

# 2024



## AFFILIATION GUIDELINES

Your to guide to become and remain, recognised as MNT Affiliated Members .

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# AFFILIATION GUIDELINES

*This document aims to guide affiliated new and existing affiliated member clubs and promoters to become, and remain, recognised and Affiliated Members of Motorcycling Australia Northern Territory Inc. (MNT).*

*The MNT Affiliation Guidelines outlines the foundation of becoming an affiliated member of MNT. It illustrates the importance of maintaining corporate records and adopting good governance practices, as well as the guidelines 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 MNT 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 Australia NT 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**

*Always remember to keep the following points in mind:*

*If you hold a licence, are an administrator, or a volunteer in the Motorcycling Australia organisation, you are covered by the Motorcycling Australia Insurance Scheme provided by MAIL. This scheme offers personal injury insurance and supplements the support given by both Medicare and any other private health insurance that you may have.*

*It is very important that you and your affiliated club comply with all applicable laws, by-laws, and guidelines to avoid or reduce losses. Failure to do so may negatively impact your rights and benefits under MAIL insurance policy. If you need any assistance, please don't hesitate to contact MNT.*

*MNT regularly updates its policies and procedures to stay in sync with administrative requirements and industry standards. Since these documents are dynamic, it is essential to review them periodically to ensure they remain current and accurate. To confirm the latest version, please visit [www.mant.org.au](http://www.mant.org.au).*

*MNT is open to receiving suggestions and constructive feedback for improving our policies and procedures. If you have any ideas or recommendations, please don't hesitate to share them with us. We appreciate your help in making our processes better and more efficient.*



## **SECTION 1 AFFILIATION GOVERNANCE AND COMPLIANCE INFORMATION**

### **COMPLIANCE REQUIREMENTS - GENERAL INFORMATION**

*As previously outlined, it is essential for MNT and its affiliated members to have a direct and coherent relationship. Our goal is to ensure that all affiliated members maintain appropriate corporate records and comply with lawful governance procedures.*

*To achieve this, we have established a set of requirements and procedures that are in line with industry standards. We understand the challenges that volunteer committees face, including frequent changes and time constraints. As such, our process aims to safeguard the club's assets and establish an off-site backup, storage, and maintenance process, with compliance support from the MNT office.*

*In addition to the outlined requirements and procedures, we have provided general information on compliance requirements that may prove useful.*

*All new applications (without exception) will be assessed against criteria set out in the Motorcycling NT Constitution, Policies and Procedures.*

### **RISK ASSESSMENT**

*Risk management has become an essential role for sports clubs to ensure the health and safety of workers, participants, volunteers, sports facilities, and venues, as required by legislation.*

*Affiliated clubs should demonstrate that they have implemented risk management strategies, and to aid them in developing or improving these strategies, various resources are available for administrators, staff, volunteers, and participants.*

### **ADOPTING OF MNT/MA POLICIES**

*As a member entity of MNT/MA, it must adopt, implement, and regularly update policies and procedures that facilitate compliance with the law and protect personal privacy and information.*

*To achieve this, the following process must be implemented:*

- MNT requests that all affiliated members provide a copy of the minutes from relevant meetings that acknowledge the incorporation of the policy.*
- This item will be updated as required by the MNT Affiliated Guidelines renewal process.*

*MNT will allow reasonable changes/variations to certain policies for specific circumstances.*



## **SECTION 2 NEW AFFILIATION**

### **STARTING OUT, BECOMING A NEW MOTORCYCLING CLUB**

*Starting a club requires careful planning to ensure its long-term success.*

*When forming a club, it is important to follow these steps:*

- *Research and assess the demand for the club*
- *Estimate the number of potential members and consider where they might come from*
- *Promote the idea of forming a club and raise awareness in the community*
- *Call a public meeting to gauge interest and discuss the club's purpose and goals*
- *Create an interim committee to manage the initial stages of the club's formation*
- *Hold the first general meeting of the committee and potential members to discuss the club's structure and elect a permanent committee*
- *Establish connections with organisations that may provide support, such as the local council or state sporting organisation*
- *Consider any legal issues that need to be addressed before forming the club*
- *Advertise for members to join the club*

### **BECOME A LEGAL ENTITY**

*A legal entity refers to an individual, business or organisation that possesses the legal capability to contract with another entity for the procurement of any type of goods or services, take on responsibilities, incur and settle debts, sue and be sued in its own capacity and be held accountable for its conduct. Incorporated businesses or organisations, whether for-profit or non-profit, partnerships, trusts, and other groups can all be classified as legal entities.*

*There are several options available to achieve legal status. You can choose to become a cooperative society, a company limited by guarantee, or an incorporated association under The Associations Act 2003. It is highly recommended to become an incorporated association.*

*One of the key benefits of being a legal entity is that legal action can be brought against the company rather than the individuals who own and operate the organisation. It is important for volunteers and individuals to establish a legal entity to protect themselves against any potential liabilities. To attain this status, a business or non-profit enterprise must meet specific conditions.*

*This involves obtaining a valid license to operate and complying with any regulations that define what constitutes a corporation.*

*To establish an Incorporated Association (as per The Associations Act 2003), there are certain Corporation Regulations that you need to adhere to. These regulations pertain to Club Incorporation, Constitutions, Regulations Agreement, Risk Assessments, and Annual Reporting. Further details regarding each of these requirements are within these guidelines.*



## GENERAL INFORMATION

To become an Affiliated Club with MNT, you need to fill out an [online form](#).

The form requires you to provide the following information:

- The proposed name of the Affiliated Club
- Your reason for starting a new motorcycling affiliated club
- The location and facilities you will be using
- The discipline(s) you would like to offer
- The current number of members in the club

**Please note** that your proposed club name should align with MNT's policy of inclusiveness and locality. Additionally, your club must have a minimum number of members, as required by NT Government to register as an incorporated association.

MNT is committed to encouraging the development of new affiliated member that serve local communities in a welcoming and inclusive manner.

## CLUB INCORPORATION

In order for a club to operate legally, it must be incorporated, or registered as a company, and comply with all relevant legal requirements. Incorporation provides a club with a separate legal identity from its members, which means that the committee and the members are protected from liability for authorised acts of the club. This protection is important for clubs facing legal issues, but it does not prevent actions for negligence against individuals.

While a motorcycling club is not legally required to become incorporated, MNT (Motorcycling NT) requires all its affiliated members to do so before applying for affiliation. If an affiliated member is not incorporated, it is not recognised as having any legal existence and legal rights and obligations can fall on individual members.

Furthermore, the club is 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 (e.g. unfair dismissal), theft of funds, negligence, libel, slander, defamation, discrimination, and more.



## START AN INCORPORATED ASSOCIATION

*If your club is not already a legal association, you need to follow these steps to become an incorporated association:*

**Choose a name** for your club that reflects its purpose. NT Licencing compliance team will determine if the proposed name is acceptable. A name will usually be unacceptable if it is identical or similar to one that is already registered. You can check if a name is already registered by using the Organisation and Business Names search facility on the [Australian Security and Investments Commission website](#).

**Establish objects and constitution** for your club. MNT can provide a template club constitution. For reference, click here for the [NT incorporated association model constitution](#) or for further information on the constitution.

**Authorise an application for registration** of the incorporated association. The application for registration must include 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.

*If five or more individuals propose to register an association, they are each required to authorise the first public officer to apply for incorporation of the association. If an existing unincorporated body wishes to apply for registration, 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.*

**Apply for registration of the incorporated association** by lodging an application with Licencing NT, including the prescribed fee. The association's first public officer can lodge the application by mail to GPO Box 9800, Darwin NT,0801 by email to [territorybusinesscentre@nt.gov.au](mailto:territorybusinesscentre@nt.gov.au), or in person at any Territory Business Centre.

**There are costs associated with becoming an incorporated club.** These fees are minimal and more information can be found on the [NT Government website](#).

All affiliated members **must** maintain their status as an incorporated entity throughout their affiliation with MNT. **Please Note:** If the incorporation lapses, affiliation to MNT will be cancelled.



## CONSTITUTION

*If you're planning on incorporating your association, it's essential to have a constitution that outlines the standard set of rules that all members must follow. This document sets out the guidelines for how your association will operate and serves as a contract between the association and its members.*

*To draft a constitution, follow these steps:*

### **Step 1: Write down your rules**

*You can either use the model constitution template or draft your own. The model constitution has been designed to meet legal requirements and help you identify how you want to operate.*

*You should include information such as the*

- minimum number of members,*
- objects and purposes of the association,*
- membership eligibility,*
- categories of membership and the rights for each category,*
- committee details and its powers,*
- creation of executive offices and how they will be filled,*
- how you will:*
  - settle disputes between the association and its members,*
  - conduct meetings,*
  - manage funds,*
  - change, add or rescind the constitution,*
  - change the objects or purposes of the association.*

### **Step 2: Submit for assessment**

*Email your draft to [associations.compliance@nt.gov.au](mailto:associations.compliance@nt.gov.au) to have it assessed for compliance with the Associations Act 2003.*

*After you submit, if your draft meets the legal requirements, you will be advised and then be able to formalise the process. Once you're incorporated, the public can access your constitution for a fee.*

*If your draft doesn't meet legislative requirements, you will be notified and advised what you need to do to be compliant.*





## SECTION 3 MOTORCYCLING NT AFFILIATED MEMBER GUIDELINES

### OVERVIEW

Section 3 of the Affiliated Member Guidelines of Motorcycling NT provides an overview of the rules and guidelines that govern the affiliated clubs of MNT.

These guidelines have been adopted by the MNT, all MNT affiliated members must comply with the policies, determinations, and resolutions made by the MNT in accordance with the Constitution. In case of any inconsistency or conflict, the Constitution will prevail.

The terms used in these Guidelines shall have the same meaning as in the Constitution, unless otherwise specified. These Guidelines apply to all affiliated members of MNT and set out the process for affiliation as a member, annual affiliation, and cancellation of affiliation.

MNT reserves the right to alter these guidelines at its absolute discretion, and welcomes feedback or suggestions for the improvement of these guidelines.

### APPLICATION FOR AFFILIATION

#### APPLICATION

- *When applying for affiliation with MNT, clubs must be legally incorporated and have the minimum number of members required for incorporation in NT.*
- *The only acceptable format for submitting an application for affiliation is through the [MNT Online Form](#).*
- *To complete the affiliation process, the affiliation contract must be finalised within 7 days, and the affiliation fee must be paid within 14 days of receiving the invoice.*

#### VENUE

- *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

*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. Once a new affiliated member is granted affiliation, it must be and remain an Incorporated Body and cause its Constitution, (which must comply with any requirements of MNT and not be inconsistent with these Regulations or the Constitution of MNT), to be always lodged with MNT, as well as the relevant Northern Territory Government office. Once granted, affiliation with MNT will be deemed ongoing by annually renewal until such times as the affiliated member fails to meet its Affiliation Obligations (including remaining legally incorporated and meeting minimum membership requirements) or the Cancellation of Affiliation.*



## **AFFILIATED MEMBER COMPLIANCE**

### **AFFILIATED MEMBER REPORTING REQUIREMENTS**

- *It is mandatory to submit an affiliation renewal – online form annually, and the deadline for submission is **15th October**. The form must contain accurate financial details, personnel information, and contact details.*
- *If the affiliation renewal – online form is not submitted by the due date, the affiliated member's benefits may be immediately suspended. In case the form is not submitted by October 31st, the National Insurance Scheme's Certificate of Currency will be withheld until the member achieves full compliance.*
- *If the affiliation renewal – online form is found to be unsatisfactory, the affiliated member will have 15 days to rectify any deficiencies.*
- *Additional reporting requirements are detailed in the MNT affiliation and/or MNT club manual.*

### **AFFILIATED MEMBER RECORD KEEPING**

- *The affiliated member must maintain proper books and records of account as required under the relevant legislation and make those books and records available for inspection by MNT as it may reasonably require.*

### **ANNUAL REPORT**

- *A requirement of fulfilling your affiliation is, within one month following your annual general meeting, to provide MNT with a copy of:*
  - *Annual Report*
  - *including audited and detailed financial statements for the last financial period*
  - *copy of constitutional changes, if applicable*
  - *meeting minutes*
  - *details of newly elected members*
- *Evidence of annual reporting compliance for incorporation*

### **QUARTERLY REVIEWS**

*Affiliated members must complete quarterly reviews to ensure compliance with MNT requirements and maintain active status.*



## **INTELLECTUAL PROPERTY**

*During the affiliation term, an affiliated member must not engage in any activity that may adversely affect any MNT Intellectual Property used in association with licence operations, commercial providers or community groups.*

*This applies to the affiliated members while it remains affiliated with MNT and for one year after the termination of affiliation. Without prior written consent from MNT, an affiliated member cannot use MNT Intellectual Property. Any proposed use of MNT Intellectual Property, including for advertising or promotional purposes, must be submitted to MNT for approval.*

*During the affiliation term, an Affiliated member has the right to use the official MNT logo, Organisational Trademarks, or any other branding materials deemed suitable for advertising or promotional purposes. However, MNT requires affiliated members to request official branding materials in the original format to maintain the best possible quality. This request should be directed to the MNT Office and must comply with the organisational branding policies in effect at the time of notification.*

## **SOLE AFFILIATION**

*All MNT affiliated members must expressly recognise MNT as the sole governing body of motorcycle sport and other motorcycle activities conducted in Northern Territory.*

## **AFFILIATED BENEFITS**

*The Affiliation Benefits enduring to the member under these guidelines include:*

- *Access to the MAIL Scheme;*
  - *The Club committees, covered under Directors' and Officers' liability insurance; and*
  - *The Club's MA-accredited coaches, covered under MA's professional indemnity insurance while coaching under MA permit; and*
  - *Entitlements of benefits payable under MA personal accident policy for licenced riders, officials, licenced crew, accredited coaches and accredited media who suffer injury at Club permitted events.*
- *Access to MANT staff and resources;*
- *Access to an established structure under motorcycling activity may be undertaken designed to minimise risk to participants and the Club comprising:*
  - *Comprehensive rules and procedures*
  - *Accredited officials and coaches*
- *Access to National accreditation and training scheme for officials to conduct and supervise events;*
- *Access to National pathways for junior and senior competitors;*
- *Access to Ridernet.*



## **AFFILIATED MEMBER COMPETITION RULES and POLICIES**

### **MNT CLUB MANUAL**

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

### **MANUAL of MOTORCYCLE SPORT**

*An affiliated members must comply with the rules outlined within the [Manual of Motorcycle Sport](#).*

### **GOVERNMENT COMPLIANCE**

#### [Motorcycling Australia Member Protection Policy](#)

*An affiliated member must comply with the Motorcycling Australia Member Protection Policy (as amended from time to time).*

#### [Motorcycling NT & Motorcycling Australia Privacy Policy](#)

*An affiliated member must comply with the Motorcycling NT Privacy Policy & Motorcycling Australia Privacy Policy (as amended from time to time).*

### **MEMBERSHIP SERVICES / COMMUNICATION**

#### [Ridernet Use](#)

*Comply with the Motorcycling Australia directive that by January 1, 2024, all affiliated members must use the online registration and event management program RiderNet to manage club memberships and conduct permitted events.*

### **SPORT DEVELOPMENT**

#### [Sport Education](#)

*An affiliated member is required to comply with the [Motorcycling Australia Sports Education Guidelines](#) and associated Sport Education Courses/Registration of Accreditation.*

### **CONFLICTING REGULATIONS**

*Affiliated members should not have in place rules or regulations that conflict with these guidelines. In the event of such rules or regulations being inconsistent, in conflict with or designed to circumvent these Motorcycling NT Affiliation Guidelines, the latter shall prevail and bind the Affiliated Club.*



## **FINANCIAL OBLIGATIONS**

### **AFFILIATION AND FEES**

*Affiliated members of MNT are required to pay all invoices according to the terms specified on the invoice. Failure to make payment within the specified time frame may lead to the suspension of affiliated member benefits. However, if an affiliated member is unable to pay within the given time frame, they can send a 'Letter of Variation' to MNT, explaining the reasons for the delay and requesting to remain an affiliated member and be recognized for activities or normal business.*

*MNT will only consider such requests if no events or meets were held during the selected period, a significant change or interruption such as weather-related disasters occurred, or there has been a reduction of more than 50% in membership numbers. It is important to note that MNT reserves the right to accept or reject any such request at its sole discretion.*

### **CANCELLATION OF AFFILIATION**

*In order to discontinue affiliation, the formal recognition process must be followed, which includes submitting the [Cancellation of Affiliation Form](#). Once the cancellation process is initiated, all outstanding reporting and financial obligations must be fulfilled before the affiliated member can be released from their affiliation obligations. Failure to meet these obligations could result in legal proceedings.*

*Furthermore, MNT reserves the right to consider an affiliated member as inactive or unaffiliate them as needed, with affiliation benefits being revoked under such circumstances.*

### **AFFILIATED MEMBERS OBLIGATIONS**

*The benefits and privileges of affiliation with MNT are always subject to certain conditions, including fulfilling the obligations set out in the Affiliation Agreement, complying with the MA and MNT Constitution, aligning the affiliated member's constitution with MNT's duties and obligations under the MNT Constitution, and complying with Sport Australia's Sport Governance Principles and Sport Integrity Australia's National Integrity Framework.*

*Additionally, the affiliated member must comply with MA and MNT by-laws, policies, and guidelines, including [MA's Non-NIF Complaint & Dispute Resolution Policy](#), the [MA General Competition Rules](#), the MA Track Standards, and the [MA Social Media Policy](#), as well as quarterly reviews.*

*The affiliated member must display its Certificate of Affiliation and Track Licence at the venue and any MA-permitted event, ensure the MA and MNT logo is prominently displayed on all affiliated member electronic media (including its website), on all affiliated member publications and communications, and at all events sanctioned by MA and MNT, and ensure the MA and MNT logo is prominently displayed on all affiliated member printed materials (including event merchandise) and at all events sanctioned by MA and MNT. Finally, the affiliated member must have and keep current any applicable additional insurance requirements.*