



GERALDTON
YACHT
CLUB. INC

The Geraldton Yacht Club Inc. Constitution 2019

Geraldton Yacht Club Inc. Constitution

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The Constitution of the Geraldton Yacht Club Inc.

1. PREAMBLE

This Constitution was adopted by the required majority of Members present at a Special General Meeting held on the 27th day of May 2019. All previous Constitutions are hereby revoked.

The provisions of this Constitution are subject to the Liquor Control Act 1988 (Liquor Act), the Associations Incorporation Act 2015 (Associations Act) and such State and Federal Legislation and Regulations which may affect the operation of the Club. Ongoing actions, appointments and legal matters enacted under previous Constitutions shall remain valid.

2. NAME OF CLUB

2.1 The name of The Club is the Geraldton Yacht Club Inc.

3. OBJECTS OF THE CLUB

- 3.1 The principal objects are to foster, promote and maintain a Club for all aspects of yachting and other aquatic sporting, recreational, social, cultural and community dimensions of that interest.
- 3.2 To encourage the study of all aspects of seamanship.
- 3.3 To arrange and hold races, regattas, and competitions for yachting and other aquatic sports and pastimes for the benefit and enjoyment of Members, their guests and people from other Clubs, States and Countries.
- 3.4 To provide training facilities for adult and junior Members and encourage the involvement of families in all aspects of sailing and Club activities.
- 3.5 To provide and maintain facilities upon premises of which the Club is a legal occupier and which may be used for the benefit of the Club, its Members and their guests.
- 3.6 To provide and maintain marinas, jetties, mooring areas, storage facilities and related services for Members and eligible visitors.
- 3.7 To provide amenities and promote functions to encourage fellowship and social interaction between Members, their guests, other Clubs and Organisations.

4. NOT FOR PROFIT

- 4.1 The property and income of The Club shall be applied solely towards the promotion of the objects of The Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

5. DEFINITIONS

In reading this Constitution, unless the context or such otherwise indicates or requires:

- 5.1 “The Club” means The Geraldton Yacht Club Inc.
- 5.2 “The Club Premises” means all water, land, building and structures thereon of which the Club is the bona fide occupier.
- 5.3 “The Committee” means the Management Committee for The Club, duly elected for the time being in accordance with the provisions of this Constitution.
- 5.4 “Special General Meeting” means a General Meeting as defined below, called in accordance with Section 17 hereunder, at which only business that has been described in the notice may be transacted.
- 5.5 “General Meeting” means a General meeting of The Club whether Annual or Special.
- 5.6 “Month” means a calendar month.
- 5.7 “Financial year” means from the first of July each year, until the 30th of June.
- 5.8 “The Act” means the Associations Incorporation Act 2015, its amendments and any other legislation that may come into force to replace or supplement this Act, and shall form part of these Rules.
- 5.9 “Liquor Act” means the Liquor Control Act 1988, its amendments and any other legislation that may come into force to replace or supplement this Act, and shall form part of these Rules.
- 5.10 “The By-Laws” means the codes of rules made and adopted by The Club in accordance with Section 30.
- 5.11 “Books of the Association” means: the Members Register; the Record of Office Holders; and the Club Constitution.
- 5.12 “Boat” means any yacht or powerboat of which a Member is owner or part owner and which is recorded on the Club register.

6. MEMBERSHIP

- 6.1 The Club shall keep an up to date register of Members in respect of Senior, Associate, Social, Outport, Junior, Temporary, Family, Crew, Life and Honorary Members.
 - (a) This register must be continually available for inspection at The Club premises by authorised officers.
 - (b) Residential, postal, email address or information by means of which contact can be made with the members can be nominated for the Members register.
 - (c) All rights and privileges of Members shall be personal and in no manner transferable to any other person.

- 6.2 All categories - Persons who have been elected in accordance with the provisions of this Constitution.

With the exception of Honorary and Temporary Membership no person shall be entitled to the privileges of membership nor retain membership status unless all subscriptions and fees due by them are paid in accordance with the Constitution.

- 6.3 Membership of The Club shall consist of the following:

- (a) SENIOR MEMBERS – Persons eighteen years of age and over who shall be entitled to:-

- (i) Full social rights and privileges of the Club.
- (ii) Propose or second new Members of any category.
- (iii) Nominate candidates for Club elections.
- (iv) Attend AGM and SGM with full voting rights.
- (v) Hold Office on Management Committee.
- (vi) Sail regularly in Club Competitions, Regattas and such other yachting activities as may be arranged from time to time.
- (vii) Represent the Club at other sailing venues and competitions.
- (viii) It shall be the responsibility of the Owner/Skipper of a competing yacht to ensure that all crew members comply with the provisions of Section 6.3(e)(i).

- (b) OUTPORT MEMBERS – (Senior category only) Persons eighteen years of age and over, who predominately reside more than fifty kilometres from the Club and who, due to a perceived disadvantage of distance from and regular use of the Club facilities could be entitled to special consideration in regard to a subscription fee, may apply in writing to the Committee for adjustment of the fee. If The Committee approves of the application, Outport Membership shall be granted at a fee to be determined by The Committee. The Member shall enjoy the rights and privileges of a Senior Member.

- (c) LIFE MEMBERS – Persons eighteen years of age and over who have rendered special service to the Club and been granted Life Membership in accordance with Section 7.6 of this Constitution, shall be entitled to the rights and privileges of a Senior Member.

- (d) FAMILY MEMBERSHIP – (Four Categories)

The Senior Members of Family Membership are entitled to all rights and privileges as per Section 6.3. Categories are:-

- (i) 2 Senior Members + Any number of Junior Sailors.
- (ii) 1 Senior + 1 Social Member + Any number of Junior Sailors.
- (iii) 2 Social Members + Any number of Junior Sailors.
- (iv) 2 Associate Members + Any number of Junior Sailors

- (e) CREW MEMBERSHIP

- (i) Yacht Crews – Non-members and Members other than Senior, Life or Outport Members, who intend to crew regularly on yachts sailing in Club competitions, shall, after a trial period which shall be prescribed by the Committee resolution either apply for Crew Membership or Senior Membership or be ineligible to race.
- (ii) May attend AGM and SGM but have no voting rights nor take part in the proceedings. (Sections 16.2 & 17.2)

- (iii) Shall not nominate candidates for Club elections nor hold office on the Management Committee.
- (iv) Shall not propose or second new Members except under the provisions of Section 8 (Honorary Members).
- (v) May represent the Club at other sailing venues and competitions.

Fee Structure: Crew Membership
 First year 50% of Senior membership
 Second year 75% of Senior membership
 Third year full membership

- (f) ASSOCIATE MEMBERS – Persons eighteen years of age and over who are not involved in regular competitive sailing activities shall be entitled to full social rights and privileges of the Club subject to the following restrictions:-
 - (i) May attend AGM and SGM but have no voting rights nor take part in the proceedings. (Sections 16.2 & 17.2 apply)
 - (ii) Shall not nominate candidates for Club elections nor hold office on the Management Committee.
 - (iii) Shall not propose or second new Members except under the provisions of Section 8 (Honorary Members).
 - (iv) May, subject to such conditions as The Committee may impose under Section 6.3(e)(i), crew on yachts in Club sailing events.
- (g) SOCIAL MEMBERSHIP – Persons eighteen years of age and over who are not involved in regular competitive sailing activities shall be entitled to full social rights and privileges of the Club subject to the following restrictions:-
 - (i) May attend AGM and SGM but have no voting rights nor take part in the proceedings. (Section 16.2 & 17.2 apply)
 - (ii) Shall not nominate candidates for Club elections nor hold office on the Management Committee.
 - (iii) Shall not propose or second new Members except under the provisions of Section 8 (Honorary Members).
 - (iv) May, subject to such conditions as The Committee may impose under Section 6.3(e) (i), crew on yachts in Club sailing events.
- (h) JUNIOR MEMBERS – Persons less than eighteen years of age, who, subject to the provisions of the Liquor Act and such Rules as The Committee may impose, shall enjoy the full sailing, social rights and privileges of the Club. (See Section 37)
- (i) HONORARY MEMBERS – Persons eighteen years of age and over who have been granted Honorary Membership in accordance with the provisions of Section 8 of this Constitution may enjoy the social amenities of the Club.
- (j) TEMPORARY MEMBER – a person who is on any day visiting The Club as a member or an official of another Club or team, or a person assisting a member or an official of another Club or team to:
 - (i) Engage in a pre-arranged event with The Club as per The Club's objects: or
 - (ii) Hold a pre-arranged function at The Club involving the use of The Club's sporting facilities.

- (iii) Temporary Members shall not be entitled to be present at any meetings of the Members of The Club, nor have voting rights or any, title or interest in or to any of the property of The Club.

- 6.4 CHANGE OF MEMBERSHIP STATUS – Members of any category may do so by written application to The Committee. If approved, the following provisions shall apply:-
- (a) Outport – (change of status to normal Senior category).
 - (b) Associate – to Senior, Crew and / or Social
 - (c) Social – to Senior, Crew and / or Associate
- Subscription fees for 6.4 (a) (b) (c) shall be adjusted by dividing the current Annual Senior Fee by twelve and multiplying the result by the number of full months remaining in the Club financial year.
- (d) Senior and Outport to Social
No adjustment shall be made within the current financial year.
 - (e) Junior to Adult status – See Section 11

7. APPLICATION TO BECOME A MEMBER

- 7.1 Any person desiring to become a member of The Club must be proposed and seconded by a financial Senior, Life or Outport Member on the prescribed form.
- 7.2 When the application form and all nomination fees have been received, that person shall be a provisional member of the Club and exercise all of the privileges of that category membership excluding voting and nomination rights until such time as ratified at the next Management Committee meeting.
- 7.3 At the next Management Committee meeting, the applicant will then be accepted or denied membership, by a simple majority vote.
- 7.4 The Committee shall have the right to refuse to admit any person to membership without assigning any reason for doing so.
- 7.5 On the acceptance of each member, the Secretary shall notify the same to them, and they shall on payment of their subscription be enrolled as a Member of The Club, and become entitled to the privileges and be bound by its rules and by all consequences resulting from breach or non-performance thereof, and shall thereby absolve every person concerned in carrying out enforcing such rules from all personal responsibility or legal liability on such account.
- 7.6 Life Member – A Member may propose to The Committee in writing for any Member to be considered for Life Membership, stating reasons why Life Membership should be granted.
 - (a) The Management Committee Meeting may, upon a 75% majority vote, confer Life Membership on a Member who has rendered special and outstanding services to The Club.
 - (b) The holder of a Life Membership shall be entitled to all privileges of a Senior member, be exempt from Senior Membership subscriptions but shall pay an annual subscription as determined annually by The Committee.

8. HONORARY MEMBERS

- 8.1 Subject to the Liquor Act, the Committee may authorise Honorary Membership for persons over eighteen years of age who qualify under the provision of this Section.
- 8.2 Membership may be granted to:- Visiting dignitaries; selected Government or Armed Services Officers; persons who have rendered beneficial service to the Club; representatives of other Clubs and Organisations; cruising visitors; visitors from other Clubs, States and Countries and other persons who, from time to time may be considered by the Committee to be eligible.
- 8.3 The Committee may grant Membership for a period up to but not exceeding twelve months.
- 8.4 A short-term Honorary Membership of up to three months may be granted if a person is proposed and seconded on the prescribed form by Senior, Life or Outport Members and approved by two Flag Officers, or in their absence, two Members of the Committee. This Membership may be renewed once within the current financial year but shall not exceed the original term.
- 8.5 The Committee reserve the right to revoke an Honorary Membership without notice or right of appeal.
- 8.6 Honorary Members shall be exempt from Club fees and enjoy only the social amenities of the Club and such sailing activities as may be approved by the Committee.

9. MEMBER'S RIGHTS

- 9.1 The rights and privileges of every Member shall be personal and shall not be in any manner transferable by their own act or through any other person on their behalf or by operation of law.
- 9.2 Employees – Members who are employees of The Club are entitled to all the rights and privileges of membership excluding those rights concerned with the selection, election and holding of office with The Club.
- 9.3 All Members, upon successful application, will be supplied with an electronic copy of The Club constitution or will be directed to obtain a copy of The Club constitution from The Club's website.
- 9.4 Upon acceptance to membership, all Members agree to be bound by The Club Members Protection Policy.
- 9.5 Guests – Senior, Family, Outport, Associate, Social, Crew and Life Members shall be at liberty to invite guests to The Club, providing that the sale of alcohol is in accordance with the Liquor Act.
- 9.6 A Member may host a private family or business functions, providing that;
 - (a) a written application for that function has been lodged and approved by The Committee.

- (b) the applicant has received a written copy of Club Rules relating to functions together with any additional conditions and restrictions that The Committee sees fit.
- (c) the sale of alcohol shall be in accordance with the Liquor Act.

9.7 Upon request, a member is able to inspect the Books of the Club at such time and place as is mutually convenient to the Club and the Member

- (a) A Member must contact the Secretary to request to inspect the Register.
- (b) The Member may make a copy of details from the Register but has no right to remove the Register for that purpose.
- (c) A Member may make a request in writing for a copy of the Register.
- (d) The Club may charge a reasonable fee to the Member for providing a copy of the Register, the amount to be determined by the Committee from time to time.
- (e) A Member must not use or disclose the information on the Register:
 - (i) To gain access to information that a Member has deliberately denied them (that is, in the case of social, family or legal differences or disputes);
 - (ii) To contact, send material to The Club or a Member for the purpose of advertising for political, religious, charitable or commercial purposes, or
 - (iii) For any other purpose unless the use of the information is approved by the Committee and for a purpose:
 - 1. That is directly connected with the affairs of The Club; or
 - 2. Related to the provision of the information to the Commissioner in accordance with a requirement of The Act.
- (f) The Committee may require a Member who requests a copy of the Register to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of The Club.

10. NOMINATION FEES AND SUBSCRIPTIONS

- 10.1 The nomination fee and annual subscription of The Club shall be set by majority vote of The Committee prior to the commencement of the financial year.
- 10.2 Notice of the fees and subscriptions shall be notified to the Members via the Club notice board.
- 10.3 The Committee may approve payment of Annual Subscription Fees in advance by annual, half yearly or quarterly instalments. Service charges may be applied.
- 10.4 New Members shall pay the Nomination Fee in full at the time of nominating as a Member.
- 10.5 Newly accepted Members shall be entitled to adjustment of Subscription Fees based on the following formula:-
Subscriptions must be paid within two weeks of acceptance and shall be paid as follows:
 - (a) If accepted between 1 July and 30 September – Full annual subscription
 - (b) If accepted between 1 October and 31 December – 75% annual subscription
 - (c) If accepted between 1 January and 31 March – 50% annual subscription
 - (d) If accepted between 1 April and 30 June – 25% annual subscription

- 10.6 All subscriptions are due from the first day of July in each year and are payable in advance, on or before the date of the Annual General Meeting provided that:
- (a) The Committee shall not declare a Member un-financial if at least half of the subscription is paid by the date of the Annual General Meeting in the current year; and/or
 - (b) the balance of the subscription is paid by the 30th of September in the current year.

11. JUNIOR TO YOUTH / SENIOR MEMBERSHIP

- 11.1 At eighteen years of age a Junior Member will automatically be re-defined as a Youth Member until the age of twenty one years.
- 11.2 At twenty one years of age, a Youth Member may be accepted to a Senior membership by way of formal Membership application to The Committee. If the applicant intends to be an active sailing Member, the following financial procedures shall apply:-
- (a) The initial Nomination Fee may be reduced by the amount equal to the nomination fee paid as a Junior, or
 - (b) The Nomination Fee may be waived if the Member had been a Junior Member for the previous three years.
 - (c) At the time of application, the applicant must have attained the age as prescribed above within the current financial year.
- 11.3 If the Youth Member does not wish to become a Senior Member, the Nomination and Annual Membership Fee shall be that of an Associate Member or Social Member with rights, privileges and limitations of that category. These fees by application to and with approval of The Committee, may be reduced using the same formulae as provided in Section 11.2(a)(b) (c)

12. CESSATION OR SUSPENSION OF MEMBERSHIP

- 12.1 A person ceases to be a member when any of the following takes place:-
- 12.2 On receipt of a formal resignation.
- 12.3 Being an enemy of the State in time of war or terrorist activity.
- 12.4 A Member who has been convicted of an indictable offence.
- 12.5 A Member whose behaviour is not in accordance with the Members Protection Policy and the Constitution and shall be dealt with in accordance to Section 26.
- 12.6 For a Member who is an individual, the individual dies.

13. LIABILITY FOR SUBSCRIPTION

- 13.1 Any Member who does not notify the Secretary in writing before the date of the Annual General Meeting of their resignation from The Club shall be liable for the subscription for the current Club year.

- 13.2 The Committee shall have the power by resolution to remove from the roll of Members the name of any new Member who fails to pay or arranges a payment plan for their subscription within two weeks from the date of their acceptance as a Member.
- 13.3 Any Member whose subscription is in arrears after 30th September in each year shall cease to be a Member, subject to Section 10.5.
- 13.4 The Management Committee may take legal action to recover outstanding debts.
- 13.5 A person who ceases to be a Member shall remain liable for all personal debts raised whilst a Member of the Club.

14. OFFICE BEARERS

- 14.1 Officers of the Club shall include the Commodore; Vice Commodore; Two Rear Commodores (all of whom shall be Flag Officers), and a Treasurer.
- 14.2 The Management Committee shall comprise of Officers of The Club (section 14.1) and up to a maximum of 8 eligible Members.
- 14.3 PATRONS – A Patron and up to four Vice – Patrons may be nominated and elected by show of hands at an AGM. A formal notice of nomination is not required. They shall hold office until the next succeeding AGM. To have voting rights a Patron must be a Life Member or a financial Senior Member.

15. MANAGEMENT COMMITTEE AND ALL OFFICE BEARERS

- 15.1 All Office Bearers and Management Committee shall be elected at each AGM and hold office until the next succeeding AGM.
- 15.2 The Management Committee will consist of 4 Flag Officers plus up to 8 other elected persons’.
- 15.3 Members of The Committee shall be eligible for re-election save that, subject to paragraph 15(3), no Flag Officer shall be eligible if they have held that particular office for two consecutive years immediately prior to the Meeting.
- 15.4 If The Committee considers that a Flag Officer should continue to hold that particular office for a further term in order to continue on-going negotiations, planning or finalisation of matters of special importance to the Club, it may, at its total discretion, grant approval for that Officer to re-nominate or, if not opposed, to retain that office for a further term.
- 15.5 The Club Secretary will send written notice to all Members calling for nominations for election to the Committee at least 28 days prior to the AGM. Nominations for Flag Officers, Treasurer and the Management Committee must be proposed and seconded on the prescribed form, which shall be lodged with the Club Secretary not later than 7 days immediately preceding the AGM. The Secretary shall post that date in all available medium with the Nomination forms and on the Club notice board as soon as practicable.

- 15.6 Election of Officers and Management Committee Members at an AGM shall be by ballot and determined in the following manner:-
- (a) Printed ballot papers bearing the Candidates' names and a vote recording box shall be issued to each Senior, Life and Outport Member present. Members shall record votes by placing a cross within the box against the name of the person for whom they wish to vote. Informal votes shall be invalid.
 - (b) The meeting shall appoint two Scrutineers who shall collect the ballot papers and absentee votes and after examination, report the results to the Chairperson who shall declare the results.
- 15.7 The retiring Commodore shall be a Member of Management Committee until the next succeeding AGM and shall be entitled to nominate for a seat on The Committee the following year.
- 15.8 In the event of vacancies occurring between Annual Elections, The Committee is empowered to select eligible Members to fill the vacancies.
- 15.9 In case no more than the required number of officers shall be nominated, those so nominated shall be declared elected.
- 15.10 If there shall be insufficient nominations to fill the whole of the vacancies of the list of officers, those nominated shall be declared elected and shall have power to fill the vacancies and any casual vacancies that may occur.
- 15.11 Under Section 39 of the Act the following persons must not, without the Commissioners approval accept an appointment or act as a Member on Management Committee of the Club:-
- (a) A person who is, according to the interpretation Act 1984 Section 13D, a bankrupt or person whose affairs are under insolvency laws;
 - (b) A person who has been convicted, within or outside the State of Western Australia
 - (i) an indictable offence in relation to the promotion, formation of Management of a body corporate; or
 - (ii) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than 3 month; or
 - (iii) an offence under Part 4 Division 3 or Section 127 of the Act Section 39 only applies to a person who has been convicted of the above offences only for a period of five years from the time of the person's conviction, or if the conviction results in a term of imprisonment, from the time the person's release from custody.

16. ANNUAL GENERAL MEETINGS

- 16.1 The Annual General Meeting of Members shall be held every calendar year within two months after the end of the Club's financial year, with The Committee to determine the date, time and place.
- 16.2 Only members with voting rights, as per the Constitution will be permitted to vote on matters at the Annual General Meeting.

- 16.3 At an AGM the chair shall be taken by the Senior Flag Officer present or, if no Flag Officer is available, it shall be taken by a Member chosen by The Committee.
- 16.4 At the discretion of The Committee or the Meeting Chairperson, other Membership categories may attend as observers but take no part in the proceedings unless requested by the Chairperson to advise on specific matters.
- 16.5 All Notices of Motion for consideration at the Annual General Meeting must be handed to the Secretary in writing no less than fourteen days prior to the date set for said meeting and posted on the notice board and remain there until after the meeting. Inadvertent removal of notices shall not invalidate the election process. The Secretary must post copies on the notice board as soon as practicable.
- 16.6 Notice of the meeting (including date, time and location) and agenda items, including wording of Notices of Motion or proposed resolutions, must be posted on The Club notice board for seven days before the date of the meeting for all Members to read. If the resolution is intended to be proposed as a special resolution this will also be stated in the notice with wording of the proposed special resolution
- 16.7 Members who have provided an email address will also be emailed a copy of the notice of the meeting, agenda items and any Notices of Motion.
- 16.8 A quorum of eligible Members for an AGM shall be a minimum of twelve (12) eligible voting Members.
- 16.9 In the case of insufficient Members to form a quorum being present, after 30 minutes following the advertised start time for an Annual Meeting, said meeting will be automatically adjourned to re-convene at the same time seven days later and shall proceed with or without a quorum.
- 16.10 At least seven days prior to the Meeting, the Secretary shall advise Notice of Meeting and provide copies of the Notice/s of Motion and names of nominees to all Senior, Life and Outport Members.
- (a) The Notice of Meeting may be advertised by way of the Club notice board, Club magazine, Internet or other appropriate means. Delay or non-receipt of this information shall not invalidate any part of the meeting process.
- 16.11 Members may be issued with cards to prove eligibility for voting purposes.
- 16.12 Absentee voting forms may be issued after the Fourteenth day prior to the meeting date.
- (a) On receipt of a personal or written application the Secretary shall issue a ballot paper bearing the names of the candidates, a ballot envelope plus an envelope bearing the Member's name. The Member shall record the vote, seal same in the ballot envelope then seal it in the Member's envelope and lodge it with the Secretary no later than eight hours prior to the time fixed for the Meeting.
- 16.13 Resolutions shall be carried as follows:-
- (a) Special Resolutions – Dissolution or Constitution changes- Shall require a majority of seventy five percent of votes cast.
- (b) Notice of Motion – By a simple majority vote.

- (c) The Chairperson shall have the casting vote only and shall decide all questions of order unless otherwise provided by these rules.

16.14 The Chairperson shall call for a division on receipt of a demand by two Members.

16.15 The Meeting may be adjourned by resolution.

16.16 MEETING AGENDA

- (a) MINUTES of previous Annual General Meeting.
- (b) BUSINESS arising from Minutes.
- (c) REPORTS Management – Treasurer – House – Race – Juniors – Other.
- (d) ELECTIONS and APPOINTMENTS Management Committee – Patron & Vice Patrons – Other.
- (e) SPECIAL BUSINESS of which notice is given.
- (f) GENERAL BUSINESS.

17. SPECIAL GENERAL MEETING

17.1 The Management Committee may at any time call a Special General Meeting.

17.2 Only members with voting rights, as per the Constitution will be permitted to vote on matters at the Special General Meeting.

17.3 At an SGM the chair shall be taken by the Senior Flag Officer present, or if no Flag Officer is available, it shall be taken by a Member chosen by the Meeting.

17.4 At the discretion of The Committee or the meeting Chairperson, other membership categories may attend as observers but take no part in the proceedings unless requested by the Chairperson to advise on specific matters.

17.5 A Special General Meeting shall be called by The Committee on a requisition signed by no less than 20% of voting Members stating in detail the purpose of the Meeting.

17.6 Notice of the meeting (including date, time and location) and agenda items, including wording of Notices of Motion or proposed resolutions, must be posted on The Club notice board for seven days before the date of the meeting for all Members to read. If the resolution is intended to be proposed as a special resolution this will also be stated in the notice with wording of the proposed special resolution

17.7 Members who have provided an email address will also be emailed a copy of the notice.

17.8 Only business of which notice shall have been given as above, or in accordance with these rules, shall be transacted at a Special General Meeting.

17.9 A quorum of twelve (12) eligible voting Members, are required for a Special General Meeting. In the event of there being no quorum, the Senior Flag Officer present, or if not available, a Member of the Committee shall adjourn the Meeting and fix a time and place for a subsequent meeting.

17.10 Absentee voting forms may be issued after the Fourteenth day prior to the meeting date.

- (a) On receipt of a personal or written application the Secretary shall issue a ballot paper bearing the names of the candidates, a ballot envelope plus an envelope bearing the Member's name. The Member shall record the vote, seal same in the ballot envelope then seal it in the Member's envelope and lodge it with the Secretary no later than eight hours prior to the time fixed for the Meeting.

17.11 Resolutions shall be carried as follows:-

- (a) Special Resolutions– Dissolution or Constitution changes- Shall require a majority of seventy five percent of votes cast.
- (b) Notice of Motion– By a simple majority vote.
- (c) The Chairperson shall have the casting vote only and shall decide all questions of order unless otherwise provided by these rules.

18. NOTICE OF MOTIONS

- 18.1 The Secretary shall post Notice/s of Motion on the Club notice board and remain so until after the Meeting. Accidental removal of any such notice shall not invalidate decisions arising from the Meeting.
- 18.2 The Meeting shall be called by the Secretary within twenty eight days of receipt of the authority or requisition.
- 18.3 At least seven days before the Meeting, the Secretary shall advise Senior, Life and Outport Members of the Notice of Meeting and the Notice/s of Motion. Failure to notify a Member in due time will not invalidate decisions arising from the Meeting.
- 18.4 The majority necessary to carry a special resolution at the meeting shall be seventy five percent of votes cast.

19. MANAGEMENT COMMITTEE– DUTIES – POWERS AND FUNCTIONS

- 19.1 The Management Committee shall meet at least once in each calendar month. A meeting shall require a quorum of six. Notice of each Committee Meeting must be given to each Committee Member at least 48 hours before the time of the Meeting.
- 19.2 The meeting procedure will follow a pre-prepared agenda distributed to all required members prior to any meeting of the Club.
- 19.3 A record of all resolutions and proceedings shall be kept.
- 19.4 A record of the Club's books, documents, records and securities shall be maintained.
- 19.5 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee Member:.
 - (a) dies;
 - (b) ceases to be a Member
 - (c) become disqualified from holding a position under Section 20.7 or 20.8 as a result of bankruptcy or conviction of a relevant criminal offence;
 - (d) becomes permanently incapacitated by mental or physical ill-health;
 - (e) resigns from office under Section 19.4(v);
 - (f) is absent from more than:
 - (i) three consecutive Committee Meetings without good reason; or
 - (ii) three Committee Meetings in the same Financial Year without tendering an apology to the person presiding at each of those Committee Meetings;

- (g) Is removed from office by resolution at a Special General Meeting of The Club if a majority of the Members present and with voting rights at the meeting vote in favour of the removal.
 - (i) The Committee Member who faces removal from the Committee must be given a full and fair opportunity at the Special General Meeting to decide the proposed resolution, to state their case as to why the Member should not be removed from their position on The Committee.
 - (ii) If all Committee Members are removed by resolution at a Special General Meeting, the Members must, at the same General Meeting, elect an interim Committee.
 - (iii) The interim Committee must, within two months, convene a Special General Meeting of the Club for the purpose of electing a new Committee.

19.6 The Committee shall administer the Club's affairs according to the Rules and Objects of the Club and shall be empowered to :-

- (a) Purchase, lease or acquire waterways, land, buildings, jetties, marinas, boats, equipment and provide support facilities for these and other related services.
- (b) Remove, improve, and maintain buildings, structures and facilities. Construct new premises and facilities and provide amenities to ensure that Members' needs are adequately catered for.
- (c) Lease or rent any building or facility or part thereof and provide boats for lease or purchase by Members.
- (d) Operate Bank Accounts, establish Reserve accounts and invest surplus funds according to law.
- (e) Appoint a qualified Auditor. A Member of Management Committee shall not be engaged for this purpose.
- (f) Borrow, raise, secure and maintain finance in such manner and lawful means as the Club sees fit for the purpose of providing buildings, facilities and services for the development of the Club,
- (g) To make, alter and repeal by-laws not inconsistent with these rules regulating the use and management of The Club premises, the admission of members and the conduct of The Club and its affairs generally.
- (h) Sell, exchange, lease, mortgage, hire, dispose of any part of the real or personal property of the Club.
- (i) Accept grants, donations and bequests of real or personal estate.
- (j) Subscribe to patriotic, charitable or worthy causes in accordance with the provisions of the Income Tax Assessment Act.
- (k) To appoint any other officials or servants of The Club and to remove them as occasions may require at their discretion and to define respective duties. Persons appointed to paid positions shall be engaged under a contract, award or classification of work in the Relevant Award and its amendments.
- (l) To reimburse expenses of any servant of The Club for faithful and diligent service as deemed fit.
- (m) Appoint Sub Committees and delegate authority to manage departmental operations.
- (n) Appoint Occasional Committees for specific purposes.
- (o) Publish a regular electronic Club Newsletter which shall contain reports from all Committees, news items concerning Club activities, input from Members and informative material. The Editor shall be responsible to The Committee for published material.
- (p) In accordance with the rules, to suspend, or expel any member.

- (q) To affiliate with similar sporting associations and bodies.
- (r) To ensure that Members and their guests observe the Club Rules and provisions of this Constitution at all times.
- (s) To take and defend all legal proceedings by or on behalf of The Club and to appoint all necessary Attorneys for any such purpose.
- (t) To appoint such number of delegates to sporting bodies and associations with which The Club may from time to time be affiliated as may be required by the rules thereof and such delegates shall hold office in accordance with the rules of such sporting bodies and associations respectively.
- (u) Every member of The Committee shall be indemnified against any loss, expenses or liability incurred by reason of any act or deed performed by themselves in good faith on behalf of The Committee and The Committee may use the funds of The Club for any such purpose required, together with any reasonable incidental to Committee activities.
- (v) No member of The Committee shall be held to have resigned their seat until their resignation, in writing, has been accepted by The Committee.

20. ROLES AND RESPONSIBILITIES OF COMMITTEE MEMBERS

20.1 Obligations of the Committee

- (a) The Committee must take all reasonable steps to ensure The Club complies with its obligations under the Act and these Rules.

20.2 Responsibilities of Committee Members

- (a) A Committee Member must exercise their powers and discharge their duties with a degree of care and diligence that a reasonable person would exercise in the circumstances.
- (b) A Committee Member must exercise their powers and discharge their duties in good faith in the best interests of The Club and for a proper purpose.
- (c) A Committee Member or former Committee Member must not improperly use information obtained because they are a Committee Member to:
 - (i) gain an advantage for themselves or another person; or
 - (ii) cause detriment to The Club.

20.3 A Committee Member having any material personal interest, i.e.: financial or non-financial interests, in a matter being considered at a Committee Meeting must:

- (a) as soon as they become aware of that interest, disclose the nature and extent of their interest to The Committee;
- (b) disclose the nature and extent of the interest at the next AGM or SGM Meeting of The Club; and
- (c) not be present while the matter is being considered at the Committee Meeting or vote on the matter.

20.4 Section 20.3 does not apply in respect of a material personal interest that:

- (a) exists only because the Committee Member belongs to a class of persons for whose benefit The Club is established; or
- (b) the Committee Member has in common with all, or a substantial proportion of, the members of The Club.

20.5 The Secretary must record every disclosure made by a Committee Member under Section 20.3 in the minutes of The Committee Meeting at which the disclosure is made.

- 20.6 No Committee Member shall make any public statement or comment or cause to be published any words or article concerning the conduct of The Club unless the person is authorised by The Committee to do so and such authority is recorded in the minutes of the Committee Meeting.
- 20.7 No person shall be entitled to hold a position on The Committee if the person is, according to the Interpretation Act section 13D, a bankrupt or a person whose affairs are under insolvency laws unless the person has obtained the consent of the Commissioner.
- 20.8 No person shall be entitled to hold a position on The Committee if the person has been convicted of, or imprisoned in the previous five years for:
- (a) an indictable offence in relation to the promotion, formation or management of a body corporate;
 - (b) an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or
 - (c) an offence under Part 4 Division 3 or section 127 of the Act; unless the person has obtained the consent of the Commissioner.
- 20.9 As soon as is practicable after a person has ceased to be a member of the management committee of The Club, all relevant documents, records and all security items (including passwords and keys) must be delivered to a member of the management committee of The Club.

21. GENERAL MANAGEMENT PROVISIONS

- 21.1 No Member shall be entitled to take any legal action against The Club, other than a claim for goods sold and delivered and services rendered, and must conform to the decisions of The Committee and in the case of an appeal, to the decision of the Special General Meeting to which they may appeal.
- 21.2 These rules shall be the rules of The Club and shall be binding on Members.
- 21.3 Correct accounts and books shall be kept, showing the financial affairs of The Club and the particulars usually shown in books of accounts of a like nature.
- 21.4 The Clubhouse and other Club facilities is to be provided and maintained from the joint funds of The Club and no person shall be entitled under these rules to derive any benefit or advantage from The Club which is not shared equally by every Member thereof.
- 21.5 Section 19 does not prevent:
- (a) the payment in good faith of remuneration to any officer, employee or Member in return for any services actually rendered to The Club or for goods supplied in the ordinary and usual course of business;
 - (b) the payment of interest at a rate not exceeding the prevailing market rate published by the Reserve Bank of Australia as the "Cash Rate Target" from time to time on money borrowed from any Member;
 - (c) the payment of reasonable and proper rent by The Club to a Member from premises Leased by the Member to The Club; or

- (d) the reimbursement of expenses incurred by any Member or any Committee Member on behalf of The Club.
- (e) the reimbursement of a Committee Member's travelling and other expenses as properly incurred:
 - (i) in attending Committee Meeting or sub-committee meeting
 - (ii) in attending any General Meetings of The Club; and
 - (iii) in connection with The Club's business
- (f) An honorarium payment to a Committee Member must be determined by members by special resolution at an Annual or Special General Meeting.

21.6 The interpretation of these provisions of The Club shall, unless set aside by a general meeting called for that purpose, shall be the sole determination of The Committee whose decision shall be binding on all members.

22. ADMINISTRATION

- 22.1 The administration of the Club's affairs, operation and finances shall be the sole responsibility of the Management Committee:-
- 22.2 Should less than the required number of Members be nominated; The Committee may at its discretion, but subject to Clause 22.5 of this Section, appoint a sufficient number of eligible Members to fill the vacancies.
- 22.3 In such circumstances as a temporary short fall in Committee member numbers shall not prevent the Committee from continuing to administer the affairs of the Club provided that a quorum of six Members is present.
- 22.4 Subject to Section 22.5, Senior, Outport and Life Members shall be entitled to nominate for a seat on the Management Committee.
- 22.5 A candidate for Flag Officer must be the owner or part owner of a boat on the Club Register or be approved for nomination by the Committee.
- 22.6 The Committee may appoint Members of any Membership category except Honorary Members to serve on Sub-Committees or Occasional Committees.
- 22.7 The Committee may invite Members to meetings to represent Committees, Members, or to advise on specific matters.

23. SECRETARY

- 23.1 The Secretary must:
 - (a) co-ordinate the correspondence of The Club;
 - (b) consult with the Chairperson about all business to be conducted at meetings and convene General Meetings and Committee Meetings, including preparing the notices of meetings and of the business to be conducted at each meeting;
 - (c) keep and maintain in an up to date condition the rules of The Club and any by-laws of The Club;
 - (d) maintain the register of the Members including the email, street, postal address or information by means of which contact can be made of each member;

- (e) update the register within 28 days of new members, members resigning, members suspended/expelled and in the latter case, include date in which member ceases and reasons for cessation of membership.
- (f) ensure the safe custody of the Books, with the exception of the Accounting Records, of The Club;
- (g) keep full and correct minutes of Management Committee Meetings for approval at the next Management Committee meeting, which will then be stored and distributed as required.
- (h) keep full and correct minutes of General Meetings, which will be distributed to all members within 14 days of the General Meeting via email and will be tabled for adoption at the next General Meeting; and
- (i) perform any other duties as are imposed by these Rules or The Club on the Secretary.
- (j) maintain the record of office holders of The Club.
 - (i) Committee members may nominate a business address, post office box address or email address to be used in the record in place of their personal address;

24. TREASURER

24.1 The Treasurer must:

- (a) ensure all moneys payable to The Club are collected, and that receipts are issued for those moneys in the name of The Club.
- (b) ensure the payment of all moneys referred to in Section 24.1 (a) into the account or accounts of The Club as The Committee may from time to time direct;
- (c) ensure timely payments from the funds of The Club with the authority of a General Meeting or of The Committee, with all cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of Club signed by Two (2) Management Committee members;
- (d) ensure that The Club complies with the account keeping requirements in Part 5 of The Act.
- (e) ensure the safe custody of the Financial Records of The Club;
- (f) Coordinate the preparation of the financial statements or financial report, as imposed on The Club under Part 5 of The Act, prior to the submission to the annual general meeting of The Club;
- (g) assist the reviewer or auditor in performing their functions; and
- (h) perform any other duties as are imposed by this Constitution on the Treasurer.

24.2 The Treasurer shall prepare an Annual Budget which shall be submitted to the Committee for approval and adoption.

24.3 The Treasurer shall have responsibility to ensure that the day-to-day financial records and all accounting procedures of the Club are maintained in a satisfactory manner.

- (a) at each Committee meeting, the Treasurer shall present financial reports and lists of Members who are in arrears with fees, subscriptions or accounts.
- (b) The Treasurer shall ensure that recovery of debts is pursued.
- (c) The Treasurer shall prepare Annual Statements of Accounts, Balance Sheets and Records of Investments, which shall be submitted for audit and subsequent report to the Committee at the next AGM.

25. FINANCE AND LEGAL

- 25.1 The Financial Year shall be from the first day of July each year until the thirtieth day of June the following year.
- 25.2 The Committee shall have overall responsibility for the financial and administrative affairs of the Club and ensure that it is adequately insured and in full compliance with all regulatory bodies.
- 25.3 The Vice Commodore, Senior Rear-Commodore, Junior Rear-Commodore and other standing Committees shall prepare respective budgets each year and submit to the Treasurer for inclusion in the Club Budget. Subject to the Committees supervision, manage the operation of their respective departments.
- 25.4 Members of the Committee who have a proprietary interest in a business shall not authorise payments to or investment in that business on the Club's behalf without a prior declaration of interest which shall be recorded in the minutes.
- 25.5 At the first meeting following the election of a new Management Committee, the Commodore, Vice Commodore, Treasurer and one other Member of the Committee shall be authorised to sign cheques and legal documents.
 - (a) Any two of the four signatories may sign cheques and Bank documents.
 - (b) The Secretary shall ensure that the names of the four new signatories are recorded at the bank and that all previous authorisations are cancelled.
- 25.6 After providing for all operating expenditure The Committee may apply or invest surplus funds in such lawful manner as will benefit the Club.
- 25.7 Pursuant to the Act, The Committee shall ensure that records, books, documents and securities of the Club shall be maintained in a secure manner.
- 25.8 COMMON SEAL
 - (a) The Club shall have a Common Seal, which shall be kept in the custody of the Secretary and shall not be affixed to any document except by the authority of the Committee and in the presence of one member of the committee.
 - (b) Any document to which the Common Seal is affixed shall be signed by the Commodore or delegated Flag Officer and countersigned by a Committee member.
 - (c) The Club may execute a Committee approved document without using a Common Seal if the document is signed by:
 - (i) any two Committee members; or
 - (ii) one Committee Member and a person authorised by the Committee.

26. SUSPENSION OR EXPULSION OF MEMBERS

- 26.1 The Committee shall have the power to reprimand, suspend or expel any Member of The Club.
- 26.2 The Committee in receiving a complaint from a Member or Staff Member, of a Member's behaviour which is considered a serious breach of the Liquor Act or unacceptable Member behaviour or where Police involvement is required, may

suspend a Member for a period of time until disciplinary action under Section 26.6 can be undertaken.

- 26.3 The Committee is required to exempt any Member of The Committee from hearing a charge in which they have an interest.
- 26.4 If a responding Member or a representative of the responding Member does not attend within 30 minutes of the time stated on the hearing notice, the hearing may start without that Member or their representative and determination will be made at the hearing.
- 26.5 The Committee shall apply the power to reprimand, suspend or expel any Member of The Club who:
- (a) fail in the observance or commit any breach of any rule of The Club, Membership Protection Policy, or any by-law of The Club or of any order or direction of the Management Committee or of any General Meeting; and/or
 - (b) in the sole judgement of the Committee have been guilty in or out of The Club's premises of any act, conducted matter or thing calculated to bring discredit on The Club or its Members, or to impair or affect the enjoyment of The Club by other Members.
- 26.6 Any Member charged with misconduct as above shall be furnished with a written copy of the charge and summoned before The Committee with no less than seven (7) days' notice.
- (a) The Committee shall after hearing the accuser and accused and taking such evidence as they may consider proper, if they find the charge proved, inflict a penalty of suspension from all or any of the privileges of membership.
 - (b) If The Committee considers that on a charge of gross misconduct suspension as above is insufficient, they may call on the Member to resign, and if they neglect to resign within ten (10) days they may declare them to be expelled.
 - (c) If a Member is suspended or expelled under Section 26.6(a) or 26.6(b), the person may appeal the Committee's decision by giving written notice to the Secretary within fourteen (14) days of receiving notice of the Committee's decision under Section 26.6(a) or 26.6(b).
- 26.7 Members are not permitted to have legal representation attend any disciplinary matters, but may bring another Member to act in a support capacity only.
- 26.8 If a Member's membership is suspended under Section 26.6(a), the Secretary must record in the Register:
- (a) the name of the Member that has been suspended from membership;
 - (b) the date on which the suspension takes effect; and
 - (c) the length of the suspension as determined by the Committee under Section 26.6(a).
- 26.9 During the period a Member's membership is suspended, the Member –
- (a) loses any rights (including voting rights) arising as a result of membership, and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to The Club.
 - (c) Cannot attend The Club as a Guest of a Member, unless prior written authorisation is received from the Management Committee.

- 26.10 Upon the expiry of the period of Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.
- 26.11 If The Committee's decision to suspend or expel a Member is revoked under these Rules, any act performed by the Committee or Members in a General Meeting during the period that the Member was suspended or expelled from Membership under Section 26.6(a) is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

27. RESOLVING DISPUTES

27.1 Disputes Arising under the Rules

This rule applies to, Disputes between Members and disputes between the Club and one or more Members that arise under the rules or relate to the rules of The Club outlined in the Members Protection Policy. This does not include disciplinary matters undertaken with Club Members, which are covered only under Section 26 of The Club Constitution.

- (a) The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.
- (b) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this rule by giving written notice to the Secretary of the parties to, and details of, the dispute.
- (c) The Secretary must convene a Management Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute under Section 27.1(b) for The Committee to determine the dispute.
- (d) At The Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.
- (e) The Secretary must inform the parties to the dispute of The Committee's decision and the reasons for the decision within seven (7) days after The Committee Meeting referred to in Section 27.1(d)
- (f) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in Section 27.2.

27.2 Mediation

This rule applies, where a person is dissatisfied with a decision made by The Committee under Section 26.6 or Section 27.1 or where a dispute arises between a Member or more than one Member and The Club and any party to the dispute elects not to have the matter determined by The Committee.

Where the dispute relates to a proposal for the suspension or expulsion of a Member this rule does not apply until the proposed suspension or expulsion has been completed.

- (a) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Section 27.1(a), or a party to the dispute is dissatisfied with a decision made by The Committee under Section 27.1(e) a party to a dispute may:
 - (i) Provide written notice to the Secretary of the parties to, and the details of, the dispute;

- (ii) Agree to, or request the appointment of, a mediator.
- (b) Party or parties requesting the mediation must pay the costs of the mediation.
- (c) The mediator must be:
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement:
 - (iii) if the dispute is between a Member and another Member – a person appointed by The Committee; or
 - (iv) if the dispute is between a Member or more than one Member and The Club, The Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.
- (d) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.
- (e) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (f) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.
- (g) The mediator, in conducting the mediation, must:
 - (i) give the parties to the mediation process every opportunity to be heard;
 - (ii) allow all parties to consider any written statement submitted by any party; and
 - 1. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (h) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

27.3 Inability to Resolve Disputes

- (a) If a dispute cannot be resolved under the procedures set out in Section 27.2, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

28. SUPPLY OF LIQUOR -LIQUOR ACT TO BE OBSERVED

The Liquor Act and Management –

- 28.1 Licensee – The Act provides that the Club, as an incorporated body shall be the Licensee of the premises.
- 28.2 The Club will maintain a Club license under the current Liquor Act and its amendments.
- 28.3 The Club shall ensure a Duty Manager is appointed and acts in strict accordance of the Liquor Act.
- 28.4 The Committee shall ensure that Members, Guests and Staff are aware of the requirements of Local, State and Federal regulations and in particular the provisions of the Liquor Act.

- 28.5 A person who has been refused membership, is under suspension or been expelled from the Club shall not be admitted as a guest.
- 28.6 The Club shall be open for sale of liquor during such hours as The Committee shall from time to time determine and as permitted under the Liquor Act.
- 28.7 The Club may allow visitors onto the premises, as per the requirements of the Liquor Act.
- (a) Visitors shall not be entitled to be present at any meeting of the members of The Club, nor have any right, title or interest in or to any of the property of The Club.
 - (b) Visitors will be subject to withdrawal by any Club official, including bar persons, acting in the best interests of The Club.
 - (c) an up-to-date register of visitors must be continually available for inspection at The Club premises by authorised officers.
- 28.8 No liquor shall be sold or supplied for consumption other than on The Club's premises, unless the member purchasing it removes such liquor from the premises of The Club.

29. SUB COMMITTEES

The Management Committee shall have the power to establish Sub-Committees to departmental operations but shall retain overall control of financial and operational procedures.

- 29.1 Each Sub-Committee shall prepare a Budget to cover the annual operating costs of their Department.
- 29.2 Budgets shall be submitted to the Treasurer who shall then prepare the Club Budget for presentation to the Committee.
- 29.3 Sub-Committees shall hold bi-monthly meetings and written reports of proceedings shall be submitted to the Committee meetings.
- 29.4 The Commodore shall be entitled to attend all sub Committee meetings as an ex officio Member.
- 29.5 No act of any Sub-Committee shall be binding on the Committee of Club until ratified by the Committee

30. HOUSE SUB COMMITTEE

Definition: For the purpose of Section 30 the words 'The Committee' refers to 'House Sub Committee'

- 30.1 The Vice Commodore shall be Chairperson of the House Sub Committee which shall meet at least bi-monthly.
- (a) A quorum shall be four.
- 30.2 The Committee's duties and powers shall be:-
- (a) To appoint Club maintenance person to be responsible for the care and maintenance of Club premises, equipment and furnishings.

- (b) Selection and supervision of Galley, external coordinator and Bar Staff.
- (c) Catering, social events and official functions.
- (d) Bar services, control measures and guidelines for staff.
- (e) With Management Committee approval, the Committee may fix times for bar operations, notice of which shall be displayed on the Club notice board.
- (f) With Management Committee approval, define a bar server section at which Juniors (under adult supervision) may be served non-alcoholic drinks and foodstuffs.
- (g) The Committee shall ensure that the provisions of the Liquor Act, Health Act and related regulations are adhered to.
- (h) All expenses beyond budget shall require Management Committee approval.

30.3 The Bar Manager shall have the following responsibilities:-

- (a) To manage the Bar in accordance with Rules, House Committee and Management Committee policy and the provisions of the Liquor Act.

31. RACE SUB COMMITTEE

Definition: For the purpose of Section 31 the words 'The Committee' refers to 'Race Sub Committee'

31.1 The Rear Commodore (Senior Sailing) shall be the Chairperson of the Race Sub Committee which shall meet at least bi-monthly.

- (a) A quorum shall be six Members.
- (b) A record of all proceedings shall be submitted to the Management Committee.

31.2 The Race Committee shall consist of:-

- (a) One representative from each Class sailing at the Club.
- (b) Official Starter.
- (c) Safety Officer.
- (d) Handicapper.
- (e) Protest Chairman.
- (f) The Committee may elect up to four additional Members who shall have experience in the conduct of races, programming, planning, course laying and communications.

31.3 The Committee shall be responsible for:-

- (a) Preparation of Race Programmes.
- (b) Preparation of Club Sailing Rules and Regulations.
- (c) Provision and control of course marks and race equipment.
- (d) Control all sailing.
- (e) Appoint Officials, Measurers, and Handicappers to assist at or Conduct Local, State or National sailing events.
- (f) Provide for trophies and prizes.
- (g) Ensure that the GYC Sailing Instructions and all competitions held by the Club shall be in accordance with, or guided by the Racing Rules of Sailing and any special regulations attached there to and that the provisions of Section 6.3(a)(viii) of the Constitution are observed.
- (h) To appoint qualified persons to sit on Protest Committee hearings.
- (i) Race programmes, Club Sailing Rules and Regulatory matters shall be referred to the Management Committee for ratification.

- (j) Maintenance of all Club Junior and Senior start and rescue boats. Replacement of Club vessels shall be the responsibility of the Management Committee.

32. MARINA SUB COMMITTEE

Definition: For the purpose of Section 32 the words 'The Committee' refers to 'Marina Sub Committee'

- 32.1 The Management Sub Committee shall appoint a Committee of four Members who shall elect a chairperson and/or a Marina Manager and shall meet at least bi-monthly.
- 32.2 The Committee shall manage the Geraldton Yacht Club Annex which shall include the GYC Marina Pens, Jetties, Moorings and land based facilities within the Batavia Coast Marina and all other marine oriented facilities in Champion Bay.
- 32.3 The Committee shall have the following duties and powers
 - (a) Manage land based premises and Marina facilities according to the Geraldton Yacht Club Marina Pen Agreement, Pen Holders Rules and Regulations and Live-on-Board Policy.
 - (b) Submit bi-monthly reports and recommendations to the Management Committee.
 - (c) Prepare a comprehensive annual budget for submission to the Management Committee.
 - (d) Anticipated or recommended expenditure in excess of Budget shall require the Management Committee approval.
 - (e) The Chairperson and/or Marina Manager shall be entitled to attend a Management Committee meeting to deal with management, operation and future development of all Marina facilities.

33. RULES

- 33.1 The Committee adopt (By- Laws) that do not need constitutional changes as required under Section 34.
- 33.2 Rules which have been adopted to ensure the effective day to day management and operation of the Club shall be subject to the provisions of the Liquor Act and other regulatory legislation.
- 33.3 Rules may be adopted for the Club premises including:- Club Room, Bar Area, Galley, Smoke free areas, Hall, Toilets and Change rooms, Junior Club Rooms, Club compound and GYC Marina facilities.
- 33.4 Sub-Committees may propose rules to ensure effective management and operation of the Club premises in conformity with the provisions of the Liquor Act and other regulatory bodies.
 - (a) Proposed Rules shall be submitted to the Committee for approval and if accepted shall be posted on the Club notice board.

34. CONSTITUTION - CHANGES

- 34.1 The Constitution may be altered, repealed or a new Constitution adopted subject to the following procedures:-
- (a) a proposal for changes to the Constitution shall be submitted to The Committee for consideration.
 - (b) If adopted by The Committee, the proposal shall take the form of a Special Resolution and shall be dealt with in accordance with the provisions of either Section 17(AGM) or Section 18(SGM).
 - (c) If adopted at an AGM or SGM the Management Committee shall within one month submit the required documents to the Commissioner. No effect will be given to the amendments without the approval of the Commissioner.
 - (d) On receipt of the necessary approvals, the document shall be legally binding on the Club.

35. DISSOLUTION

Definition: "For the purpose of section 35: Eligible Member: means "all categories of financial Members of the Club"

- 35.1 On receipt of a formal petition from 50 Eligible Members requesting the dissolution of the Club, the Committee shall call a Special General Meeting of Eligible Members to consider the proposal.
- 35.2 A quorum of Eligible Members for a SGM shall be a minimum of twelve (12) eligible voting members
- (a) If within fifteen minutes of the scheduled start time the number of Members in attendance is less than a quorum, the meeting shall be cancelled and a date and time set for a future meeting.
- 35.3 Voting may be by absentee vote, proxy vote or in person.
- (a) Absentee votes shall be cast in accordance with the provisions of Section 17.10 of the Constitution save that the voting papers shall have a Yes or No format with adjacent vote recording boxes in which the vote shall be determined by a cross.
 - (b) Voting papers shall be issued to all eligible Members present.
 - (c) Members in attendance shall not lodge proxy votes on behalf of absentee Members without written authorisation which shall be presented to the Chairperson.
 - (d) Two scrutineers shall be elected from Members present.
 - (e) Absentee votes and votes of those present shall be counted and result advised to the Chairperson.
 - (f) Proxy votes shall be counted and determined by the Chairperson.
- 35.4 Votes required to carry a resolution to dissolve the Club shall be seventy five percent of votes cast.
- 35.5 If dissolution is approved, Club assets shall be realised, financial liabilities paid and any surplus funds distributed in accordance with the provisions of the Act.
- 35.6 Upon cancellation of The Club, the Surplus Property must be distributed to one or more of the following:
- (a) an incorporated Association under the Act;

- (b) a body corporate that at the time of the distribution is the holder of a licence under the charitable collections legislation in Western Australia;
- (c) a company limited by guarantee that is registered as mentioned in section 150 of the Corporations Act 2001 (Commonwealth);
- (d) a company holding a licence that continues in force under section 151 of the Corporations Act 2001 (Commonwealth);
- (e) a body corporate that:
 - (i) is a member or former member of The Club; and
 - (ii) at the time of the Surplus Property is distributed, has rules that prevent the property being distributed to its members;
- (f) a trustee for a body corporate referred to in Section 35.5; or
- (g) a co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution, is a non-distributing co-operative as defined in that Act.

36. CLUB UNIFORMS

36.1 Flag Officers and Club Officials shall be entitled to wear the Club uniforms as described in the following Sections.

- (a) Uniforms as prescribed in previous Constitutions may be worn in lieu of those provided for in this Section.
- (b) The Commodore or in their absence a Senior Flag Officer shall determine the dress required for any function.
- (c) Uniforms shall be described as:-
 - No.1 – Evening Dress – Formal
 - No.2 – Cruising Rig – Semi-formal day or night
 - No.3 – Cruising Rig – Informal

36.2 Club Uniforms

- (a) CLUB BADGE – The Club badge shall consist of a gold fouled anchor with the Club Pennant superimposed and surrounded by a gold laurel wreath with letters G.Y.C. in gold below.
- (b) CLUB CAP – Males – The Club cap shall be navy style with white cover and the Club badge affixed above the peak.
Females – Navy style hat with Club badge attached.
- (c) BUTTONS – All buttons on uniforms shall be gold and embossed with a fouled anchor.
- (d) EPAULETTES – Flag Officers and Officials.
- (e) No.1 Rig – 125mm long by 50mm wide – dark blue material, square at outer end and peaked at the upper edge.
Blue epaulettes shall have gold woven 8mm letters G.Y.C. at the outer end followed by 8mm wide gold lace bands of rank, a gold fouled anchor and an embossed gold button at the peak.
- (f) No 2 & 3 Rigs – 125mm long by 50mm wide – white material – square at out end and peaked at the upper end.
White epaulettes shall have gold woven 8mm letters G.Y.C. at the outer end, followed by 8mm wide bands of rank in black braid, a gold fouled anchor and a gold embossed gold button at the peak.
- (g) BANDS OF RANK –

Commodore	4 bands – One with curl
Vice Commodore	3 bands – One with curl
Rear Commodore	2 bands – One with curl
Past Commodore	4 bands

Club Manager	1 band with curl
Treasurer	1 band with curl
Management Committee	1 band
Handicapper	1 band
Official Starter	1 band

36.3 DRESS – Officers

No.1 Rig – Evening dress – Formal (Miniatures may be worn)

Males – Blue navy style mess jacket – 3 gold embossed buttons each side; 3 gold buttons each cuff; blue epaulettes; white dress shirt; black bow tie; black dress trousers; black shoes.

Females – White long sleeved shirt; white epaulettes; white skirt; white shoes.

Option – White shirt; white navy style jacket; epaulettes; white skirt; white shoes.

36.4 No.2 Rig – Informal – day or night

Males: - White open necked short sleeved shirt; epaulettes; white or cream long trousers; white / navy shoes.

Females: - White open necked short sleeved shirt; epaulettes; white skirt or slacks; white / navy shoes.

36.5 No.3 Rig – Informal

Males: – White open necked short sleeved shirt; epaulettes; white / navy shorts; white / navy shoes.

Females: - White open necked shirt; epaulettes; white / navy skirt or slacks; white / navy shoes.

37. JUNIOR SAILING SECTION

Definitions – The following meanings shall apply for this Section:-

“Rear Commodore” means “Rear Commodore (Junior Sailing)

“Juniors” means “Junior Members of Geraldton Yacht Club

“Committee” means “the Junior section Sub Committee”

“Member” means “a financial Member of the Junior Section”

“Management Committee” means “GYC Management Committee”

“Notice Board” means “Junior Section notice board”

37.1 The Rear Commodore shall be responsible for supervision of the Junior section and shall represent the Junior Sailing section at Management Committee meetings.

(a) In addition to the Rear Commodore, the Management Committee may nominate two Liaison Officers to assist the Junior section with its operational activities and management matters.

(b) The finances of the Junior section shall be under the control and management of the GYC.

(c) A parent Committee may be set up to assist with Junior section activities.

37.2 Juniors shall observe the applicable provisions of this Constitution.

37.3 Under the guidance of the Rear Commodore, Juniors may elect their own Junior sailing section Subcommittee.

37.4 The Committee shall consist of: - Junior Rear Commodore, Junior Captain, Junior Vice-Captain plus five other Members.

- 37.5 The Committee shall meet at least bi-monthly:
(a) A quorum shall be five.
- 37.6 The Committee shall hold office for twelve months to the next succeeding Annual General Meeting.
- 37.7 THE SUB-COMMITTEE – DUTIES and FUNCTIONS
(a) Rear Commodore to report bi-monthly to the Management Committee.
(b) To supervise activities within the Junior room.
(c) To ensure that Club owned boats, storage areas and equipment are maintained in a satisfactory manner.
(d) To provide amenities for Members.
(e) To encourage members to study all aspects of sailing, navigation, care and maintenance of boats.
(f) To arrange social and fund raising functions for the benefit of the Club and Members.
(g) To make recommendations or requests to the Management Committee through the Rear Commodore, on matters which may benefit the Club.
(h) To ensure that Club owned boats are leased through a formal arrangement.

38. CLUB FLAGS

- 38.1 Club Pennant – Navy blue triangle with a white St. George cross superimposed; central in the cross a five pointed white star on a 100mm x 100mm square blue background enclosed by a thin white square outline. Overall dimensions – 590mm x 290mm.
- 38.2 Burgees – Oblong swallow-tail version of the Club pennant. Dimensions – 500mm x 290mm (All ranks)
- 38.3 Commodore – As 38.2 above.
- 38.4 Vice Commodore – As 38.2 above with one white ball in the left portion.
- 38.5 Rear Commodore – As 38.2 above with two white balls in the upper left portion.
- 38.6 Past Commodore – As 38.2 above with a white diagonal cross left portion.

39. FLAGS AND VESSELS

- 39.1 An officer's burgee should be flown in a conspicuous position when the Officer is aboard a vessel.
- 39.2 The Club pennant may only be flown on vessels which are recorded on the Club register and which are owned or part owned by Members of the Club.
- 39.3 Protocol – When in the home waters of another Club of which an owner is a member, it is a courtesy to fly that Club's pennant.
- 39.4 If the visiting owner is a Flag Officer it is more appropriate to fly the Flag Officer's own burgee.

- 39.5 The ensign of one Club shall not be flown with that of another.
- 39.6 All boat owners are expected to observe established customs of the sea in regard to wearing flags and ensigns.
- 39.7 Club pennants and Officers' burgees may be worn continuously when the vessel is at sea or lowered during hours of darkness.
(a) In harbour the Club pennant should be flown between 0800 and sunset. The Flag Officer's burgee may be flown continuously.
- 39.8 The Australian National Flag may be worn on yachts and power boats.
- 39.9 RACING FLAG
(a) The racing flag shall consist of four horizontal stripes alternate blue and white – Blue to the top – Size – 250mm x 125mm minimum.
(b) The flag shall be flown five minutes before start time – during the race – and lowered immediately after finishing.
(c) The flag shall be lowered immediately following a decision to retire from a race.