligible to vote.

## **6.5 Attendance at Meetings**

Each of the following will have the right to attend and discuss, but not move, second or vote at each meeting:

- (a) a member of Motorsport Australia's staff appointed to the relevant Area of Responsibility of the State Council;
- (b) any person who is invited by the Chairperson;
- (c) a Board member; and
- (d) the CEO.

## **7. Conduct**

### **7.1 Consultation**

- (a) Each member will ensure that the interests of all stakeholders are considered fairly and equitably in its deliberations, recommendations, and decisions. All deliberations, recommendations, and decisions will be in the best interests of Motorsport Australia, the discipline and motorsport.
- (b) In pursuing an issue, each member will consider each of the following:
  - (i) the potential implications of its deliberations, recommendations, and decisions on all competition activity;
  - (ii) competition in each State and Territory and nationally; and
  - (iii) any potential impact on other disciplines.
- (c) Where deliberation is required to avoid technical or discipline-related inconsistencies, the State Council Executive will liaise with the State Council, with other relevant Motorsport Australia State Panels and Commissions.

### **7.2 Confidentiality**

The content of all agenda papers, reports, emails and other correspondence intended for a member, or any other information communicated to a member during the performance of their duties, is confidential. Any information received by a member from other sources which are pertinent to the State Council in the performance of its duties will be forwarded to the Chairperson, where it is permissible to do so.

### **7.3 Conflicts of Interest and Pecuniary Interests**

There is potential for State Council and State Council Executive members to be faced with a situation where they may encounter a real or potential conflict of interest or matter in which



they have a pecuniary interest. If this occurs, and by the principles of good governance, each State Council or State Council Executive member:

- (a) is required to declare such interest before the commencement of discussion of the issue;
- (b) may take part in the discussion to contribute technical knowledge and relevant information;
- (c) if the conflict and pecuniary interest is of a direct commercial nature (e.g. a supplier, manufacturer, repairer or producer involved in the relevant subject matter), will limit their comments to the provision of technical or factual issues;
- (d) will not be involved in any decision-making process (including casting a vote either directly or via a proxy).

## 8. Powers and Responsibilities

### 8.1 Functions

- (a) Each State Council will:
  - (i) have as its primary objective the support and nurturing of the affiliated clubs in its Area of Responsibility so that they will achieve increased participation in the sport through implementation of proactive sport, club, community and member development programs;
  - (ii) in addition to its primary objective, conduct the general co-ordination activities within its defined Area of Responsibility for the sport, organisation and individual disciplines; and
  - (iii) actively contribute to the achievement of Motorsport Australia's Strategic Plan and Objects;

To achieve the above, the State Council will have the following functions and responsibilities:

- (iv) Sport & Club Development
  - (A) Proactively engage and encourage motorsport activity and automobilism among members of Motorsport Australia;
  - (B) Focus on increasing equity and diversity within the sport and organisation, including but not limited to youth, women, disabled, indigenous and culturally diverse groups; and
  - (C) Focus specifically on increasing participation within the sport, including the promotion of Motorsport Australia as a contemporary organisation of choice for volunteerism and affiliation.
- (v) Club Liaison
  - (A) Recommend affiliation or disaffiliation of clubs or other groups in the State Council's Area of Responsibility to the Board. The Board will consider such recommendations in its absolute discretion.

- (vi) State Championship Co-ordination
  - (A) Approve and maintain sporting regulations for all competitions up to and including State Championship level competitions. Unless authorised by the Board, such State regulations may not change nor be in conflict with any Motorsport Australia contractual provisions/obligations (e.g. Category Management Agreements), National Competition Rules or any other rule, regulation, definition or determination contained in the Motorsport Australia Manual nor with the policies and determinations of Motorsport Australia;
  - (B) Establish and manage such Championships and Series at State level as it deems appropriate; and
  - (C) Allot and/or approve dates in its Council Area of Responsibility for State Championship competitions and events.
- (vii) Calendar Co-ordination will be as per the Motorsport Australia Motor Sport Calendar Policy.
- (viii) Appointment and oversight of State Panels
  - (A) Determine the number and composition of State Panels as necessary to manage the sport and/or achieve the organisation's objectives within the State;
  - (B) Appoint and/or suspend the delegation of each State Panel; and
  - (C) Maintain adequate oversight and direction of all operating State Panels;
- (ix) State Council Executive
  - (A) Elect or appoint as necessary a State Council Executive to undertake the business of the State Council and/or provide a mechanism to expedite decision making at State Level;
  - (B) The State Council Executive will carry out the function and responsibilities of the State Council as set out in these Standing Orders except clause 5.3 elections;
  - (C) The State Council Executive will, at all times, only transact the affairs of State Council;
  - (D) The State Council Executive will be granted emergency powers to enable decisions for the benefit of the sport which normally would be made by State Council where the following conditions prevail;
    - (I) A decision is required prior to the next scheduled State Council meeting, where:
      - It is inappropriate or not possible to conduct and/or achieve a quorum for an extraordinary State Council Meeting; and
      - It is inappropriate or not possible to conduct and/or achieve a quorum for a decision made out of session via the use of technology;

- (II) Any decision is made in the belief that at the time, it would be sustained by State Council;
- (III) That any decision made, is submitted to State Council at its next scheduled meeting where it will be ratified or rejected as seen fit by State Council;
- (IV) That any decision made under these emergency powers is only in force for the period up to the next scheduled State Council meeting.
- (E) The State Council Executive will, at all times, report to the State Council.
- (x) Dispute Resolution
  - (A) Except where otherwise provided for at National level, appoint tribunals to:
    - (I) adjudicate disputes between clubs and/or persons in its Council Area of Responsibility other than such disputes the determination of which is provided for in the Rules;
    - (II) ensure that in all cases the principles of natural justice are applied.
- (xi) Administration of the organisation and the sport.

The State Council will be responsible for the following:

- (A) transmitting to relevant persons or groups any directions or information forwarded for this purpose by the CEO and consider and, if thought fit, forward to the CEO any recommendations from persons or groups in its Area of Responsibility;
- (B) resolutions passed by the State Council which require consideration by bodies beyond that State Council will be forwarded to the CEO for referral to the appropriate section of Motorsport Australia. Such resolutions will thereafter be listed for review by each subsequent State Council Executive meeting until resolved.

## **8.2 Environmental**

The State Council and its activities will be conducted with acute consideration of environmental matters. The State Council and each State Council member will conduct themselves in a manner that minimises the overall detriment of the natural and manmade environment.

## **8.3 Areas of Responsibility**

The areas constituting the territory of each State Council will be as follows:

- (a) in the case of the State Councils of Queensland, Western Australia and Tasmania, the political areas of those States respectively;
- (b) in the case of the State Council of South Australia and Northern Territory, the political area of that State and the Northern Territory of Australia and the County of Yancowinna, New South Wales;

- (c) in the case of the State Council of Victoria, the political area of that State, and the Counties of Townsend, Cadell and Wakool and Shires of Holbrook, Berrigan, Corowa and Hume, New South Wales;
- (d) in the case of the State Council of New South Wales, the political areas of that State and the Australian Capital Territory less the Counties of Townsend, Cadell, Yancowinna, Wakool and the Shires of Holbrook, Berrigan, Corowa and Hume.

## 9. Modification

These State Council Standing Orders may only be amended by a decision of the Board.