



# Kingston Beach Sailing Club Incorporated

OSBORNE ESPLANADE • KINGSTON BEACH • 7151

## **CONSTITUTION**

ADOPTED ON THE 24 MAY, 1981

C O N S T I T U T I O N

ADOPTED ON 24 MAY, 1981

1. NAME           The name of the Association shall be the "Kingston Beach Sailing Club Incorporated". (In these rules called "the Club").
2. INTERPRETATION
  - (1)   In these rules, unless the contrary intention appears -  
"the Act" means the Associations Incorporation Act 1964;  
"committee" means the committee of management of the Club;  
"general meeting" means a general meeting of members convened in accordance with rule 13;  
"ordinary committeeman" means a member of the committee to whom paragraph (b) of sub-rule (1) of rule 23 relates.
  - (2)   In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or producing words in a visible form.
  - (3)   Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the 'Acts Interpretation Act 1931' and the Act as in force on the date on which these rules are adopted by the Club.
3. CLUB'S OFFICE

The Office of the Club shall be at Osborne Esplanade, Kingston Beach, Tasmania, or such other place as the Committee may, from time to time, determine.
4. OBJECTS AND PURPOSES OF THE CLUB
  - (1)   The objects for which the Club is formed are :-
    - (a)   to encourage yacht sailing, racing and building;
    - (b)   to organise and instruct members in the art of sailing and seamanship;
    - (c)   to organise and provide facilities for the safe conduct of competitive sailing events and encourage sailing by promoting races and the giving of prizes and trophies or by any other means as determined by the Committee from time to time;
    - (d)   to provide and maintain Club premises for the accommodation and use by members of the Club and their guests and storage of members' yachts;
    - (e)   to organise for the benefit of members and their guests such social functions as may from time to time be determined by the Committee.

- (2) In addition to the basic objects of the Club, the objects and purposes of the Club shall be deemed to include.
- (a) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Club;
  - (b) the buying, selling, and supplying of, and dealing in, goods of all kinds.
  - (c) the construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects or purposes of the Club;
  - (d) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Club;
  - (e) the taking of such steps from time to time as the Committee or the members in general meeting may deem expedient for the purpose of procuring contributions to the funds of the Club, whether by way of donations, subscriptions, or otherwise;
  - (f) the printing and publishing of such newspapers, periodicals, books, leaflets or other documents as the Committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Club;
  - (g) the borrowing and raising of money in such manner and on such terms as the Committee may think fit or as may be approved or directed by resolution passed at a general meeting;
  - (h) subject to the provisions of the 'Trustee Act 1898', the investment of any moneys of the Club not immediately required for any of its objects or purposes in such manner as the Committee may from time to time determine;
  - (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of subsection (1) of section 78 of the 'Income Tax and Social Services Contribution Assessment Act 1936 - 1964' of the Commonwealth relates;
  - (j) the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes and conveniences calculated to benefit servants or past servants of the Club and their dependents, and the granting of pensions, allowances, or other benefits to servants or past servants of the Club and their dependants, and the making of payments towards insurance in relation to any of the purposes;
  - (k) the establishment and support, or in the aiding in the establishment or support, of any other association formed for any basic objects of the Club;

- (1) the purchase or acquisition, and undertaking, of all or any part of the property, assets, liabilities and engagements of any association with which the Club may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Club; and
- (m) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Club or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

5. MEMBERSHIP OF THE CLUB

(1) A person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Club on payment of the entrance fee and of the annual subscription prescribed in, or fixed under, these rules.

(2) A person who is not a member of the Club at the time of the incorporation of the Club shall not be admitted to membership -

- (a) unless he is nominated as provided in sub-rule (3) of this rule; and
- (b) his admission as a member is approved by the Committee.

(3) A nomination of a person for membership of the Club -

- (a) shall be made in writing, signed by two members of the Club of at least one year's standing (neither of whom may be junior members) to both of whom he must be personally known; and
- (b) shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination).
- (c) Every nomination shall give -
  - (i) the name, residence, business address and occupation of the candidate, and if he is a candidate for junior membership, his date of birth;
  - (ii) the names and other sufficient description of any yacht of which he may be the owner;
  - (iii) the name of any other yachting clubs or clubs of which he may be a member;
  - (iv) any further information which the Committee may prescribe.



4.

- (d) The members making the nomination shall also state -
  - (i) in writing that the candidate in their belief is of good character and repute and socially a fit and proper person to be elected a member of the Club, and whether he is an active yachtsman,
  - (ii) the nomination shall be accompanied by the tender of the candidate's entrance fee and the first year's subscription, which shall be returned by the Secretary if the candidate is not elected.
- (e) Shall be lodged with the Secretary of the Club.
- (4) The members of the Club shall consist of -
  - (a) honorary life members, honorary patrons, honorary members, patrons, senior members, family members, junior members and associate members.
  - (b)
    - (i) Persons of either sex of good character and repute whether yacht owners or not shall be eligible for membership or associate membership.
    - (ii) Such persons may be elected as honorary patrons, honorary members or associate members without a right to hold office or to exercise the power of voting at general meetings.
    - (iii) Persons under the age of eighteen years may be elected as junior members without a right to hold Office or to exercise the power of voting at general meetings.

Honorary Life Members

- (c) The Committee of its own motion, or on the proposal of any ten members, shall have power to elect as an Honorary Life Member any member of long standing who in the opinion of the Committee has over a long period of years rendered outstanding meritorious service to the Club but such election shall not take effect unless and until it is confirmed by at least three-quarters of the members present at the annual general meeting next following the date of such election. An Honorary Life Member shall not be required to pay any subscription, but he shall be entitled to all the privileges and benefits of financial membership.

Honorary Patrons

- (d) The Committee of its own motion shall have power to elect as Honorary Patrons any member of the community who in the opinion of the Committee may render service to the Club. Positions for Honorary Patrons shall be limited to two, and shall be reviewed annually by the Committee following the annual general meeting. An Honorary Patron shall not be required to pay any subscription, but he shall be entitled to all the privileges and benefits of financial membership, except as provided in sub-rule (4) (b) (ii) of this rule.

Honorary Members

- (e) Persons may be admitted as Honorary Members upon such conditions as the Committee may determine for a period not exceeding twenty eight days. No person shall be eligible to be admitted under this rule more than twice in any one financial year of the Club.

Patrons and Senior Members

- (f) Persons of either sex of good character and repute, whether owners of yachts or not, but who are eighteen years of age or over, are eligible for the classification of Patron or Senior Member.

Family Membership

- x (g) Family Membership shall consist of at least one parent or guardian and his or her children under eighteen years of age.

Junior Members

- (h) (i) Persons of either sex of good character and repute under the age of eighteen years shall be eligible for the classification of Junior Member
- x (ii) On a Junior Member attaining the age of eighteen years the provisions of sub-rules (6) and (7) of this rule shall be applied if he seeks senior membership, except that he shall not be required to pay the entrance fee as prescribed.

Associate Members

- (i) Any Senior Member or former member who is no longer active within, but who wishes to maintain an interest in the Club, may on application to the Committee be elected as an Associate Member, paying such subscription as prescribed, except that he shall not be required to pay the entrance fee.

(5) Active Sailing Members

- (a) All Honorary Life Members, and all members being owners, regular helmsmen or crew, of sailing yachts on the Club register and all members who have been owners, regular helmsmen or crew of any sailing yacht for at least three seasons as a member of a recognised yacht club shall be deemed "Active Sailing Members" of the Club.
- (b) The Committee may from time to time determine that any member of the Committee or the Sailing Committee who is not an Active Sailing Member, but who has, in consequence of his active interest in, and participation in the affairs of either of such Committees, obtained the necessary experience, shall thereafter be classified as an Active Sailing Member and he shall be deemed to be so accordingly.
- (c) The Secretary shall certify on every nomination for every office of the Club and for the Committee whether the nominee is or is not an Active Sailing Member as defined.
- (d) The decision whether any member is an Active Sailing Member shall be that of the Committee, and such fact shall be recorded in the register of members.

- (6) As soon as is practical after the receipt of a nomination, the Secretary shall refer the nomination to the Committee.

(7) Election of Members

Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee, in writing, that he has been approved for membership of the Club and, upon receipt of the sum payable by or on behalf of the nominee as his first year's subscription and entrance fee, shall enter the nominee's name in a register of members to be kept by the Secretary, whereupon the nominee becomes a member of the Club.

(8) Retirement of Members

A member of the Club may, at any time, resign from the Club by delivering or sending by post to the Secretary a written notice of resignation.

- (9) Upon receipt of a notice under sub-rule (8) of this rule, the Secretary shall remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Club.

- (10) A right, privilege, or obligation of a person by virtue of his membership of the Club -

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon the cessation of his membership, whether by death, resignation, or otherwise.



(11) Winding up of the Club

In the event of the Club being wound up -

- (a) Every member of the Club; and
- (b) Every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Club, is liable to contribute to the assets of the Club for payment of the debts and liabilities of the Club and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding the amount of the then current year's subscription payable by such member or person as the case may be, as may be required, but a former member is not liable so to contribute in respect of any debt or liability of the Club contracted after he ceased to be a member.
- (c) Honorary Life Members, Honorary Patrons, Honorary Members, Junior Members and Associate Members shall not be liable to contribute in respect of the matters specified in paragraph (b) hereof.

(12) Call Liability of Members

- (a) Every member shall be liable to pay to the Club the amount of any call which may be decided upon by a special resolution, as prescribed in Section 23 of the Act, at a general meeting called for that purpose. The amount of call must not exceed the then current year's subscription payable by such member.
- (b) Any resolution for a call shall specify the date by which the same shall be paid, and whether any class of member shall be exempted or not, and any member who shall fail to pay the amount of the call by the due date, or by any later date fixed by the Committee in his special case, may at the discretion of the Committee be declared a defaulter and to have lost his membership of the Club and his membership shall cease and be lost accordingly.
- (c) The Committee may apply rule 29(5) to members who have failed to pay a call by the due date and the Committee may in applying that rule to such a member modify it as it shall see fit.

(13) No Liability for Loss

The Club shall not be responsible for any loss or damage to any property brought by members or guests on to the Club premises or for any loss or damage suffered by any member or guest in or about the Club premises or in consequence of the use of the property of the Club or otherwise.

(14) Guests

Members may introduce persons to the Club as guests subject to such restrictions and regulations as the Committee may determine.

(15) Members' Addresses

Every member shall communicate any change of his address or usual place of abode to the Secretary and all notices required by these rules to be sent or given to members shall be deemed to have been duly sent or given if sent to such address by prepaid post.



6. INCOME AND PROPERTY OF THE CLUB

- (1) The income and property of the Club, however derived, shall be applied solely towards the promotion of the objects and purposes of the Club and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any member of the Club.
- (2) The Club shall not -
  - (a) appoint a person who is a member of the Committee to any office in the gift of the Club to the holder of which there is payable any remuneration by way of salary, fees, or allowances; or
  - (b) pay to any such person any remuneration or other benefits in money or money's worth (other than the repayment of out-of-pocket expenses).
- (3) Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Club of -
  - (a) remuneration in return for services actually rendered to the Club by the servant or member or for goods supplied to the Club by the servant or member in the ordinary course of business;
  - (b) interest at a rate not exceeding the current bank overdraft rate on moneys lent to the Club by the servant or member;  
or
  - (c) a reasonable and proper sum by way of rent for premises let to the Club by the servant or member.
- (4) The Committee shall have absolute control over and unfettered discretion in dealing with Club property.
- (5)
  - (a) No member shall remove from its place nor take away from the Club premises any article or property of the Club without prior assent of the Committee or a Flag Officer;
  - (b) shall damage, deface or destroy any Club property whatsoever;
  - (c) shall have any proprietary rights or interest in any of the Club property.

7. ACCOUNTS OF RECEIPTS, EXPENDITURE, ETC

- (1) True accounts shall be kept -
  - (a) of all sums of money received and expended by the Club and the matter in respect of which the receipt or expenditure takes place; and
  - (b) of the property, credits, and liabilities of the Club, and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Club for the time being, those accounts shall be open to the inspection of the members of the Club.

(2) The Treasurer of the Club shall faithfully keep all general records, accounting books, and records of receipts and expenditure connected with the operations and business of the Club in such form and manner as the Committee may direct.

(3) The accounts, books, and records referred to in sub-rule (1) and (2) of this rule shall be kept at the Club's office or any such other place as the Committee may decide.

8. BANKING AND FINANCE

(1) The Treasurer of the Club shall, on behalf of the Club, receive all moneys paid to the Club and forthwith after the receipt thereof issue official receipts therefor.

(2) The Committee shall cause to be opened with such bank as the Committee selects a banking account in the name of the Club into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.

(3) The Committee may receive from the Club's bank or bankers for the time being the cheques drawn by the Club on any of its accounts with the bank or bankers and may release and indemnify the banks or bankers from and against all claims, actions and suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Club.

X (4) Except with the authority of the Committee, no payment of a sum exceeding two dollars shall be made from the funds of the Club otherwise than by cheque drawn on the Club's bank account, but the Committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.

(5) (a) No cheque shall be drawn on the Club's bank account except for the payment of expenditure that has been authorised by the Committee, provided always that the Committee shall not refuse to pass for payment any account for money in fact due and payable by the Club;

(b) No member may pledge the credit of the Club and no Officer may incur the Club in any liability except with the approval of the Committee.

(6) All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by any two of the Commodore, Secretary and Treasurer, or such other persons as may be approved by the General Committee on an annual basis.

9. AUDITOR

(1) At each annual general meeting of the Club, the members present shall appoint a person as the auditor of the Club in accordance with the provisions of Section 24 of the Act (as amended).

(2) A person so appointed shall hold office until the annual general meeting next after that at which he is appointed, and is eligible for re-appointment.

(3) The first auditor of the Club may be appointed by the Committee before the first annual general meeting, and, if so appointed, shall hold office until the first annual general meeting, unless previously removed by a resolution of the members at a general meeting, in which case the members at that meeting may appoint an auditor to act until the first annual general meeting.

(4) If an appointment is not made at an annual general meeting the Committee shall appoint an auditor of the Club for the then current financial year of the Club.

(5) Except as provided in sub-rule (3) of this rule, the auditor may only be removed from office by special resolution.

(6) If a casual vacancy occurs in the office of auditor during the course of a financial year of the Club, the Committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding annual general meeting.

10. AUDIT OF ACCOUNTS

(1) Once at least in each financial year of the Club, the accounts of the Club shall be examined by the auditor.

(2) The auditor shall certify as to the correctness of the accounts of the Club and shall report thereon to the members present at the annual general meeting.

(3) In his report, and in certifying to the accounts, the auditor shall state -

- (a) whether he has obtained the information required by him;
- (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Club according to the information at his disposal and the explanations given to him and as shown by the books of the Club;  
and
- (c) whether the rules relating to the administration of the funds of the Club have been observed.



(4) The Secretary of the Club shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Club.

(5) The Auditor -

- (a) has a right of access to the accounts, books, records, vouchers, and documents of the Club;
- (b) may require from the servants of the Club such information and explanations as may be necessary for the performance of his duties as auditor;
- (c) may employ persons to assist him in investigating the accounts of the Club; and
- (d) may, in relation to the accounts of the Club, examine any member of the Committee or any servant of the Club.

11. ANNUAL GENERAL MEETING

(1) The Club shall, in each year, hold an annual general meeting.

(2) The annual general meeting shall be held on such day (being no later than three months after the close of the financial year of the Club) as the Committee may determine.

(3) The annual general meeting shall be in addition to any other general meetings that may be held in the same year

(4) The annual general meeting shall be specified as such in the notice convening it.

(5) The ordinary business of the annual general meeting shall be -

- (a) to confirm the minutes of the last preceding annual general meeting and of any general meetings held since that meeting;
- (b) to receive from the Committee, auditor, and servants of the Club reports upon the transactions of the Club during the last preceding financial year;
- (c) to elect the officers of the Club and the ordinary committeemen;
- (d) to appoint the auditor and determine his remuneration; and
- (e) to determine the remuneration of servants of the Club.

- (6) (a) The annual general meeting may transact special business of which notice is given in accordance with these rules.
- (b) Any member desiring to raise any business at an annual general meeting may do so by giving notice of his motion in writing to the Secretary at least twenty-one days before the meeting. Every such notice of motion received by the Secretary shall forthwith be affixed to the Club noticeboard and shall remain so affixed until the hour appointed for opening the meeting. In addition, notice thereof shall be served upon every member either personally or by pre-paid newsletter.
- (7) All general meetings other than the annual general meeting shall be called special general meetings.

12. SPECIAL GENERAL MEETINGS

- (1) The Committee may, whenever it thinks fit, convene a special general meeting of the Club.
- (2) The Committee shall, on requisition in writing of not less than ten members, convene a special general meeting of the Club.
- (3) A requisition for a special general meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the office of the Club and may consist of several documents in the like form, each signed by one or more of the requisitionists.
- (4) If the Committee does not cause a special general meeting to be held within twenty-one days from the date on which a requisition therefor is deposited at the office of the Club, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the requisition.
- (5) A special general meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Club to the persons incurring them.

13. NOTICES OF GENERAL MEETINGS

Except where a general meeting is called in accordance with rule 32 (5) hereof, the Secretary of the Club shall, at least fourteen days before the date fixed for holding a general meeting of the Club, cause to be inserted in at least one newspaper published in this State an advertisement specifying the place, day, and time for the holding of the meeting, and the nature of the business to be transacted thereat.

14. BUSINESS AND QUORUM AT GENERAL MEETINGS

(1) All business that is transacted at special general meetings and all business that is transacted at the annual general meeting, with the exception of that specially referred to in these rules as being ordinary business of the annual general meeting, shall be deemed to be special business.

(2) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

X (3) Fifteen members personally present (being members entitled under these rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.

(4) If within one hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved, and in any other case it shall stand adjourned to the same day in the next week, at the same time and (unless another place is specified by the chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.

15. COMMODORE TO PRESIDE AT GENERAL MEETINGS

(1) The Commodore, or in his absence, the Vice-Commodore, or in the absence of both the Commodore and the Vice-Commodore, the Rear-Commodore, shall preside as chairman at every general meeting of the Club.

(2) If the Commodore, Vice-Commodore and Rear-Commodore are absent from a general meeting, the members present shall elect one of their number to preside as chairman thereat.

16. ADJOURNMENT OF GENERAL MEETINGS

(1) The chairman of a general meeting at which a quorum is present may with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) Where the meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.

(3) Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.



17. DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS

A question arising at a general meeting of the Club shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority, or lost, and an entry to that effect in the minute book of the Club is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against the resolution.

18. VOTES

- (1) (a) Except as provided in sub-rule (1) (c) of this rule, upon any question arising at a general meeting of the Club, a member has one vote only.
  - (b) Honorary Patrons, Honorary Members, Junior Members and Associate Members shall not be eligible to vote at general meetings.
  - (c) Any Adult Family Member has one vote and that person may also vote on behalf of his or her spouse or his or her co-guardian provided that notice in writing empowering that person to vote on behalf of his or her spouse or co-guardian is delivered to the Secretary prior to the commencement of a general meeting. In the case of a special resolution as provided in rule 35, voting by proxy is prohibited.
- (2) Except as provided in sub-rule (1) (c) of this rule, all votes shall be given personally.
  - (3) In the case of an equality of voting on a question the chairman of the meeting is entitled to exercise a second or casting vote.

19. TAKING OF POLL

If at a meeting a poll on any question is demanded it shall be taken at that meeting in such a manner as the chairman may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.

20. WHEN POLL TO BE TAKEN

A poll that is demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the chairman may direct.

21. AFFAIRS OF CLUB TO BE MANAGED BY A COMMITTEE

(1) The affairs of the Club shall be managed by a committee of management constituted as provided in rule 23.

(2) The Committee -

- (a) shall control and manage the affairs of the Club;
- (b) may, subject to these rules, exercise all such powers and functions as may be exercised by the Club, other than those powers and functions that are required to be exercised by general meetings of members of the Club; and
- (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Club.

22. OFFICERS OF THE CLUB

(1) The Officers of the Club shall be -

- (a) a Commodore (President);
- (b) a Vice Commodore (Vice President);
- (c) a Rear Commodore (Vice President);
- (d) a Treasurer; and
- (e) a Secretary.

(2) (a) The Vice Commodore shall be known as the Senior Vice President.

Flag Officers

- X
- (b) The Commodore, Vice Commodore and Rear Commodore shall be Flag Officers. Each Flag Officer shall at the time of his election be an Active Sailing Member as defined.

Public Officer

- (c) For the purposes of the Associations Incorporation Act 1964, the Secretary of the Club shall be its Public Officer.

(3) The provisions of sub-rules (2), (3) and (4) of rule 24, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (1) of this rule.

(4) Each Officer of the Club shall hold Office until the annual general meeting next after the date of his election but is eligible for re-election.

(5) In the event of a vacancy in any office mentioned in sub-rule (1) of this rule the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to the conclusion of the annual general meeting next following the date of his appointment.

23. CONSTITUTION OF THE COMMITTEE

(1) The Committee shall consist of -

- (a) the officers of the Club; and
- (b) ten other members at least five of such other members shall be Active Sailing Members as defined all of whom shall be elected at the annual general meeting of the Club in each year.

(2) Each ordinary committeeman shall, subject to these rules, hold office until the annual general meeting next after the date of his election, but is eligible for re-election.

(3) In the event of a casual vacancy occurring in the office of ordinary committeeman, the Committee may appoint a member of the Club to fill the vacancy, and the member so appointed shall hold office, subject to these rules until the conclusion of the annual general meeting next following the date of his appointment.

(4) The Committee shall define the duties of the several officers and members of the Committee who shall in all respects be subject to the control of the Committee and may -

- (a) purchase or otherwise acquire any books, newspapers or periodicals and dispose of them as it may think fit;
- (b) determine from time to time the conditions on which and times when members may use the property of the Club or any part or parts thereof and when and under what conditions the premises of the Club or any part or parts thereof shall be used by members;
- (c) regulate and control its own meetings and the transaction of business thereat;
- (d) borrow, raise or secure the payment of money and sell and dispose of the assets of the Club, provided that any expenditure or sale of assets over double the value of the subscriptions of the preceding year must be approved by a special resolution of members at a general meeting;
- (e) at any meeting authorise the Commodore and Secretary to affix the seal to any deed, instrument or document;



By-Laws

- (f) The Committee may from time to time make, alter and repeal by-laws regulating the use of the Club premises and the admission of guests thereto, the holding of regattas and sailing races and generally for the good conduct and management of the affairs of the Club. Such by-laws shall, provided they are not inconsistent with the Rules of the Club for the time being, be binding on all members and be construed as part of the Rules of the Club until they are rescinded or varied.

Regattas and Sailing Races

- (g) The Committee shall in every year arrange and conduct sailing races for classes on the Club register and any visiting classes and shall provide pennants and trophies for such races as it may determine, and shall appropriate to the provision thereof out of the funds of the Club such sums as it shall think fit, and may arrange and conduct such championship regattas as may be arranged with class associations.

Sailing Rules and Safety Regulations

- (h) The sailing rules and safety regulations shall be those of the current International Yacht Racing Union, and the prescriptions and safety regulations of the Australian Yachting Federation unless otherwise ordered by the Committee and as approved by the Tasmanian Yachting Association, and the Committee may publish such written sailing instructions as it deems necessary.
- (i) Measurer. The Committee shall have power to appoint an official measurer or measurers for such period as the Committee may determine.
- (j) Burgee. The Club shall have a Burgee to be selected by the Committee.

Race Secretary

- (k) The Committee may appoint one of its number or any member of the Club to be Race Secretary with such duties as the Committee may direct from time to time.

Sailing sub-committee and Sailing Captain

- (l) The Committee may appoint a Sailing sub-committee consisting of a Sailing Captain and two or more members of the Club to perform the designated duties of sub-section (g) and (h) of this rule. The Sailing Captain shall be a member of the General Committee. The majority of members of the sub-committee including the Sailing Captain shall be Active Sailing Members as defined. The sub-committee shall be subject to the control of the Committee.

Auxiliary

- (m) The Committee may appoint an auxiliary sub-committee consisting of three or more members of the Club (at least one of whom shall be a member of the General Committee). The sub-committee shall be subject to the control of the Committee and have as its objects -
  - (i) raising of funds for the Club;
  - (ii) assisting with social activities and catering; and
  - (iii) assistance with other Club activities as requested by the Committee of the Club.

Duties of Secretary

- (n) The Secretary shall keep a register of members, full and correct minutes of all resolutions and proceedings of the Committee and of general meetings in a book kept for that purpose and such other records as directed by the Committee. Records of Club races and regattas including a register of yachts belonging to Club members shall be maintained by the Secretary or members nominated by the Committee.

24. ELECTION OF NUMBERS OF COMMITTEE

- (1) Nominations of candidates for election as officers of the Club or as ordinary committeemen -
  - (a) shall be made in writing signed by two members of the Club and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
  - (b) shall be delivered to the Secretary of the Club at least ten days before the date fixed for the holding of the annual general meeting.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (4) If the number of nominations exceed the number of vacancies to be filled a ballot shall be held.
- (5) The ballot for the election of officers and ordinary committeemen shall be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

25. VACATION OF OFFICE

The office of an officer of the Club or of an ordinary committeeman becomes vacant if the officer or committeeman -

- (a) dies;
- (b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;
- (c) becomes of unsound mind;
- (d) resigns his office by writing under his hand addressed to the Committee;
- (e) ceases to be a resident in the State;
- (f) fails, without leave granted by the Committee, to attend three consecutive meetings of the Committee;
- (g) ceases to be a member of the Club; or
- (h) fails to pay all arrears of subscriptions due by him within fourteen days after he has received a notice in writing signed by the Secretary stating that he has ceased to be a financial member of the Club.

26. MEETINGS OF THE COMMITTEE AND OF SUB-COMMITTEES

- (1) The Committee shall meet at least once in each month at such place and at such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the Commodore, or any four of its members.
- (3) Notice shall be given to members of the Committee of any special meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- (4) Any six members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- (5) No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same place and the same hour of the same day in the following week unless the meeting was a special meeting, in which case it lapses.



(6) At meetings of the Committee -

- (a) the Commodore, or in his absence the Vice-Commodore or in the absence of both the Commodore and the Vice-Commodore, the Rear-Commodore; or
- (b) if the Commodore, Vice-Commodore and Rear-Commodore are absent, one of the remaining members of the Committee chosen by the members present, shall preside.

(7) Questions arising at the meetings of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

(8) Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(9) Written notice of each Committee meeting shall be served on each member of the Committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.

(10) Procedures at the meetings of any sub-committee appointed by a general meeting shall be the same as for any sub-committee appointed by the Committee.

27. DISCLOSURE OF INTEREST IN CONTRACTS, ETC

(1) A member of the Committee who is interested in any contract or arrangement made or proposed to be made with the Club shall disclose his interest at the first meeting of the Committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the Committee after the acquisition of his interest.

(2) If a member of the Committee becomes interested in a contract of arrangement after it is made or entered into he shall disclose his interest at the first meeting of the Committee after he becomes so interested.

(3) No member of the Committee shall vote as a member of the Committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.

28. SUB-COMMITTEES AND EXECUTIVE COMMITTEE

(1) The Committee may at any time appoint a sub-committee from the Committee as it may think fit and shall prescribe the powers and functions thereof. The sub-committee shall consist of any three or more members of the Club (at least one of whom shall be a member of the General Committee). The appointment of members to a sub-committee may be revoked by the Committee.

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(2) The Committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those persons are members of the Club, but a person so co-opted is not entitled to vote.

(3) Any three members of a sub-committee appointed by the Committee or a general meeting constitute a quorum for the transaction of the business of a meeting of a sub-committee.

(4) The Secretary or delegate appointed by the Committee is responsible for calling meetings of a sub-committee.

(5) Written notice of each sub-committee meeting shall be served on each member of the sub-committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a prepaid letter addressed to him at his usual or last-known place of abode in time to reach him in due course of post before the date of the meeting.

(6) The Commodore, the Vice-Commodore, the Rear-Commodore, the Treasurer, and the Secretary constitute an Executive Committee which may issue instructions to the Secretary and the servants of the Club in matters of urgency connected with the management of the affairs of the Club during the intervals between meetings of the Committee, and where any such instructions are issued shall report thereon to the next meeting of the Committee.

29. ANNUAL SUBSCRIPTIONS

(1) Until otherwise fixed pursuant to sub-rule (2) of this rule, the annual subscription payable by members shall be -

(a)	Patron	Forty Dollars
(b)	Family	Fifty Dollars
(c)	Senior	Thirty Five Dollars
(d)	Associate	Ten Dollars
(e)	Junior	Twenty Dollars

(2) The amount of the annual subscriptions may be altered by the Committee within sixty days following the annual general meeting.

(3) The annual subscription of a member is due and payable on or before the first day of August in each year in respect of the current Club year.

(4) A member elected after the first day of February in any year shall be required to pay only one half of the annual subscription for that year.

Members subscriptions in arrears

(5) A member whose subscription is not paid by the first day of November in any year shall be notified thereof by letter and in the event of non-payment by the thirtieth day of November in the same year his subscription shall be deemed to be in arrears and his name shall be posted on the notice-board of the Club and he shall cease to be entitled to use the Club premises or to use or enjoy any of the facilities or privileges of the Club as long as his subscription shall remain in arrears. If his subscription shall not be paid by the first day of February next following he shall be deemed to have ceased to be a member of the Club as from the beginning of the current Club year, but he may be re-admitted to membership by the Committee upon his giving a satisfactory explanation and paying up all arrears of subscriptions then due.

(6) Pennant points or trophies shall be awarded only from the date of payment of full membership fees.

Entrance Fees

(7) Subject to the provisions of rule 5 (4) (h) (ii) the entrance fee shall be determined by the Committee in accordance with sub-rule (2) of this rule and may vary for each class of membership;

- (a) such entrance fee shall be paid to the Secretary together with the nomination for membership;
- (b) the entrance fee must be returned should the nomination not be approved by the Committee.

Subsidiary Fees

(8) Subsidiary fees shall be determined by the Committee in accordance with sub-rule (2) of this rule. Such fees may be made for -

- (a) boat storage;
- (b) boat registration;
- (c) sailing fees;
- (d) visitor's sailing fee; and
- (e) any such other fees as the Committee deem necessary.



30. FINANCIAL YEAR

The financial year of the Club is the period beginning on the first day of May in each year and ending on the thirtieth day of April next following.

31. NOTICES

A notice may be served by or on behalf of the Club upon any member either personally or by sending it through the post in a prepaid letter addressed to the member at his usual or last-known place of abode.

32. EXPULSION OF MEMBERS AND DISCIPLINARY ACTION

(1) (a) Subject to this rule, the Committee may expel a member from the Club if, in the opinion of the Committee the member has been guilty of conduct detrimental to the interests of the Club.

(b) The Committee shall have the power to fine or suspend any member who shall be proved to its satisfaction guilty of wilfully infringing the rules, by-laws or regulations of the Club or of unbecoming or improper conduct calculated to prejudice the best interests of the Club. Such fine shall not exceed the then current senior membership fee and such suspension shall not exceed a period of three months. All fines shall be payable forthwith and the member fined shall forfeit all membership rights until the fine is paid. If a member so fined fails to pay such fine within three months of his having received notice of such fine, he shall cease to be a member of the Club.

(2) The expulsion of, suspension of, or the imposition of a fine on a member pursuant to sub-rule (1) of this rule does not take effect -

(a) Until the expiration of fourteen days after the service on the member of a notice under sub-rule (3) of this rule; or

(b) if the member, exercises his right of appeal under this rule, until the conclusion of the special general meeting convened to hear the appeal, whichever is the later date.

(3) Where the Committee expels, suspends or fines a member of the Club, the Secretary of the Club shall, without undue delay, cause to be served on the member a notice in writing -

- (a) stating that the Committee has taken such action;
- (b) specifying the grounds for the action taken; and
- (c) informing the member that if he so desires he may, within fourteen days after the service of the notice on him, appeal against the Committee's decision as provided in this rule.

(4) A member on whom a notice under sub-rule (3) of this rule is served may appeal to a special general meeting by delivering or sending by post to the Secretary of the Club, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his appeal.

(5) Upon receipt of a requisition under sub-rule (4) of this rule, the Secretary shall forthwith notify the Committee of its receipt and the Committee shall thereupon cause a special general meeting of members to be held within twenty-one days after the date on which the requisition is received by the Secretary.

(6) At a special general meeting convened for the purpose of this rule -

- (a) no business other than the question of the Committee's action in the matter shall be transacted;
- (b) the Committee may place before the meeting details of the grounds of the matter and the Committee's reasons for the action taken;
- (c) the effected member shall be given an opportunity to be heard; and
- (d) the members present shall vote by secret ballot on the question whether the Committee's decision should be rescinded or confirmed.

(7) If at the special general meeting a majority of the members present vote in favour of rescinding the Committee's decision, the decision shall be deemed to have been rescinded and the member is entitled to continue his membership of the Club.

(8) If at the special general meeting a majority of the members present vote in favour of the confirmation of the Committee's decision, the decision takes effect.

(9) The Secretary of the Club shall at least fourteen days before the date fixed for holding a special general meeting of the Club convened for the purposes of this rule forward notice in writing specifying the place day and time for the holding of the meeting and the nature of the business to be transacted thereat to each member of the Club.

### 33. DISPUTES

(1) Subject to this rule, a dispute between a member of the Club, in his capacity as a member, and the Club shall be determined by arbitration in accordance with the provisions of the 'Arbitration Act 1892'.

(2) Nothing in this rule effects the operation of rule 32.

34. SEAL OF THE CLUB.

(1) The Seal of the Club shall be in the form of a rubber stamp, inscribed with the name of the Club encircling the word "Seal".

(2) The Seal of the Club shall not be affixed to any instrument except by the authority of the Committee and the affixing thereof shall be attested by the signatures of the Commodore and the Secretary of the Club and that attestation is sufficient for all purposes that the Seal was affixed by authority of the Committee.

(3) The Seal shall remain in the custody of the Secretary.

35. SPECIAL RESOLUTIONS

As provided in Section 23 of the Associations Incorporation Act, a resolution is a special resolution if it is passed by a majority of not less than three-quarters of the members entitled to vote and present in person at a general meeting of which notice specifying the intention to propose the resolution as a special resolution has been given in accordance with these rules.

36. AMENDMENT TO RULES AND OBJECTS

These rules may only be altered by a special resolution, as prescribed in Section 23 of the Act, passed at an annual general meeting or at a special general meeting called for that purpose. The approval of the Commissioner for Corporate Affairs, as prescribed in Section 18 of the Act, must be obtained before the resolution becomes binding.