

MOTORCYCLING NSW CLUB REGULATIONS

MOTORCYCLING NSW POLICY

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CLUB REGULATIONS

This document aims to guide new and existing affiliated member Clubs to become, and remain, a recognised and Affiliated Club of Motorcycling NSW Limited (MNSW).

The MNSW Club Regulations outline the foundation of becoming an Affiliated Club member of MNSW. It illustrates the importance of maintaining corporate records and adopting good governance practices, as well as the regulations and our member's responsibilities and obligations, specifically about Motorcycling Australia Insurance Limited (MAIL).

While all care has been taken in the preparation of this publication, no responsibility is accepted by MNSW for any errors, omissions, or inaccuracies. This publication is of a general nature only and should be referred to in conjunction with related policies and information. It is not intended to be relied upon, nor as a substitute for, professional advice. No responsibility can or will be accepted by Motorcycling NSW for loss occasioned to any person doing anything as a result of any material in this publication or any person relying on any material in this publication.

IMPORTANT

The following points should be borne in mind at all times:

1. Our Clubs, Riders, Coaches, Officials, Administrators and Volunteers are all covered through various products through [Motorcycling Australia Insurance Scheme](#) provided by MAIL

Who is covered?

The Motorcycling Australia Insurance Scheme covers Motorcycling Australia Limited (MA), the State Controlling Bodies (SCBs), their Affiliated Club clubs and employees, also current MA licence holders, volunteer officials, accredited coaches and accredited media participating in an MA sanctioned events/activities.

What is covered?

The National Insurance Programme comprises three covers:

- Public Liability (PL) Insurance
 - Personal Accident (PA) Insurance
 - Management Liability Insurance
2. It is essential that you comply with all relevant laws, by-laws and regulations. You and your Affiliated Club must take all due and reasonable precautions to prevent or mitigate losses. Failure to do so may prejudice your rights and entitlements under our insurance policy. Please do not hesitate to contact MNSW should any assistance be required.
 3. MNSW policies and procedures are living documents that reflect progress in administrative requirements and industry standards. As such, to maintain the currency, policy and procedures are periodically reviewed and updated. It is important readers ensure they are reading and using the most up to date version. To confirm the current version, please view at www.motorcycling.com.au
 4. MNSW also welcomes suggestions or improvements to our policies and procedures. Feedback can be submitted at any time via the [Motorcycling NSW Policy Feedback Form](#)

SECTION 1 AFFILIATION GOVERNANCE & COMPLIANCE INFORMATION

1.1 COMPLIANCE REQUIREMENTS – GENERAL INFORMATION

As previously outlined, there must be a direct correlation between MNSW and an Affiliated Club. This process and listed requirements are to assist and ensure Affiliated Clubs in maintaining adequate corporate records and lawful governance processes.

Often volunteer committees change frequently and can sometimes be 'time-poor'. This process will ensure Club assets are protected, there is an 'off-site' backup, storage, and maintenance process while support or help from the MNSW office can assist with some of the compliance processes.

Provided below is general information in relation to the compliance requirements.

NEW CLUB AFFILIATION

STEP 1: BECOME A LEGAL ENTITY

GENERAL INFORMATION

A Legal Entity is an individual, business or organisation that has the legal capability of entering into a contract for all types of goods and services with another entity, assume obligations, incur and pay debts, sue and be sued in its own right and to be held responsible for its actions.

Just about any type of incorporated business or organisation can be considered a legal entity. This includes companies that operate for profit, non-profit Clubs and other groups, partnerships, and trusts.

To achieve legal status, you have several options – you can become:

- A cooperative society
- A company limited by guarantee
- An incorporated association or society (under the Clubs Act 1985) **RECOMMENDED**

One key benefit of being a legal entity is that this status makes it possible for legal action to be brought against the company, rather than against the people who own and operate the organisation. It is very important for volunteers and/or individuals to have formed a legal entity, this protects individuals against potential exposure(s).

There are specific conditions that a business or non-profit enterprise must meet in order to attain this status. In summary, it involves obtaining a valid licence to operate, as well as complying with any regulations that are used to define what constitutes some form of corporation.

To become an Incorporated Association or Society (under the Clubs Act 1985) you must comply with the following Corporation Regulations relating to;

- (a) Club Incorporation
- (b) Constitutions
- (c) Regulations Agreement
- (d) Risk Assessments
- (e) Annual Reporting

Further information on each of these is contained below.

STEP 2: GENERAL INFORMATION

Please complete the "[Become an Affiliated Club](#)" online form, outlining your intention to start a new / become an Affiliated Club with MNSW. The online form will include the following:

- Proposed name of the Affiliated Club (see notes below)
- Reason for starting a new Motorcycling Affiliated Club
- The location / facilities that you will be utilising
- What discipline(s) you would like to offer
- Existing number of members of Club (*Clubs must have a minimum number of members in alignment with the requirement to register as an incorporated Association.* (see notes below))

MNSW encourages the development of new Affiliated Clubs to service local communities in an inclusive manner. Affiliated Club names are required to support this policy of the sport, locality and inclusiveness.

CLUB INCORPORATION

GENERAL INFORMATION

A Motorcycling club must be incorporated (or a company) and compliant with all that is required by the relevant agencies.

WHY DOES A CLUB NEED TO BE INCORPORATED?

Incorporation provides a club with a legal identity distinct from its members, therefore relieving the members of the committee and the club from liability for authorised acts of the club. It is a major protection for clubs with regard to legal issues; however, it does not prevent actions for negligence against individuals.

DOES YOUR CLUB HAVE TO BE INCORPORATED?

Although there is no legal requirement for a Motorcycling club to become incorporated, MNSW does require all its Affiliated Clubs to be incorporated prior to applying for affiliation.

WHAT ARE THE RISKS OF NOT BEING INCORPORATED?

The law does not recognise a club (or association) as having any legal existence in its own name unless it is incorporated, and legal rights and obligations can fall on to individual members.

If a club is not incorporated (or a company), they are not covered for insurance such as Public Liability or Club Management Liability.

Public Liability Insurance covers a range of financial risks such as club's legal costs or other costs associated with legal proceedings. Club Management Liability Insurance covers a range of financial risks for a club's directors and officers such as costs associated with legal proceedings for:

- Employment related matters (unfair dismissal)
- Club Management Liability can also cover some of the costs associated with an employees or officers stealing funds from the club.
- Negligence, libel, slander, defamation, discrimination, etc.

HOW DOES YOUR CLUB BECOME INCORPORATED?

If the legal association does not already exist, follow these steps:

1. CHOOSE A NAME

The proposed name should reflect the purpose of the association. NSW Fair Trading will determine if the proposed name is acceptable. In most cases, a name will be unacceptable if it is identical or similar to one that is already registered. Applicants can check if a name is similar to one already registered by searching the Organisation and Business Names search facility on the Australian Security and Investments Commission website at www.connectonline.asic.gov.au

You can also find out if the proposed name is registered by an incorporated association by doing a free online search through the NSW incorporated Clubs or ACT Incorporated Clubs online register. This provides key information about incorporated Clubs registered in NSW and the ACT, including an entity's incorporation name and number, date of incorporation and registration status.

2. ESTABLISH OBJECTS AND CONSTITUTION

MNSW can provide a template club constitution. For reference click here for [MNSW Template Constitution](#) or for further information on the constitution, visit the [About the constitution page on the Fair-Trading website \(NSW based club\)](#) and [Access Canberra Website \(ACT based Clubs\)](#)

3. AUTHORISE AN APPLICATION FOR REGISTRATION OF THE INCORPORATED ASSOCIATION

An application for registration includes:

- the proposed name of the association;
- a statement of the association's objects;
- a copy of the association's proposed constitution, or a statement that the association's proposed constitution adopts the model constitution without modification, and
- the association's first public officer.

In the case of 5 or more individuals proposing to register an association, they are each required to authorise the first public officer to apply for incorporation of the association.

In the case of an existing unincorporated body, the application must be authorised by a special resolution passed by members of the unincorporated body. A copy of the special resolution must be included with the application for registration.

4. APPLY FOR REGISTRATION OF THE INCORPORATED ASSOCIATION

The association's first public officer must lodge with Fair Trading an application for registration of an incorporated association, together with the prescribed fee.

The application can be lodged for

NSW based clubs;

- by mail to Registry Services, PO Box 22, Bathurst NSW 2795;
- by email to registrylodgements@finance.nsw.gov.au, together with completed credit card details;
- in person at any Service NSW Centre.

ACT based Clubs;

- [Application to incorporate an association](#) form and submitting by: email to citl@act.gov.au
- post to Access Canberra, GPO BOX 158, Canberra City ACT 2601.

ARE THERE COSTS FOR THE CLUB TO BECOME INCORPORATED?

Yes, however these fees are minimal. More information can be found on the [NSW Fair Trading website \(NSW\)](#) or [Access Canberra Website \(ACT\)](#)

5. INCORPORATION STATUS

All Clubs must maintain their status as an incorporated entity throughout their Affiliation with MNSW. Should this lapse then affiliation to MNSW would be cancelled.

CONSTITUTION

GENERAL INFORMATION

Once you have been granted approval by MNSW to proceed with the new club process, Clubs are required to endorse a Club Constitution.

MNSW recommended sections to include in your Constitution are:

- Purpose of Club
- Income and Payments
- Membership
- Patrons and Life Members
- Directors
- Powers and duties of Directors
- Proceedings of Directors
- By-Laws
- General Meetings
- Proceedings at General Meetings
- Voting rights of Members
- Discipline
- Record Keeping
- Insurance
- Financial Statements

For reference click here for [MNSW Template Constitution](#)

Note that the objects of your Club Constitution (and purpose of your club) must have alignment with the Objects of the MNSW Constitution.

REGULATIONS AGREEMENT

GENERAL INFORMATION

If you are already a legal entity or whilst you are awaiting finalisation of your Constitution and Incorporation Certificate, complete the Affiliated Club Regulations.

This includes:

- **Become a new Affiliated Club – Online Form**
- **Renew Affiliation – Online Form**
- **Cancellation of Affiliation – Online Form**

All forms can be found on the [Motorcycling NSW Website](#)

By completing any of the above-listed forms, the applicant and its officials agree to comply and be bound by the Motorcycling NSW Constitution and regulations, policies and directives of Motorcycling NSW in force at that time.

The Board of Motorcycling NSW will assess and approve each application for affiliation. If approved by the board, the application will be presented to the next Delegates Meeting for review. You will then be notified of the outcome of your application for affiliation.

Once affiliation has been approved and fees have been paid, your Management Liability Insurance kicks in.

RISK ASSESSMENT

GENERAL INFORMATION

Risk Management has become an important role of sports clubs. It responds to the legislative requirement “to secure the health and safety of workers and workplaces”, which includes individual members, volunteers and participants, sports facilities, and venues.

Affiliated Clubs should demonstrate that risk management strategies have been put in place. To assist clubs to develop and improve risk management strategies, several resources are available for all administrators, staff, volunteers, and participants

ANNUAL REPORTING

GENERAL INFORMATION

A requirement of fulfilling an application and renewing affiliation is, within one month following your annual general meeting, to provide MNSW a copy of:

- Annual Report
- Evidence of annual reporting procedures (including the relevant audited/detailed financial statements that were presented to the clubs members at their Annual General Meeting).

1.2. ADOPTING OF MNSW/MA RULES & POLICIES

As member entities of MNSW/MA, Affiliated Clubs are required to as per the [**MNSW Constitution**](#);

- Effectively promulgate and enforce the [**MNSW Constitution**](#), the [**MA Constitution**](#), the [**Manual of Motorcycle Sport**](#) and the Statutes and Regulations;
- Be bound by the [**MNSW Constitution**](#), the [**MA Constitution**](#), the [**Manual of Motorcycle Sport**](#) and the Statutes and Regulations;

MNSW will allow reasonable changes/variations to be made to certain rules and policies for reasonable circumstances when required.

SECTION 2 MOTORCYCLING NSW AFFILIATED CLUB REGULATIONS

PART 1 – OVERVIEW

ADOPTION OF THESE REGULATIONS

These Regulations have been adopted by the Motorcycling NSW (MNSW) Board under **clause 20.1** of its Constitution. Under **clause 8.2** of MNSW's Constitution, each MNSW member must comply with the determinations, resolutions and policies made by the MNSW Board in accordance with the constitution. In the event of any conflict or inconsistency, the Constitution shall prevail. Terms used in these Regulations shall have the same meaning as in the Constitution unless otherwise stated.

APPLICATION

These Regulations bind all Affiliated Clubs of MNSW. The process for affiliation as a member, annual affiliation and cancellation of affiliation is set out in these Regulations.

EXISTING RELATIONSHIP OR COMPLIANCE WITH PREVIOUS AFFILIATION REGULATIONS

Existing agreements in place (involving more than one Affiliated Club) are replaced by these Regulations.

VARIATION

MNSW may, from time to time, alter these Regulations at its absolute discretion. MNSW welcomes feedback or suggestions for the improvement of these Regulations.

PART 2 – APPLICATION FOR AFFILIATION

APPLICATION

- a) Applications for Affiliation will only be accepted in the format provided in the [**Become an Affiliated Club – Online Form**](#).
- b) The Affiliation Fee is payable within 14 days of invoice. This fee will be as per the current MNSW Schedule of Fees.
- c) Clubs must be legally incorporated at the date of application, with the minimum number of members required to register for incorporation in NSW

AFFILIATED CLUB NAME

- a) MNSW encourages the development of new Clubs to service local neighborhoods and communities in an inclusive manner. Club names are asked to support this idea of 'localness and inclusiveness'. In addition, MNSW wishes to see distinctive names.
- b) If your selected Affiliated Clubs name is too similar to another existing Affiliated Club, is offensive or scandalous, includes reference to violence (e.g., Killers) or is likely to cause offence to a recognised community group, MNSW will not accept your Affiliation, and you will be required to change your chosen name.

VENUE

- a) Your track(s) are required to meet relevant MA Track Standards outlined in the [**National Track Standards Document**](#) along with having undertaken a Risk Management assessment.

AFFILIATION GRANTED

- a) All new applications (without exception) will be assessed against criteria set out in the Motorcycling NSW Constitution.
- b) All applicants have the duty to disclose any current or pending legal procedures against the association as well as a risk profile assessment (past two years of insurance claims) that may and/or are involving their club.
- c) Once granted, Affiliation with MNSW will be deemed ongoing until such times as the Affiliated Club fails to meet its Affiliation Obligations (including remaining legally incorporated and meeting minimum membership requirements) or the Cancellation of Affiliation – Online Form has been submitted.
- d) Once the new Affiliated Club is granted Affiliation, it must be and remain an Incorporated Body and cause its Constitution, (which must comply with any requirements of MNSW and not be inconsistent with these Regulations or the Constitution of MNSW), to be always lodged with MNSW, as well as the relevant state government Consumer Affairs office.

PART 3 – AFFILIATED CLUB COMPLIANCE

AFFILIATED CLUB REPORTING REQUIREMENTS

- a) An Affiliation Renewal – Online Form must be submitted each year no later than **January 31** of each year
- b) An Affiliation Renewal – Online Form needs to provide/ include accurate, financial, personnel, and contacts
- c) Failure to lodge the Affiliation Renewal – Online Form by the date specified may result in immediate suspension of affiliation benefits. If forms are not lodged by June 30th, a Certificate of Currency provided as a result of the National Insurance Scheme will be withheld until full compliance has been achieved.
- d) When an Affiliation Renewal – Online Form is deemed unsatisfactory the Affiliated Club will be granted 30 days to address any deficiencies.

AFFILIATED CLUB RECORD KEEPING

- a) The Affiliated Club must maintain proper books and records of account as required under the relevant legislation, and make those books and records available for inspection by MNSW as it may reasonably require.

ANNUAL REPORT

- a) Within one-month of the Annual General Meeting of the Affiliated Club, a copy of the Affiliated Club's Annual Report (including the relevant audited/detailed financial statements that were presented to the clubs members at their Annual General Meeting) are to be provided to MNSW.

INTELLECTUAL PROPERTY

- a) For the term of affiliation, a recognised Affiliated Club must not be a party to the doing of any act, matter or thing whereby any MNSW Intellectual Property used in connection with Licences Operations, Commercial Providers or Community Groups is or may be prejudicially affected while the Affiliated Club is Affiliated with MNSW and for a period of 2 years following the Affiliated Clubs' termination.
 - (i) **MNSW Logo and associated Trademarks and/or other Branding Materials:** For the term of affiliation, the Affiliated Club will have these made available to them to use for any advertising or promotional purposes.
 - (ii) **Management of MNSW Trademarks and or Branding Materials:** MNSW stipulates that the Affiliated Club must ensure that Organisational Trademark and/or other branding materials maintain their original format, this is to ensure the best possible quality is maintained and used when promoting the link to the organisation.

SOLE AFFILIATION

All MNSW Affiliated Clubs must expressly recognise MNSW as the sole governing body of motorcycle sport and other motorcycle activities conducted in New South Wales.

PART 4 – AFFILIATION BENEFITS

The Affiliation Benefits:

- 4.1. Access to State Controlling Body personnel and resources
- 4.2. Protection under MA insurance policies for:
 - 4.2.1. The Club committees, cover under Management Liability insurance; and
 - 4.2.2. The Club’s MA-accredited coaches, cover under MA’s professional indemnity insurance while coaching under MA permit.
- 4.3. The right to apply to the SCB for event permits which, if granted, evidence that the activity described in the permit is covered by MA’s public liability insurance
- 4.4. Entitlement to the benefits payable under the MA personal accident policy for licenced riders, officials, licenced crew, accredited coaches and accredited media who suffer injury at permitted events
- 4.5. Access to an established structure under which motorcycling activity may be undertaken designed to minimise risk to participants and to the Club comprising:
 - 4.5.1. Comprehensive rules and procedures
 - 4.5.2. Accredited officials and coaches
- 4.6. Access for your members to nationally accredited and recognised training programs
- 4.7. Access to State and National pathways for junior and senior competitors;
- 4.8. Access to MA’s electronic Ridernet platform and communications

PART 5 – AFFILIATED CLUB COMPETITION RULES AND POLICIES

1. MNSW PROCEDURES MANUAL

MNSW has provided, and will continue to provide, its current Procedures Manual and Policies in electronic copies and/ or via the official MNSW website. Affiliated Clubs must comply with MNSW procedures and policies.

2. MANUAL OF MOTORCYCLE SPORT

An Affiliated Club must comply with the rules outlined within the Manual of Motorcycle Sport. Please note: there are certain components in which situations may be applied to allow for variations from the standard rules in order to suit local conditions/needs. Any variations to those will need SCB approval prior to implementation or adoption.

3. GOVERNMENT COMPLIANCE

Motorcycling Australia Member Protection Policy

An Affiliated Club must comply with the [Motorcycling Australia Member Protection Policy](#) (as amended from time to time).

Motorcycling NSW & Motorcycling Australia Privacy Policy

An Affiliated Club must comply with the [Motorcycling NSW Privacy Policy](#) & [Motorcycling Australia Privacy Policy](#) (as amended from time to time).

4. MEMBERSHIP SERVICES/COMMUNICATIONS

As required by the MNSW Constitution, Affiliated Clubs must maintain a database of all Individual Members Registered with it. Affiliated Clubs may be required to provide a copy of their membership lists requests from time to time by the Board.

RIDERNET USE (Competition events)

To the fullest extent possible, comply with the Motorcycling Australia directive that by February 1, 2024, all Affiliated Clubs must use the online registration and event management program RiderNet to manage and conduct competitions.

5. SPORT DEVELOPMENT

SPORT EDUCATION

An Affiliated Club is required to comply with the Motorcycling Australia Sports Education Guidelines and associated Sport Education Courses/Registration of Accreditation.

6. CONFLICTING REGULATIONS

Affiliated Clubs should not have in place rules or regulations that conflict with these Regulations. In the event of such rules or regulations being inconsistent, in conflict with or designed to circumvent these Motorcycling NSW Affiliated Club Regulations, the latter shall prevail and bind the Affiliated Club.

PART 6 – FINANCIAL OBLIGATIONS

AFFILIATION AND FEES

- a) All invoices payable to MNSW must be paid in accordance with the terms stated on the invoice.
- b) Failure to pay within the specified time frame may result in the suspension of the Affiliated Club benefits.
- c) If an Affiliated Club is unable to make payment within the specified timeframe and experiencing financial distress, the Affiliated Club will make contact with the MNSW CEO as soon as practicable to discuss a resolution.
- d) Alternatively, the Affiliated Club may send a 'Letter of Variation' to MNSW CEO, outlining the reasons and requesting that it be permitted to remain an Affiliated club and recognised for activities or normal business.

These requests will only be considered if:

- (i) no events/meets were able to be run for the selected period or;
 - (ii) a significant change/interruption (weather-related disasters) occurred; or
- e) MNSW will consider any such request but reserves the right to accept or reject these at its sole discretion.

PART 7 – CANCELLATION OF AFFILIATION

DISCONTINUE

- a) Affiliation can only be discontinued through formal recognition, using the [**Cancellation of Affiliation – Online Form**](#).
 - (i) When a cancellation occurs all outstanding reporting and financial obligations must be fulfilled before an Affiliated Club is released from its Affiliation Obligations. Legal proceedings could commence in the case this does not occur.
 - (ii) MNSW reserves the right to deem an Affiliated Club inactive or unaffiliate them as required, with affiliation benefits revoked under these circumstances.

PART 8 – CLUB OBLIGATIONS

8. The benefits and privileges of affiliation are at all times subject to the Club meeting its obligations:
 - 8.1. Under its constitution:
 - 8.2. To comply with MNSW & MA policies including (but not limited to):
 - 8.2.1. The [**MA National Integrity Framework including the Member Welfare Policy**](#)
 - 8.2.2. The [**MA General Competition Rules**](#)
 - 8.2.3. The [**MA Track Standards**](#)
 - 8.2.4. The [**MA Medical Guidelines**](#)
 - 8.2.5. The [**MNSW Social Media Policy**](#) & [**MA Social Media Policy**](#)
 - 8.3. To display its Certificate of Affiliation.



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