



Constitution

of the

Maylands

Yacht Club

(Incorporated).

Version
June 12th 2015

(19 pages)

NAME OF THE CLUB

1. The name of the Club is "MAYLANDS YACHT CLUB INC".

OBJECTS OF THE CLUB

2. The objects of the Club are:
 - (a) The encouragement of amateur yacht sailing and other sports, games and pastimes.
 - (b) The holding and arrangement of matches, races, regattas and competition in yachting and other sports, pastimes and games and the offering and granting of contributions towards the provision of prizes, awards and distinctions.
 - (c) The promotion of social intercourse between members of the Club and their friends and the provision of accommodation with all the usual privileges and advantages of a Club for the purposes aforesaid.
 - (d) The provision of accommodation for members and their guests upon premises of which the Club is the bona fide occupier and not for the purpose of making profits divisible amongst the members or any of them or in support of any object other than the accommodation of the members and their guests.

COLOURS OF THE CLUB

3. The Club's Pennant shall be blue and gold pennant with the letters M.Y.C.

POWERS OF THE CLUB

4. The Club shall have the following powers:
 - (a) To purchase, take on lease or in exchange hire or otherwise acquire and maintain any real or personal property and any rights and privileges.
 - (b) To erect, add to, improve, repair, pull down and rebuild buildings and other structures as long as such changes are within the terms of the Club's lease with the City of Bayswater.
 - (c) To sell, exchange, lease, mortgage, hire, and dispose of, or otherwise deal with all or any part of the real and personal property of the Club.
 - (d) To accept donations whether of real or personal estate and devises and bequests.
 - (e) To borrow or raise or secure the payment of money in such manner as the Club thinks fit with power to issue debentures, grant mortgages, charges or other class of security upon or charging all or any of the property real or personal both present and future, of the Club and to redeem or pay off any existing or future security.
 - (f) To invest and deal with the moneys of the Club not immediately required for the purposes of the Club in such manner as may from time to time be determined.

- (g) To hold any property or any trusts.
- (h) To make gifts to any charitable object in accordance with the law of the State or any other purpose approved by the Court.
- (i) To amalgamate, cooperate or affiliate with any other Club or society having objects wholly or in part similar to those of the Club.
- (j) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.
- (k) To apply for and obtain and renew from time to time a Club License under the Liquor Licensing Act 1988 as amended from time to time (hereinafter referred to as "the Liquor Act").
- (l) To sue.
- (m) To make by-laws, rules or regulations and other proceedings for the due maintenance and control of the Club and for regulating the duties, control and conduct of persons in the employ of the Club.
- (n) To amend, rescind or add to the by-laws, rules or regulations of the Club so that any amendment or added by-laws, rules or regulations shall have the life force effect and authority as if originally included in these presents, except as regards any matter or thing done previously thereto.
- (o) To do all such other lawful acts, matters and things as may be incidental to or be deemed to be conducive to the attainment of execution of the foregoing objects and powers or any of them generally and/or otherwise manage the Club.

MEMBERSHIP OF THE CLUB

5. The members of the Club shall be either:

(a) **Full Members:** shall be any person who is over the age of nineteen years and who is a sailing and/or full fee paying member of the Club, and not a Country, Associate, Reciprocal, Honorary, Affiliated Sports or Life Member of the Club. Any other category of member can apply to the Management Committee to be upgraded to Full Member status only before December 31st of the current financial year. Candidates who correctly apply to upgrade their membership will be accepted by a ballot by the Management Committee, as long as less than 20% of the Committee Members present vote against the application. Any such person wishing to upgrade to Full Member status after December 31st will be given pro-rata consideration for fee payment as explained in Subrule 10 (b).

(b) **Life Members:** Members over the age of nineteen years who have rendered special services to the Club and been recommended for "Life" membership by a resolution passed at a Management Committee Meeting and elected by a resolution passed at the next following General Meeting provided that not more than two such members shall be elected in any financial year.

(c) **Country Members:** Members over the age of nineteen years who have an ordinary place of abode that is more than 80 kilometres from the Club premises by the shortest route and who in the opinion of the Management Committee are thereby deprived of the regular use of the Club's facilities.

(d) **Associate Members:** Members over the age of nineteen years who are entitled to exercise such of the privileges of the Club as may be provided by these rules. Specifically Associate Members may not have sailing, boat storage, boating, or voting rights normally attributed to Full Members. Associate Members can be Starter, Timekeeper or Support Boat Captain(s)/crew(s).

(e) **Reciprocal Members:** Members of such other Clubs as the Management Committee may decide shall be admitted as reciprocal members provided that such members are financial members of and entitled to vote at a General Meeting of that Club.

(f) **Junior Members:** Members whose age is under nineteen years as at 1st October of each sailing season, and who shall be entitled to exercise such of the privileges of the Club as may be provided by these rules.

(g) **Honorary Members:** Persons possessing the qualifications set out in paragraphs 7 (c) of these rules and elected in accordance with these rules.

(h) **Affiliated Sports Members:** Members of other affiliated sports as admitted to the Club from time to time. Sailing members may not be Affiliated Sports Members.

(i) **Temporary Membership:** A person who is on any day visiting the Club as a member or an official of, or a person assisting a team that is to contest a pre-arranged event in that sport on that day, or at the invitation of a member to engage in that sport on that day, may be taken to be a person who is afforded temporary membership on that day. Temporary Members must be signed in to the Temporary Members Book to meet the requirements of the Liquor Licensing Act 1988 as amended.

6. OTHER RIGHTS OF MEMBERS.

(a) Country, Associate, Reciprocal, Honorary, Affiliated Sports, and Junior Members shall have all the privileges of a Full Member, except as defined previously and they shall not hold office (except for Starter, Timekeeper or Support Boat Captain(s)/crews(s) which can be Associate Members), or be elected a member of the Management Committee, propose or second new members of any type, nor any candidate for election to office.

(b) Only Full and Life Members shall have the right to vote at any meetings of the Club, with only Full or Life members who have been Full or Life members for the immediate past 12 months having the right to propose or second any notice of motion concerning the Constitution or any other Special Notice of Motion at any AGM, General Meeting or Special General Meeting.

(c) Only Full, Life & Junior Members may be issued any keys to the Club for any reason.

7. ELECTION OF MEMBERS

A. Full, Country, Associate, Reciprocal, Honorary, Affiliated Sports and Junior Members

Candidates for membership must be proposed by either a financial Full Member or a Life Member of the Club and shall be seconded by any one of such members of the Club on the printed form supplied by the Club, on which shall be stated the full first and surnames and address, the profession, occupation or status of the candidate. The proposal shall be forwarded to the Secretary, who shall then submit the proposal to the next meeting of the Management Committee on a day to be notified. Candidates whose names have been so submitted may be accepted by a ballot by the Management Committee, as long as less than 20% of the Committee Members present vote against the application.

B. Life Members:

(a) The Management Committee may recommend for Life Membership any member who has rendered special services to the Club in the opinion of the Management Committee (subject to paragraph 5(b) of the Constitution).

(b) Without notice any members of the Management Committee may move at a General Meeting of the Club next following such recommendation that such member be appointed a Life Member and if such motion be seconded and carried such member shall forthwith become a Life Member and shall pay the minimum fee as prescribed in the Liquor Act.

C. Honorary Members:

Honorary Members possessing the qualifications set out hereunder may be proposed and seconded by any two Members of the Management Committee who shall subject to the following conditions:

- (i) The proposal is in writing signed by both the proposer and seconder in a form setting out that such a person is to the knowledge of the proposer and seconder eligible according to the Rules of the Club to be elected an Honorary Member.
- (ii) Notice is posted on the Club premises by the Secretary thereof, the date of such posting being marked thereon.

- (iii) The person proposed as an Honorary Member is duly elected according to the Rules of the Club herein detailed, and
- (iv) The candidate has been advised of such selection. Provided that no person shall be an Honorary Member for a period of longer than one month in any financial year except Honorary Members possessing the qualifications set out hereunder in Rule (7 C-2) who may be elected at the discretion of the Committee for a period not exceeding twelve months.

C - 1. QUALIFICATIONS FOR HONORARY MEMBERSHIP - CLASS 1

Persons possessing the following qualifications may be elected as Honorary Members for a period not exceeding one month.

- (a) Flag Officers, Presidents and Secretaries of other Yacht Clubs and Sailing Clubs and Aqua Associations.
- (b) Members of Yacht and Sailing Clubs and Associations participating in interstate or overseas cruising or racing.
- (c) Any of the persons mentioned in Subsection 3c of Section 49 of the Liquor Act of 1988.
- (d) Persons of distinguished or public positions visiting the Club including Ministers of Religion.
- (e) Officers of the Navy, Army or Air Force of any Country including Australia visiting the State.

C - 2. QUALIFICATIONS FOR HONORARY MEMBERSHIP - CLASS 2

Persons possessing the following qualifications may be elected to Honorary Membership for a period of twelve months.

- (a) The office of the Governor-General for the time being of the Commonwealth or of Governor for the time being of the State.
- (b) Membership of the Senate or House of Representatives or of the Legislative Council or Legislative Assembly of W.A.
- (c) The office of Officer in Charge of the Navy, Army or Air Force in W.A.
- (d) The offices of Senior Officer of any State Government Department or Local Authority.
- (e) Commodores and Vice Commodores of other Yacht Clubs and Sailing Clubs.

The Management Committee shall have power in cases appearing to them to require it, to revoke the membership of any Honorary Member without notice or right of appeal.

8. REGISTER OF MEMBERS OF THE CLUB.

(a) The Secretary shall on behalf of the Club keep and maintain the Register of Members in accordance with Section 27 of the Associations Incorporations Act 1987, and that register shall be so kept and maintained at his or her place of residence.

(b) The Secretary shall cause the name of a person who dies or who ceases to be a member under Rule 11 to be deleted from the register of members referred to in Sub- Rule 8 (a).

9. SUBSCRIPTIONS.

(a) The members shall pay such subscriptions to the Club as shall from time to time be provided in the Rules of the Club. The Management Committee has the sole power to increase or reduce any subscription provided that no subscription shall be less than the minimum sum from time to time prescribed by the Liquor Act.

(b) Full Members engaged in educational courses or vocational training, precluding them from earning a regular income, shall, upon application duly approved by the Management Committee, pay subscription at half the annual subscription rate for the period so engaged, provided that any such reduced subscription shall not be less than that the sum being the fee charged for Junior Membership.

(c) Full Members whose continuous Club membership exceeds ten years, and who are receiving Aged or Disability Support Pensions payable by the Department of Social Services or a pension, payable by Department of Veterans' Affairs, upon application duly approved by the Management Committee shall pay a subscription of one quarter of the usual subscription provided that any such reduced subscription shall not be less than that the sum being the fee charged for Junior Membership.

10. METHOD OF PAYMENT

(a) The first subscription shall be paid when the nomination is lodged with the Secretary, and all future subscriptions shall be due and payable prior to September 1, in each and every year.

(b) A Full Member joining the Club between January 1, and April 30, of any year shall only be required to pay one half of the annual Full Member's subscription for the remainder of that financial year.

(c) Any member joining the Club between the 1st May and 30th June in any year shall pay full subscriptions which shall entitle him or her to continue as a financial member for the ensuing financial year without paying a further subscription for that year.

(d) For the purpose of calculating the Junior Member's annual subscription, a Junior Member (under nineteen) whose nineteenth birthday falls within the first half of that financial year shall pay an annual subscription equal to half of the Junior Member annual subscription plus half the annual subscription of a full Member (eighteen years and over) whilst a Junior member whose nineteenth birthday falls within the latter half of that financial year shall pay the annual subscription for the Junior Member.

(e) The financial year for the Club shall extend from July 1st to June 30th

11. CESSATION OF MEMBERSHIP

A member shall cease to be a member of the Club:

- (a) On his written resignation, death, being an enemy alien in time of war or, at the discretion of the Management Committee, on conviction for any indictable offence.
- (b) Who shall have become bankrupt or insolvent or make an assignment for the benefit of his creditors, or compound or arrange with his creditors (whether such creditors are his separate creditors of any partnership of which he is a member).
- (c) On the members failing to observe any Rule, Regulation or bylaw of the Club.
- (d) On a member being in the opinion of the Committee guilty either in or out of the Club of unacceptable conduct, or prejudicial to the interests of the Club, or calculated in any manner to impair or affect the members thereof.
- (e) Should any member's subscription or other money due to the Club remain unpaid for two months, that fact shall be notified to such member, and should the amount due remain unpaid for one month after such notice, the Management Committee may strike his or her name off the books, and his or her membership shall cease, unless in consequence of his or her being absent from Western Australia, or for any other reason, the Management Committee may think proper to extend the time allowed for payment, or subject to Rule to remit the whole or portion of the sum due. The Management Committee may post the names of defaulters in the Club Rooms at their discretion.
- (f) Any member of the Club who may feel aggrieved by any action of the Committee may appeal to a General Meeting. That person shall give notice to the Committee within one calendar month from the date of the posting of notice to him of any such action of the Committee who shall place the appeal, stating the nature thereof, on the business sheet of the next General Meeting. Should any member require a Special General Meeting called for the purpose, the member must get the necessary signatures to a requisition and lodge the sum of fifty dollars (\$50.00) with the Secretary to cover the cost of calling such a meeting, which shall be forfeited if such General Meeting should uphold the decision of the Committee, otherwise same should be returned to him. The decision of the Committee shall have full effect pending the hearing of any appeal.
- (g) By a resolution of the Management Committee to determine his or her membership, passed in accordance with the Rules of the Club for the time being in force.
- (h) Providing always:
 - (i.) That not less than seven days notice of intention to propose such resolution as provided in Subrules (b) and (f) shall be given to each member of the Management Committee.
 - (ii.) The Rules may, except in the case of an Honorary Member, provide for an appeal from such decision.

Mandatory Meetings of the Club

12. ANNUAL AND/OR GENERAL MEETINGS

(a) The Annual General Meeting shall be held at the Club House within two months of the end of the Summer Sailing Season.

(b) Notice of Motion of any resolution (other than ordinary business) shall be sent to the Secretary not later than twenty eight days preceding such Annual General Meeting.

(c) All Notices of Motion received by the Secretary shall forthwith be circulated by email by the secretary and posted on the Club Notice Board and shall remain there until after the meeting. The removal of any notice shall not invalidate such notice but any notice removed must be replaced with a copy thereof by the Secretary after discovery of removal by the Secretary.

(d) Failure to send any notice will invalidate any meeting, nomination, resolution or election. The Flag Officers of the Club have the sole discretionary power to overrule this Subrule.

(e) The quorum at a General Meeting shall be eleven and in the event of there being no quorum within 30 minutes of the advised meeting commencement time, the Senior Flag Officer present, or if no Flag Officer, the Secretary, or the most senior Committee Member by virtue of time on the Committee, shall adjourn the meeting to such time, date and place as deemed fit by that person. The quorum at any adjourned meeting shall be the number of members in attendance at the time fixed for such meeting.

(f) At General Meetings the chair shall be taken by the Senior Flag Officer present, if no Flag Officer be present, by some member chosen by the meeting.

(g) Only financial Full, Life, Country, Associate, Affiliated Sports, and Junior Members shall be entitled to attend with only Full and Life Members entitled to vote at General Meetings, and any breach of this article will invalidate any election or resolution. The Flag Officers of the Club have the sole discretionary power to overrule this Subrule.

(h) Every resolution (unless otherwise provided by this Constitution and Rules) shall be declared by a simple majority of votes. Every member shall have one vote and in the case of equality of votes, the Chairman shall have a second or casting vote and such meeting may be adjourned as resolved at such meeting. No proxy votes shall be accepted.

- (i) The business of the Annual General Meeting shall be conducted in the following order:
- (1) Members present and apologies.
 - (2) Confirmation of the minutes of the last meeting.
 - (3) Receive reports and balance sheet made up to the last day of the month prior to the AGM.
 - (4) Election of Patron, Declaration of Officers and the Management Committee.
 - (5) Transaction of such business of which notice shall be given e.g., Life Members/Constitutional changes.
 - (6) Close of the Annual General Meeting.

A General Meeting shall follow the AGM

13. SPECIAL GENERAL MEETINGS

(a) Upon authority given by the Management Committee or by a requisition made and signed by at least eleven members stating the subject or subjects intended to be discussed, the Secretary shall call a Special General Meeting of the Club. In all cases the subject matter to be discussed shall be set out in the form of a Notice of Motion.

(b) Such meeting shall be convened by the Secretary for consideration of such subject or subjects only and not later than twenty eight days after such authority or requisition (as the case may be) and at least seven days notice in writing of such meeting and the Notice of Motion or the intent thereof shall be given to each Full and Life Member. Accidental omission to notify a member in due time or at all will not render void such meeting or resolution.

(c) All Notices of Motion received by the Secretary shall forthwith be posted as an email and on the Club Notice Board and shall there remain until after the meeting. The removal of any such notice shall not invalidate such notice or resolution which may be carried subsequently, but any notice so removed must be replaced with a copy thereof by the Secretary after discovery of its removal.

(d) The quorum for any such meeting shall be seven. Should insufficient members attend to form a quorum within thirty (30) minutes of the time notified for such a meeting, then the meeting shall lapse.

(e) The majority necessary to carry a resolution in Special General Meetings shall be a simple majority of those present and entitled to vote.

OFFICERS AND COMMITTEES OF THE CLUB

14. OFFICERS

(a) The Officers of the Club (hereinafter referred to as "the Officers") shall consist of a Patron(s), Commodore, Vice Commodore, Rear Commodores (hereinafter referred to as "Flag Officers") and an Honorary Secretary and an Honorary Treasurer.

(b) No member may nominate for Flag Officer unless that person has been a financial member for two years and has served on the Management Committee for one year, not necessarily prior to nomination. Other Officers of the Club and general Committee members must have been a Full or Life Member for at least one year, not necessarily prior to nomination.

(c) The Commodore may serve a maximum of three consecutive years.

15. MANAGEMENT COMMITTEE

(a) The sole management of the Club shall be in the hands of the Management Committee which shall consist of the Officers and eight General Committee Members (four of whom shall be owners or part-owners of boats on the Club's Register of Sailing Craft), Sailing Captain, Power Yacht Captain, and Captain of any Affiliated Sport admitted to the Club from time to time. All Affiliated Sports Captains must be Full Members before they can be elected to the Management Committee. All vacancies, except casual vacancies, are to be elected at the Annual General Meeting.

(b) A quorum shall be seven.

(c) The Management Committee may appoint sub-committees of members and may delegate power to act provided that all sub-committees shall be required to report and be responsible to the Management Committee.

(d) The Management Committee may authorise Junior Members to form a Junior Committee with such powers and limitations as are fixed by the Rules from time to time.

(e) The immediate Past Commodore shall be entitled to sit on the Management Committee, for a period of one year.

16. ELECTION OF OFFICE BEARERS AND COMMITTEE

1. All nominations for office bearers and members of the committee shall be made in writing and shall be signed by the nominee and the proposer, who must be a Full Financial Member of the Club.
2. The officers and Committee shall be elected by ballot at the Annual General Meeting of the Club.
3. The first to be elected will be the Patron, followed by the Commodore. Once elected the Commodore elect shall direct the election of the remaining officers and members of the Management Committee. The new Committee shall hold office from the point of their election until the next Annual General Meeting of the Club.
4. All officers and members of the Committee shall be eligible for re-election subject to the following provisions:

- a. No members shall be re-elected as Commodore if that member has held the office of Commodore for the preceding three years.
 - b. No member may be elected as Commodore, Vice Commodore, or Rear Commodore unless he/she has had, prior to this nomination, at least one year's experience as a member of the Management Committee of a yacht club.
 - c. Where there is no nomination for any office of the Club, or where there are insufficient nominations for Committee Members, nominations may be called from the members present at the Annual General Meeting at which the election is being held.
 - d. The order of election shall be:
 1. Patron
 2. Commodore
 3. Vice Commodore
 4. Rear Commodore(s)
 5. Secretary
 6. Treasurer
 7. Sailing Captain
 8. Power Boat Captain
 9. General Committee (four)
- 5 Should a member be candidate for more than one vacancy and he has been elected to the first of such vacancies in the order of election as set out in Rule (k) (7) hereof, then he shall be deemed not to be a candidate for any other vacancy and the aggregate of his preferences shall be disregarded.
 - 6 The Returning Officer shall report in writing to the Chairman of the Annual General Meeting the names of the candidates elected and the Chairman shall declare them duly elected.
 - 7 In the case of a tie, the candidate to be elected shall be determined by the Chairman of the Annual General Meeting.
 - 8 No non-financial member shall be eligible for office or be permitted to nominate any office bearer or to vote at any election.
 - 9 In the event of vacancies occurring between the dates of the Annual election, the Management Committee shall have power to select other members of the Club to fill such vacancies.

17. GUARANTORS

Should any member of the Club at any time guarantee the performance of a commitment of the Club, the Guarantor shall if not already a member of the Committee, immediately become a member of the Committee and remain so during the term of his guarantee.

18. DUTIES AND POWER OF THE MANAGEMENT COMMITTEE, SECRETARY AND OTHERS

(a) The Management Committee shall meet at least once in every calendar month and may act notwithstanding any vacancy therein. Minutes of all resolutions and proceedings thereof shall be entered in a book/file to be provided for that purpose.

(b) If any Management Committee person shall fail to attend three consecutive meetings of the Management Committee without leave of absence, that person's seat may be declared vacant and upon the happening of such event shall be notified accordingly.

(c) The **Management Committee** shall manage the affairs of the Club in accordance with the Rules and objects of the Club generally and shall have the power to do all legal acts, matters and things necessary desirable or required for the furtherance of the objects of the Club.

(d) The Management Committee shall appoint or delegate such Members as may be required to attend, from time to time, as delegates to such outside Associations, Committees, or other bodies as may be connected with the yachting activity of the Club.

19. SUB-COMMITTEES

The Management Committee may appoint the following sub-committees:
House Committee, Sailing Committee, Finance Committee and any other Committee that the Management Committee deems necessary at the time.

All sub-committees shall be subordinate and shall report and be responsible to the Management Committee and all duties and powers hereinafter mentioned are always subject to the control of the Management Committee and may be added to, restricted or cancelled by the Management Committee from time to time.

The Commodore may ex-officio be a member of each sub-committee. A Flag Officer shall ex-officio be responsible for the Administration of the Junior Club. The Power Boat Captain shall ex-officio be Chairman of the Power Boat Committee. The Honorary Treasurer shall ex-officio be Chairman of the Finance Committee.

(a) House Committee.

(1) A sub-committee consisting of a Flag Officer and three members of the Committee may be appointed by the Committee to act as House Committee and shall have the power with the approval of the Committee to add to their number.

(2) It shall have the supervision of the Club premises and control of employees.

(3) It shall meet once a month, hear all complaints against members, consider recommendations and suggestions concerning the Club House and submit a report at each Committee Meeting.

(4) It shall make and post by-laws for the guidance of the members in the use of the Club.

(5) It shall requisition the Committee for supplies and services for the use of the Club.

(6) All acts of the House Committee are subject to confirmation by the Committee.

(7) Recommendation and organisation of Social Functions.

(b) Sailing Committee

(1) The control of all races and all yachts competing therein, and the management of the sailing affairs of the Club shall be vested in a Sailing Committee, consisting of a Flag Officer, up to three ordinary members who shall be nominated by the Committee from their numbers plus one delegate from each Class racing competitively within the Club if this is deemed necessary by the Committee.

(2) Any vacancy occurring on the Sailing Committee shall be filled by them subject to approval by the Committee. Each member of the Sailing Committee must have practical or theoretical knowledge of sailing and yacht racing. The Sailing Committee shall have the power, subject to the approval of the Committee, to add to their number. One member of the Committee shall act as Minute Secretary.

(3) The duties and powers of the Sailing Committee shall be:

- i. Frame and present to the Committee a programme of races of the season.
- ii. Recommend to the Committee, the number and value of the prizes to be competed for.
- iii. Meet and report to the Committee at least once a quarter or as required.
- iv. Control all races and all yachts competing therein.
- v. Prepare Sailing Rules and Regulations, make arrangements for, take care of and appoint Officials for all races sailed by, or under the direction of the Club, including the appointment of Honorary Measurers, such appointments to be made and their duties defined and recommended by the Sailing Committee and to be subject to confirmation of the Management Committee.
- vi. Decide all questions that arise in connection with such races and to disqualify any yacht or boat that in their opinion has violated any Rule.
- vii. Postpone any race or order it to be re-sailed.
- viii. On all questions, disputes and protests arising under the Sailing Rules and Regulations of the Club in Club Races, the decision of the Sailing Committee shall be final, unless on written application of either of the parties interested, they refer the question to the Yachting Australia. Such application shall be made within fourteen days from the date of the decision of the Sailing Committee.
- ix. A quorum of the Sailing Committee shall consist of five members.
- x. The Sailing Rules shall be those of the, International Sailing Federation (ISAF), or any body that supersedes the ISAF, unless otherwise ordered by the Committee.

Handicapper:

The Sailing Committee shall appoint a Handicapper or Handicappers. It shall be the duty of the Handicapper -

1. To handicap all Club Sailing events.
2. To post in the Clubhouse handicaps of each race prior to the race.
3. To post in the Club House the result of each race.
4. To keep a Register of Sailing Fixtures containing a record of:
 - (a) Boats competing in each race, and
 - (b) Times of completion of courses of boats engaged in the race.
5. Make available the Racing Register to the Sailing Committee when called upon.
6. The Sailing Committee shall also appoint a Starter, Timekeeper(s) and Support Boat captain(s) and Crew(s).

Sailing Captain:

1. A Sailing Captain will be elected at the Annual General Meeting and will take up responsibility from that date.
2. The Sailing Captain will be under the jurisdiction of the Flag Officer of Sailing and be a member of the Committee and Sailing Committee by virtue of this office.
3. The Sailing Captain will liaise with Class Captains to uphold the interests of the Club, maintain discipline and the well being of its members.

(c) Finance Committee

The duties and powers of the Finance Committee shall be to:

1. Supervise the finances of the Club.
2. Recommend improvements and alterations to the financial methods of the Club.
3. Report on the finances of the Club to the Committee at each meeting.

20. FINANCE

1. After providing for all expenses and payments considered by the Management Committee to be necessary or desirable, the balance of the funds of the Club may be utilised or dealt with in such manner as the Management Committee may determine for the furtherance of the objects of the Club.
2. As and when the Committee thinks it necessary, appoint an auditor to conduct special audits of the Club or annual audits thereof.

21. COMMON SEAL

- (a) The Management Committee shall have the power to provide a Common Seal for the purposes of the Club and from time to time to destroy the same and substitute a new Seal in lieu thereof.
- (b) The Common Seal shall be kept in the custody of the Secretary.
- (c) The Common Seal shall be used only by the authority of a resolution of the Management Committee and shall be affixed to all necessary deeds instruments Mortgages, Contracts and other documents in the presence of the Secretary and any two of the then Flag Officers of the Club.
- (d) A true and correct record shall be kept of all such instructions Deeds, Mortgages, Contracts and other documents to which the Seal is affixed.

22. PREVIOUS CONSTITUTION

All previous acts and appointments legal and valid under a former Constitution and Rules shall, subject to this Constitution and Rules, remain legal and valid.

23. INSPECTION OF RECORDS, ETC. OF THE CLUB

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Club.

24. APPEAL TO LAW

- (a) Members shall be held to consent to and be bound by the Constitution and Rules of the Club and shall not be entitled to appeal to any court because of anything done under the Constitution and Rules.
- (b) The Management Committee's interpretation of this Constitution and Rules shall be final with the exception of Sailing Rules, the interpretation of which shall be made by the Sailing Committee and shall be final.

25. CHANGE OF CONSTITUTION

- (a) This Constitution may be altered or repealed or a new Constitution may be made only if Rule 25 (b), (c) and (d) are correctly followed.
- (b) All changes to the Constitution of the Club must first be placed as a Resolution to any Management Committee Meeting.
- (c) The Resolution shall be carried at the Management Committee only if not less than 75% of the Committee Members present at the meeting vote in favour of such resolution.
- (d) The Resolution carried by the Management Committee, shall then be placed as a Resolution at any Annual General Meeting or at a Special General Meeting, summoned for the purpose, subject to compliance with Rule 22 and 24 hereof as the case maybe, except that the Resolution shall be carried if not less than 75% of the members present at the meeting and entitled to vote, vote in favour of such resolution.

As soon as is practicable after the making of any proposal for a change to the Constitution or Rules of the Club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director of Liquor Licensing.

26. DISSOLUTION

(a) On application made in writing to the Management Committee by not less than fifty Full Members signifying their desire that the Club should dissolve a Special General Meeting shall be called to consider the question. If there are not 50 Full Members registered at the Club, then the application must have at least 75% of the number of members registered at the Club.

At such meeting votes will be received and the votes of at least 75% of the members voting in person will be necessary to carry the proposition for dissolution. No Proxy votes will be accepted.

(b) If, on winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed:

- i. to another association incorporated under the Act; or
- ii. for charitable purposes

Which incorporated association or purposes as the case requires, shall be determined by resolution of the members when authorising and directing the Committee, under Section 33(3) of the Act, to prepare a distribution plan for the distribution of the surplus property of the Association.

27. LICENSING ACT TO BE OBSERVED

(a) So long as the Club is registered under the Liquor Licensing Act 1988, the Committee and all members shall at all times observe and obey the provisions of the Liquor Act 1988 and its amendments in so far as it affects the Club and such provisions shall be deemed to be included in these rules and in particular the following provisions shall apply.

(b) The maximum number of guests per member per day for the purposes of section 48(4) (b) of the Act is three (3).

(c) The Club must be established for the purpose of providing accommodation for the members thereof and their guests upon the premises of which the Club is the bona fide occupier and not for the purpose of making profits divisible amongst members, or any of them, any money, property or otherwise, which are assets of the Club or in support of any object other than the accommodation of the members or the members and their guests.

(d) The accommodation must be provided and maintained from the joint funds of the Club, and no person shall be entitled under its rule of articles to deprive any benefit or advantage from the Club which is not shared equally by every member thereof.

(e) The premises upon which the Club is established must be suitable for the purposes of the Club.

(f) No payment or part payment of any Secretary, Manager or other officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.

- (g) A Register of Members of the Club for the time being shall be kept on the Club premises as hereinafter required.
- (h) Correct accounts and books shall be showing the financial affairs of the Club, and the particulars usually shown in books of account of a like nature.
- (i) No liquor shall be sold or supplied for consumption elsewhere than on the Club premises.
- (j) No persons shall be allowed to become Honorary or Temporary Members of the Club or be relieved of the payment of the regular subscription excepting those possessing the certain qualifications defined in these rules and subject to such conditions and regulations prescribed herein.
- (k) No persons under eighteen years of age shall be employed in the Club, but this restriction shall not apply to persons employed in the administrative work of the Club, provided that no person under the age eighteen years shall serve in or about the bar or be in the delivery of liquor on the Club premises.
- (l) Except, as in the Act otherwise provided for, it shall be unlawful:
- (1) For any stranger to use the Club premises or
- (2) For any member or other persons to admit any stranger to the use of Club premises, provided that during hours when liquor may be lawfully sold or disposed of to the public on licensed premises within the district, the stranger may use or be admitted to the use of such part of the Club premises as it set apart for guests, provided, further a guest shall not be supplied with liquor on the Club premises unless and in company with a member.
- (m) No stranger shall be admitted to the Club premises during the hours when liquor may not be lawfully sold or disposed of to the public on licensed premises within the district, except as may otherwise be provided for in the Liquor Act and its amendments.
- (n) The Club shall nominate, and may from time to time nominate a person, as provided by the Rules, to be responsible as licensee on behalf of the Club.
- (o) No liquor shall be sold or supplied to any person under the age of eighteen years, and no member under the age of eighteen years shall be admitted to any portion of the Club premises where liquor is sold or consumed, except as provided for under the Liquor Act and its amendments.

ENDORSEMENT

The above constitution is the endorsed true and correct Constitution of the Maylands Yacht Club as voted by the Management Committee on _____ 2015, and Club members at the Special General Meeting held at the Club on _____ 2015.



Signed

Les Mack

Commodore

on _____

Signed

Alan Benn

Secretary

on _____.

Submitted to Department of Consumer and Employment Protection (DOCEP)

on _____

Submitted to the Liquor Licensing Division of the Ministry of Racing and Gaming

on _____