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**4WD CLUB  
OF WA** Est. 1971

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# Club By-Laws

## **1. Introduction**

1.1 The Executive Committee welcomes you to the Four Wheel Drive Club of Western Australia (the Club) and encourages you to become an active member of our Club and gain many benefits from your membership.

1.2 These By-Laws have been written to provide guidance on the expected behaviours of all members to ensure that everyone enjoys the Club in a safe and welcoming environment.

1.3 The Club welcomes everyone from all backgrounds and does not discriminate regardless of race, religion, sexual preferences, political views, physical abilities, or vehicle make and model.

1.4 The Club was formed in 1971 and is an organisation that brings together a diversity of people who share a common interest in the ownership and use of four wheel drives (4WDs), travelling and camping.

1.5 Being a member of the Club offers an opportunity for members to share their experience and participate in recreational activities as a group. For members with less experience this has the added advantage of providing an element of safety and eliminates the risks of being stranded in isolated areas of our bush.

1.6 By your involvement with the Club, we hope that you will gain the proficiency in vehicle handling and valuable information for the maintenance and general care of it as well as an awareness of the beauty and fragility of the natural environment.

1.7 These By-Laws are to be read in conjunction with the Club's Constitution and where any ambiguities may exist, the Constitution takes precedence.

1.8 These By-Laws may be changed at any time with a majority of the membership vote at any Annual General Meeting (AGM), Special General Meeting (SGM) or General Meeting (GM).

1.9 These By-Laws apply to all members and visitors to the Club or involved in a Club activity or function. Members are to ensure that their guests are aware of these By-Laws as are trip leaders who have visitors attending their trip / activity.

1.10 All members, their guests and visitors acknowledge that four wheel driving is an inherently dangerous activity and by participating in these activities accept that their vehicles may get damaged and injuries may occur. The Club will do everything in its best endeavours to ensure that all safety requirements are met and put into practice; however, accidents can and do happen and these By-Laws have been written to ensure that best practice methods are undertaken. Members, their guests and visitors are encourage to ensure that they have adequate insurance to cover them and their vehicles whilst undertaking these activities.

## **2. Objectives of the Club**

To establish, maintain and conduct a Club of an educational, recreational, social and non-political character for the purpose of promoting and fostering:

*Safe and Responsible Four Wheel Driving*

## **3. Code of Conduct**

3.1 This Code of Conduct (CoC) applies to all members and visitors to any Club function or activity and failure to comply will result in disciplinary action.

3.2 General Principles. The general principles of the CoC are to be used to guide members and visitors in their behaviours to:

- 3.2.1 Act with reasonable care and diligence;
- 3.2.2 Act with honesty and integrity;
- 3.2.3 Act lawfully;
- 3.2.4 Avoid damage to the reputation of the Club;
- 3.2.5 Be open and accountable;
- 3.2.6 Treat others with respect and fairness; and
- 3.2.7 Not be impaired by mind affecting substances.

3.3 Personal Behaviour. All members and visitors will:

- 3.3.1 Act and be seen to act properly and in accordance with the requirements of the law, the Constitution and these By-Laws;
- 3.3.2 Act in good faith and fidelity in the interest of the Club;
- 3.3.3 Make no allegations which are improper or derogatory, unless true and in the Club's interest and refrain from any form of conduct which may cause any member or member of the public unwarranted offence or embarrassment;
- 3.3.4 Not publicly reflect adversely upon any decision of the Executive Committee; and
- 3.3.5 Represent and promote the interests of the Club.

3.4 Honesty and Integrity. All members and visitors will:

- 3.4.1 Observe the highest standards of honesty and integrity and will avoid any conduct which may suggest any departure from these standards;
- 3.4.2 Be frank and honest in members dealings with each other; and

- 3.4.3 Endeavour to resolve conflict through initial discussion.
- 3.5 Performance of Duties. All Executive Committee and Trips Committee members are to ensure that:
- 3.5.1 They perform their duties to the highest standard possible;
  - 3.5.2 Ensure that their decisions are impartial and based on what is best for the Club; and
  - 3.5.3 Treat all members with due respect.
- 3.6 Compliance with Laws, Policies and Instructions. All members will:
- 3.6.1 Comply with any laws, policies or instructions applicable to the Club;
  - 3.6.2 All members and visitors are to comply with any instruction given to them by a member of the Executive Committee whether or not they agree with that instruction or not; and
  - 3.6.2 All members and visitors are to comply with any instructions given by a Trip Leader during the conduct of a trip whether or not they agree with that instruction.
- 3.7. Conflict of Interest.
- 3.7.1 All Executive Committee members will:
    - 3.7.1.1 Ensure that there is no actual or perceived conflict of interest between their personal interest and the impartial fulfilment of their role on the Executive Committee; and
    - 3.7.1.2 Make the appropriate disclosures before moving a motion or making a decision.
  - 3.7.2 All members are to:
    - 3.7.2.1 Ensure that there is no actual or perceived conflict of interest between their personal interests and their membership of the Club; and
    - 3.7.2.2 Make the appropriate disclosures before moving any motions, voting on any motions or making comment at a meeting.
- 3.8 Communications and Public Relations.
- 3.8.1 All members acknowledge that, unless otherwise authorised, statements made on behalf of the Club to the media or other entities are only made by the President, Vice President and Secretary or in their absence any other member of the Executive Committee; and

3.8.2 Members will refrain from publicly criticising the Executive Committee, Trips Committee or any other member performing a role on behalf of the Club, such as a Trip Leader, in a way that casts aspersions on their professional competence and credibility.

### 3.9 Harassment and Discrimination.

No member will harass, discriminate against (within the meaning of all relevant legislations) or support others who harass or discriminate any member or visitor to the Club.

### 3.10 Bullying.

No member will engage in any conduct by any means which amounts to bullying against any member or visitor to the Club.

### 3.11 Threatening or violent behaviour.

No member shall in any way threaten or act in a violent manner towards any person who is a member or a visitor to the Club, this includes threats via social media platforms or electronic communications.

### 3.12 Inappropriate or Offensive Behaviour.

No member shall touch or act in any way or manner towards any person who is a member or visitor to the Club that is considered to be inappropriate or offensive.

### 3.13 Drugs and Alcohol.

3.13.1 All members and visitors will ensure that the consumption of alcohol, prescription drugs or over the counter drugs will not impair their performance or their personal safety or that of others or impact on their behaviour at any time;

3.13.2 No member or visitor shall consume alcohol, or any drugs that may impact on their ability, when operating a motor vehicle or other dangerous equipment whilst on a Club activity;

3.13.3 Any member or visitor who consumes alcohol or any drugs that may impact on their ability, are not to drive any motor vehicle or operate dangerous equipment until such time as it leaves their system; and

3.13.4 No member or visitor is to consume or supply any other member or visitor any illegal drugs or substances.

3.14 Any member who engages in conduct contrary to the provisions of By-Laws 3.9, 3.10, 3.11, 3.12 and 3.13 will face expulsion from the Club pursuant to Part 4 Division 2 Clause 19 of the Constitution.

#### 4. Social Media Code of Conduct

4.1 The Social Media Code of Conduct (SM CoC) is to provide guidance to all members on the correct use of any and all of our social media accounts / platforms.

4.2 Failure to comply with the SM CoC will result in disciplinary action taken against those who breach the policy and may include removal from the social media account or platform permanently or ‘muting’ for a set period of time.

4.3 Members are reminded that social media platforms are public forums (including those restricted / closed groups) and any comments made on the social media platforms may make the Club liable for those comments whether or not it was made on behalf of the Club.

4.4 Conduct. The following rules apply to all members when posting on our social media pages:

- 4.4.1 Comments that discriminate, harass, are an open accusation, considered inappropriate or are derogatory towards other members, our sponsors / advertisers, or our Executive Committee will be deleted and result in a ban for the first infringement and removal from the account / platform for second infringement;
- 4.4.2 Club debates / Complaints. The social media platforms have been created to create a welcoming environment in which we encourage 4WD related debate and discussion in these platforms. While a healthy debate is good and it is acknowledged that members will have differing opinions all members are advertised to keep all debates / discussions civil and any hostile or offensive posts etc will be deleted immediately.
- 4.4.3 These platforms are not to be used as a process for public complaints. Do not use the platform as a complaints platform or they will be deleted. All complaints are to be forwarded to the appropriate Executive Committee<sup>1</sup> member via their official Club email address;
- 4.4.3 Advertising. No promotion of products or businesses or links to their websites without first seeking permission from one of the platforms administrators to ensure that there is no conflict of interest with our sponsors / advertisers;
- 4.4.4 We are a not for profit organisation that relies heavily on the support of our advertisers. Only constructive feedback or comments will be tolerated when commenting on their products or services. If you have an issue or complaint about one of our advertisers / sponsors you are to put that complaint in writing and address it to one of the Executive Committee via their Club email address; and

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<sup>1</sup> This is will be either the Membership Officer or Social Media member or if not available the President.

- 4.4.5 Trips. All Club trips must be sanctioned by our Trips Committee and approved by them as this ensures that the trip is covered by our Club insurance. No last minute trips are to be advertised without the prior approval of the Trips Committee.

## **5. Meetings - Conduct**

5.1 The following applies to all AGM, SGM, GM, Executive Committee, Trips Committee and any other meetings held by the Club:

- 5.1.1 Motions. All motions for any meeting are to be forwarded in writing (preferably via email) to either the Secretary (in case of AGM, SGM, GM and Executive Committee) or appropriate committee member a minimum of 14 days before the meeting that the motion pertains to;
- 5.1.2 The Secretary or appropriate committee member will then place the motion on the relevant agenda for discussion;
- 5.1.3 In the case of a motion for an AGM, SGM or GM the Secretary is to notify all Club members via email, or other means, of the motion at least seven days before the relevant meeting;
- 5.1.4 Club members who cannot make the relevant meeting but may wish to make comment on the motion may do so in writing via email to the Secretary who will then read those comments out at the relevant meeting. All comments must be in by 5:00 pm of the day before the relevant meeting and any comments received after this time will not be considered;
- 5.1.5 Club members who cannot make the relevant meeting may vote by making a proxy vote by 5:00 pm on the day before the relevant meeting and any votes received after this time will not be counted;
- 5.1.6 Proxy votes are to be forwarded to the Secretary in writing (preferably via email) using the appropriate form pursuant to Part 6 Clause 61 of the Club's constitution;
- 5.1.7 Agendas. For AGM and SGM, all items for the agenda are to be provided to the Secretary no later than 14 days before the date of the AGM or the SGM. The Secretary is to provide the agenda to all members via email or other means at least seven days before the relevant meeting;
- 5.1.8 For GM and Executive Committee meetings, all items for the agenda are to be provided no later than seven days before the meeting. The Secretary is to provide the agenda to members via email or other means by 9:00 pm of the day before the GM or Executive Committee meeting;
- 5.1.9 Club members who cannot make the relevant meeting but may wish to make comment on any item on the agenda may do so in writing via email to

the Secretary who will then read those comments out at the relevant meeting. All comments must be in by 5:00 pm of the day before the relevant meeting and any comments received after this time will not be considered;

5.1.9 All members may make any comment on any matter before the relevant meeting; however, members are to be reminded that their behaviour is subject to the CoC and any member going outside the bounds of the CoC will be called to order and if they persist they will be removed from the meeting;

5.2 Attendance at Executive Committee Meetings. Any member may request, in writing via email, at least 72 hours prior to the meeting to attend an Executive Committee meeting. They are to advise the reason why they wish to attend and the President, or if the President is not available, then the Vice President or Secretary may grant the approval for the member to attend.

5.3 Once a member has presented their matter to the Executive Committee they must leave the meeting unless they have been granted permission to stay. They may not take part in any conversation in regards to any matter not presented by them nor will they have any voting rights.

5.4 No member will attend an Executive Meeting without first obtaining permission to do so as per Clause 5.2.

## **6. Membership**

6.1 Ordinary Membership. Pursuant to Part 3 Division 1 Clause 11.1 of the Club's constitution an ordinary membership is described as:

6.1.1 A single person or two persons who reside at the same address and using the same vehicle, that are eligible for membership as per Part 3 Division 1 of the Club's constitution;

6.1.2 Where an additional vehicle is used the members must nominate which vehicle is to be the primary vehicle to be included in the membership and Nomad number. An additional fee of \$20 per vehicle will be charged per vehicle should members wish to use two or more vehicles on trips. This amount is for insurance coverage under the Club's Public Liability Insurance and will be reviewed yearly as per membership fees;

6.1.3 An additional family member that is a child of the members, residing at the same address, is aged 17 – 21 years, has a driver's licence and their own 4WD can be include in the parent's membership at no cost a part from a fee of \$20 for insurance purposes; however, they do not have any voting rights; and

6.1.4 Children or grandchildren of members under the age of 17 years are free and are welcomed / encouraged to attend Club activities; however, they have no voting rights.



6.2 Reciprocal Membership. Reciprocal Membership may, at the discretion of the Executive Committee, be offered to any financial member of a recognised Australian or International Four Wheel Drive Club or Association. Reciprocal members shall be entitled to all the benefits, facilities and privileges of the Club whilst visiting or residing in the State of Western Australia for a period of 3 months maximum, any extension must be at the approval of the Executive Committee. A reciprocal member shall not be subject to any membership fees and shall not be entitled to any voting rights;

6.3 Life Membership. Life membership shall be conferred upon a Club member in recognition of outstanding and exceptional beneficial services to the Club over a considerable period of time. Note – the period of time is at the discretion of the Executive Committee but must be at least 15 years continuous membership.

6.4 The outstanding and exceptional services must include but not limited to a combination of two or more of the following:

- 6.4.1 Membership of the Executive Committee for at least three years;
- 6.4.2 Membership of the Trips Committee for at least three years;
- 6.4.3 Hold an Officer Bearer position for at least three years;
- 6.4.4 Be an active Trip Leader – that is someone who conducted regular Club trips<sup>2</sup> each year for at least 5 years;
- 6.4.5 A member who upheld the values and CoC of the Club for each year of their membership;
- 6.4.6 A member who over the years of their membership provided continuous meritorious<sup>3</sup> service to Club; and
- 6.4.7 A member who held continuous membership for a period greater than 25 years.

6.5 Nominations for Life Membership. The following is the process for nomination for life membership:

- 6.5.1 The nomination must be made in writing to the Executive Committee outlining why the member should be considered for life membership;
- 6.5.2 The nomination must include a ‘seconded’;
- 6.5.3 The Executive Committee must evaluate the nomination and endorse it (2/3 majority required) or reject it within a two month period;

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<sup>2</sup> At least five day trips or three weekend / extended trips or a combination of day / weekend / extended trips equalling 5 days or more per year.

<sup>3</sup> Meritorious service includes but isn’t limited to someone who regularly assists with helping out on Club activities or volunteering to assist at fund raising activities i.e. the person ‘who always turns up to assist’ etc.

- 6.5.4 If the Executive Committee reject the nomination they are to inform the nominator of the rejection and why;
- 6.5.5 If the Executive Committee accept the nomination they must write to the nominee and advised them that they have been nominated for life membership and if the nominee declines it the process will cease;
- 6.5.6 However; if the nominee accepts the nomination, the Executive Committee is to publish the nomination in the Club magazine at least two months prior to the AGM or SGM;
- 6.5.7 The Executive Committee is to notify everyone in writing, via email, of the nomination at least two months before the AGM or SGM;
- 6.5.8 The Secretary will, two weeks before the AGM or SGM, send out a voting form to all members via email for them to accept or reject the nomination;
- 6.5.9 Members are to have their vote returned via email no later than 72 hours before the AGM or SGM;
- 6.5.10 The Secretary will count the votes returned and tally them up and a majority of votes will determine the outcome and if required the President will have a casting vote;
- 6.5.11 The Secretary will advise the Executive Committee of the outcome of the vote, the Secretary will retain the returned voting slips should any scrutineering be required;
- 6.5.11 The President will announce the outcome of the voting at the AGM or SGM; and
- 6.5.12 The privileges and benefits of the Club shall be conferred on Life Members. They will be exempt from paying membership fees or any costs for functions such as Christmas Party etc; however, they will be required to advise the Membership Officer in writing of any changes to their contact details.

## **7. General**

7.1 Club Representation. No member is approved to speak on behalf of the Club, or represent, volunteer the Club to external organisations, conduct negotiations, debates, agree to fund raising activities or other external activities of any kind, without first seeking the approval of the Executive Committee. Where a member belongs to another organisation they are not to represent the Club or make any statements on behalf of the Club to that organisation unless otherwise approved by the Executive Committee.

7.2 Safety. All members are to ensure that they act in a safe manner at all times and this includes:

- 7.2.1 Footwear. All members are to wear appropriate footwear for personal safety.
- 7.2.2 Clothing. All Club members are to ensure that they wear appropriate clothing for the conditions when participating in a Club activity;
- 7.2.3 Recovery. All Club members are to ensure that they take all appropriate safety precautions when conducting a vehicle recovery, this includes but isn't limited to:
- 7.2.3.1 Using correctly rated shackles and recovery equipment;
  - 7.2.3.2 Using a recovery dampener when winching or snatching; and
  - 7.2.3.3 Using current 'best practice' methods when conducting a recovery.
- 7.2.4 All members are responsible for their own personal safety and that of their family and friends when on a Club activity. If they see a safety issue or an unsafe practice they are to notify the Trip Leader or Executive Committee member immediately and advise them of their concerns and to take immediate action to eliminate the safety issue.
- 7.2.5 Chainsaws and other dangerous equipment. All Club members are to ensure that they use current 'best safety practices', wear the appropriate protective clothing and hearing protection when operating chainsaws and other dangerous equipment.
- 7.3 Trip Leader. A trip leader is appointed for every trip and they are responsible for the safe conduct of that trip. All Club members are to follow the trip leader's instructions unless there is a clear reason not to do so – i.e. a safety issue, in this situation the member is to take the immediate action to reduce the risk to either themselves or others in the vicinity.
- 7.4 In a situation where there is a disagreement over how a trip is being conducted or how certain aspects of the trip are being conducted (i.e. a recovery situation) the trip leader has the final say. On completion of the trip and at the first opportunity the Executive Committee is to be advised of the dispute and will investigate the matter.
- 7.5 Convoy Procedures. All members are to follow the convoy procedure as advised by the trip leader.
- 7.6 Firearms / Weapons. No firearms or other type of weapons (such as bow and arrows) etc are to be taken on any Club trip.
- 7.7 Dogs and Domestic Animals. Dogs and other domesticated animals may only be taken on a trip on the approval of the trip leader. All dogs are to be on a leash at all times unless approval is granted otherwise. Other domesticated animals must be appropriately secured at all times.

7.8 Mandatory Equipment. All mandatory equipment as listed in the Club magazine and as advised by the trip leader is to be carried on every Club trip. For new members, the Club has a quantity of recovery equipment which is available for use by all members and new members are encouraged to make use of this equipment until such time that they are able to purchase all the required mandatory equipment.

7.9 Recovery Points. Members are to ensure that they have correctly rated recovery points fitted to their vehicle. Factory tie down points are not recovery points. It is acknowledged that the newer 4WD vehicle may not be able to be fitted with front recovery points; however, if these become available members are expected to get them fitted as soon as possible.

7.10 Tow balls are not considered a recovery point and should not be used, instead a recovery hitch with a rated shackle is the preferred option.

7.11 Vehicles. All vehicles must be road worthy, legal and registered as per the regulations for the State of Western Australia and all vehicles must be appropriately insured to cover damage to third party property. A member who has an interstate registered vehicle must have the vehicle registered and comply with Western Australian state regulations upon expiration of their interstate registration within the timeframe frames permitted by state regulations.

7.12 Driver's Licences. All Club members driving a motor vehicle on any Club activity regardless of whether it is on private or public land must hold the appropriate driver's licence for that vehicle. A member who has an interstate licence must comply with Western Australian state regulations in respect to their licences.

7.13 Rubbish. All members are responsible for the removal and storage of their rubbish – take out what you take in - as littering will not be tolerated.

7.14 Flora and Fauna. All native animals and plants are not to be interfered with unless there is a lawful reason to do so such as putting down an injured animal due to a vehicle strike etc.

7.15 Property. All private and public property is to be respected and wilful trespass will not be tolerated. All gates must be left as found and permission must be gained before entering any property.

7.16 Fires. All fire bans and restrictions must be followed and fires are to be completely extinguished before leaving an area.

7.17 Nomad Number. Nomad numbers are to be displayed on the rear of your vehicle and are used by members for identification purposes. Once a member leaves the Club they are to return their Nomad number and if they dispose of their vehicle they are to ensure that the Nomad number is removed.

7.18 Visitors. Visitors are encouraged to attend at least two or three GM and up to two Club trips not including awareness training days before deciding whether to become members.

## **8. Trips Committee**

8.1 The Trips Committee is responsible for the organisation and conducting of Club trips and activities including social trips.

8.2 Part 5 Division 1 Clause 32 (3) of the Club's constitution sets out the composition of the Trips Committee.

8.3 Appointment to the Trips Committee is by voluntary nomination to the Chairperson of the Trips Committee.

8.4 The Chairperson of the Trips Committee is to be elected by members of the Trips Committee at their first meeting following the AGM in June.

8.5 All other positions on the Trips Committee is by voluntary nomination and if more than one nomination is received for a position a vote will be required by the members of the Trips Committee.

8.6 The Trips Committee will meet on the first Thursday of the month preceding the GM or at a time set by the Chairperson.

8.7 Ordinary members may attend a Trips Committee meeting with the prior approval of the Chairperson, Deputy Chairperson or Trips Coordinator.

8.8 All members wishing to conduct a trip are to liaise with the Trips Coordinator and advise them of the details of the trip. They are to provide that information using the proforma as used in the trips section (yellow pages) of the Club's magazine.

8.9 The Trips Coordinator will then provide that information to the Trips Committee for their discussion and approval.

8.10 The Trips Coordinator will also advise and provide the details of the trip to the Editor of the Club's magazine.

8.11 Should the Trips Committee not approve a trip they are to advise the member immediately of their decision and why.

8.12 No member shall organise a trip without first notifying the trips committee and gaining their approval.

8.13 The Trips Committee is also responsible for the organisation and conduct of the following annual activities:

8.12.1 The vehicle inspection day;

8.12.2 The Mogumber Clean Up weekend;

8.12.3 The Winter Gymkhana;

8.12.4 The Show and Tell weekend;

8.12.5 The Summer Gymkhana; and

8.12.6 All training / awareness days.

## **9. Conclusion**

9.1 These By-Laws have been written to ensure that all members, their guests and visitors have a safe and enjoyable time when participating in a Club activity and your cooperation in ensuring that they are followed is greatly appreciated.

9.2 Any breach of these By-Laws – apart from By-Law 3.14 where action is mandatory – may result in disciplinary action as per Part 4 of the Club’s constitution.

9.3 In the first instance any breach of these By-Laws will be dealt with at an informal level by the Executive Committee, unless the matter is deemed to be serious or requires urgent and immediate action.

9.4 Second or subsequent breaches of these By-Laws will result in disciplinary action as per Part 4 of the Club’s constitution.

**Date ratified:** 06 Jun 2019