

**NEW SOUTH WALES 16FT SKIFF ASSOCIATION INC**

**RULES**

# NEW SOUTH WALES 16FT SKIFF ASSOCIATION INC.

## RULES

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**NEW SOUTH WALES 16FT SKIFF ASSOCIATION INC.**

**RULES**

**PART 1**

**PRELIMINARY**

**Interpretation**

- 1 (1) In these Rules, unless the context otherwise indicates or requires:
- Act** means the *Association Incorporation Act 1984*
- Annual General Meeting** means the meeting conducted under Rule 25
- Annual subscription** means the subscription payable under Rule 39
- Association** means New South Wales 16ft. Skiff Association Inc.
- Association meeting** means:
- (a) the Annual General Meeting held under Rule 25; or
  - (b) a General Meeting of the Association held under Rule 26;
  - (c) a Review General Meeting held under Rule 9; or
  - (d) a Special General Meeting held under Rule 29
- Auditor** means the person appointed to be auditor of the Association under Rule 50.
- Club** means an ordinary member of the Association.
- Delegate** means a person appointed to represent a club at Association meetings under Rule 34
- Elected officers** or **elected positions** means:
- (a) a member of the Executive Committee; or
  - (b) a race official.
- Entrance fee** means the fee payable by an entity seeking to become an ordinary member.
- Executive Committee** means the Executive Committee referred to in Part IV.
- Member** means either:
- (a) a life member; or
  - (b) an ordinary member.

**Measurement committee** means a committee constituting the race officials created by paragraphs 18(1)(g) to 18(1)(j) inclusive.

**Ordinary member** means an organisation affiliated to the Association in accordance with Rule 5.

**Race officials** means those people holding the positions identified in Rule 18.

**Register** means the register established and maintained pursuant to Rule 47.

**Review General Meeting** means a general meeting called to review a decision by the Executive Committee to discipline a member under Rule 9.

**Sailing Regulations** means the document made by the Association under Rule 34.

**Secretary** means the person filling the position identified in paragraph 11(1)(c).

**Special General Meeting** means a general meeting of the Association held under Rule 29 to consider a subject matter at the request of clubs.

**Voter** means:

- (a) the President; and
- (b) the Commodore; and
- (c) the Secretary; and
- (d) delegates from clubs.

- (2) The singular includes the plural, and *vice versa*.
- (3) Any gender includes all other genders.
- (4) Headings are inserted for convenience only, and do not form part of these Rules.
- (5) Where a provision of these Rules requires notice of something to be given to a:
  - (a) member; or
  - (b) member of the Executive Committee; or
  - (c) race officer; or
  - (d) voter

the notice containing the relevant information must be received by the relevant club or person at least 21 days before the meeting at which the matter is to be considered.

- (6) For the purposes of these Rules, a notice is taken to have been given:
  - (a) if given to a person personally, the date the notice was given to them; or
  - (b) if posted, the day it would have been delivered in the ordinary course of post; or
  - (c) in the case of e-mail, or facsimile, the time indicated by the machine sending the notice that the notice was sent.
  
- (7) For the purposes of the Act, the following matters are to be taken to have been decided by way of a special resolution:
  - (a) Electing someone to life membership, under Rule 4; and
  - (b) Electing an entity to be an ordinary member, under Rule 5; and
  - (c) Confirming a decision to discipline a member under Rule 9; and
  - (d) Removing an elected official from an elected position under Rule 21; and
  - (e) Disposing of surplus property if the Association is wound-up or has its incorporation cancelled, under Rule 41; or
  - (f) Amending the objects and Rules of the Association, and the Sailing Instructions, under Rule 42.

**PART II**  
**OBJECTS**

**Objects**

2. The objectives of the Association shall be to:
  - (a) foster and promote 16ft skiff sailing and racing within the State of New South Wales; and
  - (b) co-operate with other State 16ft skiff sailing associations in the conduct of inter-state skiff sailing and racing; and
  - (c) affiliate or co-operate with any other body or Association having as its objectives the encouragement and development of sailing; and
  - (d) establish uniform sailing regulations governing all skiffs and crews competing in events under the control of the Association; and
  - (e) control 16ft skiff racing within the State of New South Wales.

## PART III MEMBERSHIP

### Membership Qualifications

3. There shall be two categories of member:
- (a) life; and
  - (b) ordinary.

### Life Member

4. (1) A club may nominate a person who has provided meritorious service to the Association as a life member (the **nominee**).
- (2) The club must give the nomination to the Secretary 2 months prior to the Annual General Meeting.
- (3) The nomination must contain a summary of the service provided by nominee.
- (4) The Executive Committee must consider the nomination, and make a recommendation as to whether or not the nominee should be made a life member.
- (5) The Secretary must circulate:
- (a) the summary of service of the nominee provided by the nominating club; and
  - (b) the recommendation of the Executive Committee
- with the notice paper for the Annual General Meeting.
- (6) A nominee will become a life member if three quarters of votes cast at the meeting are in favour.
- (7) After election, a life member shall be presented with a life member's badge.

### Ordinary Member

5. (1) A sailing club, which is
- (a) an incorporated entity located in New South Wales; that
  - (b) has registered with it three or more skiffs; and

- (c) either regularly conducts, or proposes to conduct races for skiffs during its sailing season; and
- (d) undertakes to pay all fees and charges payable to the Association

may apply to be an ordinary member of the Association.

- (2) The application must:
  - (a) be in writing; and
  - (b) contain evidence that it satisfies the conditions set out in subrule 5(1); and
  - (c) be accompanied by the entrance fee; and
  - (d) given to the Secretary.
- (3) The application must be considered at the next General Meeting.
- (4) The Secretary must give voters notice of the application.
- (5) If:
  - (a) three quarters of votes cast are in favour of the application; and
  - (b) the entrance fee is paid

the applicant is elected as an ordinary member of the Association.

### **Cessation of Membership**

- 6. A member ceases to be a member of the Association if the member:
  - (a) dies; or
  - (b) is wound up; or
  - (c) resigns in the manner set out in Rule 7; or
  - (d) is expelled; or
 if an ordinary member:
  - (e) the member is not able to satisfy the conditions for membership set out in subrule 5(1); or
  - (f) the member fails to pay its annual subscription within 3 months of falling due.

## **Resignation of Membership**

7. (1) A member may resign by:
  - (a) paying all fees and charges owing the Association; and
  - (b) giving the Secretary one month's written notice of resignation.
- (2) After a resignation takes effect, the Secretary shall make an appropriate entry in the register indicating the date the resignation took effect.

## **Disciplining of Members**

8. (1) Where the Executive Committee has reasonable grounds to believe a member of the Association has:
  - (a) persistently refused or neglected to comply with a decision of the Association; or
  - (b) is guilty of conduct unbecoming of a member or prejudicial to the interests of the Association; or
  - (c) has breached the Sailing Regulations of the Association;
 the Secretary shall, as soon as practicable, serve a notice in writing on the member:
  - (d) setting out the resolution of the Executive Committee and the grounds on which it is based;
  - (e) stating that the member may address the Executive Committee at a meeting to be held not earlier than 21 days and not later than 28 days after service of the notice;
  - (f) stating the date, place and time of that meeting; and
  - (g) informing the member that the member may do either or both of the following:
    - (i) attend and speak at that meeting; or
    - (ii) submit to the Executive Committee at or prior to the date of that meeting written representations relating to the resolution; and
  - (h) that if the Executive Committee is of the opinion that the accusation against the member has been proved, the member can be:
    - (i) reprimanded; or

- (ii) fined a specified amount; or
  - (iii) suspended for a month; or
  - (iv) expelled.
- (2) At a meeting of the Executive Committee held as referred to in subrule 8(1), the Executive Committee shall:
  - (a) give to the member an opportunity to make oral representations; and
  - (b) give due consideration to any written representations submitted to the Executive Committee by the member at or prior to the meeting; and
  - (c) decide whether to:
    - (i) reprimand the member; or
    - (ii) fine the member a specified amount; or
    - (iii) suspend the member for a month; or
    - (iv) expel the member from the Association.
- (3) Where the Executive Committee makes a decision under subclause 8(2), the Secretary must tell the member in writing of
  - (a) the decision; and
  - (b) the member's right of appeal under Rule 10 within 7 days of the decision being made.
- (4) A decision by the Executive Committee under subrule 8(2) does not take effect:
  - (a) where the member does not exercise the right of appeal under Rule 9 - until the expiration of the period; or
  - (b) where within that period the member exercises the right of appeal - unless and until the Association confirms the resolution pursuant to Rule 9.
- (5) In any submission, a person the subject of an allegation can make submissions in relation to both:
  - (a) the facts of the particular case; and
  - (b) penalty.

### **Right of Appeal of Disciplined Member**

9. (1) A member may appeal to the Association, sitting as a Review General Meeting, against a resolution of the Executive Committee which is confirmed under subrule 8(4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- (2) After receiving a notice, the Secretary must as soon as practicable convene a Review General Meeting.
- (3) The Secretary is to give voters notice of the meeting.
- (4) At a Review General Meeting:
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) a representative of the Executive Committee and the member shall be given the opportunity to state their respective cases orally, or in writing, or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If three quarters of votes cast passes a resolution in favour of the confirmation of the resolution the resolution is confirmed.
- (6) In any submission, a person the subject of an allegation can make submissions in relation to both:
  - (a) the facts of the particular case; and
  - (b) penalty.

### **Mediation**

10. (1) If there is:
  - (a) a dispute between clubs (in their capacity as members of the Association); or
  - (b) a dispute between clubs and the Association,
 the matter is to be referred to mediation.
- (2) The mediation is to be conducted by a person agreed to by the relevant parties to the dispute.

- (3) A party to a dispute must not unreasonably withhold their agreement to the appointment of a mediator.
- (4) The mediator must be someone with experience in either the:
  - (a) sailing of skiffs; or
  - (b) administration of skiff sailing.
- (5) A mediation will take place in a manner and method agreed to by the parties to the dispute and the mediator.

**PART IV**  
**THE ADMINISTRATION OF THE ASSOCIATION**

**DIVISION 1 - THE EXECUTIVE COMMITTEE**

**The Executive Committee**

11. (1) The Executive Committee shall consist of the:
- (a) President; and
  - (b) Vice President; and
  - (c) Secretary; and
  - (d) Assistant Secretary; and
  - (e) Treasurer; and
  - (f) Commodore; and
  - (g) Vice Commodore

**Function of the Executive Committee**

12. (1) The Executive Committee shall deal with all matters referred to it:
- (a) under these Rules; or
  - (b) by the Association
- in such manner as shall be necessary or desirable for the proper management of the affairs of the Association
- (2) The Executive Committee can meet whenever required to deal with business.
- (3) A meeting can be held, and decisions made, using electronic means.
- (4) A quorum for a meeting shall be 4 members.
- (5) A meeting shall be conducted using the standing orders contained in Appendix A to the Constitution.

**Duties of the President and Vice President**

13. The:
- (a) President; or in his absence

- (b) the Vice President shall chair all Association meetings.

### **Duty of the Secretary**

- 14. (1) The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, lodge notice with the Association his address.
- (2) The Secretary must:
  - (a) maintain the roll of the names of the people elected as elected officers; and
  - (b) record the names attending Executive Committee and General Meetings of the Association; and
  - (c) ensure a copy of the Rules and Sailing Regulations together with a roll of elected officers amended to date to be available for inspection at all General Meetings of the Association; and
  - (d) keep a record of attendance of all elected officers and delegates at General Meetings of the Association; and
  - (e) receive all correspondence and produce the inward and outward correspondence at the meeting following receipt or sending of such correspondence;
  - (f) compile the terms of all resolutions of the Association and report their terms to the Annual General Meeting; and
  - (g) give notice to voters as required by these Rules.

### **Duty of the Assistant Secretary**

- 15. The Assistant Secretary must:
  - (a) attend Association meetings; and
  - (b) keep a true and correct record of the proceedings, which must be:
    - (i) produced; and
    - (ii) read; and
    - (iii) confirmed ; and
    - (iv) signed by the chairman of the meeting at the next meeting; and.

- (c) keep the Minute Book complete and safe, so as to ensure the history of the Association is maintained.

### **Duty of the Treasurer**

- 16. The Treasurer must ensure that the funds are administered in the manner set out in Part VII.

### **Duty of the Commodore and Vice Commodore**

- 17. The Commodore and Vice Commodore must discharge the responsibilities set out in the Sailing Regulations.

## **DIVISION 2 - RACE OFFICERS**

### **Race Officers**

- 18. (1) The following officers shall be race officers:
  - (a) starter and judge; and
  - (b) assistant starter and judge; and
  - (c) timekeeper; and
  - (d) assistant timekeeper; and
  - (e) chairman of the Handicapping Committee; and
  - (f) two members of the Handicapping Committee; and
  - (g) one member of the Measurement Committee, who is a financial member of a Northern Zone club; and
  - (h) one member of the Measurement Committee, who is a financial member of a Central Zone club; and
  - (i) one member of the Measurement Committee, who is a financial member of a Southern Zone club; and
  - (j) a registrar

- (2) In subrule (1), a:

**Northern Zone club** means a club situated north of Sydney Harbour;  
and

**Central Zone club** means a club situated on Sydney Harbour; and

**Southern Zone club** means a club situated south of Sydney Harbour

- (3) The:
- (a) race officers; and
  - (b) members of the Handicapping Committee; and
  - (c) members of the Measurement Committee
- must discharge the responsibilities set out in the Sailing Regulations.
- (4) The Measurement Committee may delegate to a person or class of person the ability to perform some or all of the functions of the Measurement Committee set out in the Sailing Regulations.

#### **DIVISION 4 - ELECTION AND REMOVAL OF EXECUTIVE COMMITTEE MEMBERS AND RACE OFFICERS**

##### **Eligibility to be an elected officer**

19. (1) A person who is a financial member of a club is eligible to be elected as:
- (a) a member of the Executive Committee; or
  - (b) as a race official.
- (2) An elected officer:
- (a) holds office from the end of one annual general meeting to the end of the next; and
  - (b) is eligible to be reelected.

##### **Elected Positions**

20. (1) A nomination of a person to an elected position must be made prior to the commencement of the July General Meeting.
- (2) A nomination must:
- (a) be in writing; and
  - (b) made by a Club; and
  - (c) contain the consent of the nominee that he accepts the nomination; and
  - (d) be received before the commencement of the relevant General Meeting.

- (3) If the number of nominees exceed the number of available positions, an election is to be held at the Annual General Meeting, in the manner set out in Appendix A.
- (4) If the number of nominees equal the number of available positions, then, before any nominee can be elected to the relevant position, they must be confirmed by the Annual General Meeting, in the manner set out in Appendix A.
- (5) As soon as practicable after the close of the July General Meeting, the Secretary must give notice of a contested election to voters, listing the names of those standing for an elected position.

### **Removal of a Person From an Elected Position**

21. (1) A club may give the secretary a motion in writing asking for a person be removed from an elected position (**a removal motion**).
- (2) The motion must contain reasons for the proposed removal.
- (3) The Secretary must give voters notice of the motion.
- (4) The Secretary must circulate at the same time as the removal motion the reasons for removal submitted by the club.
- (5) If an elected officer subject to the removal motion gives to the President or Secretary a submission of not unreasonable length, dealing with the circumstances that led to the removal motion being brought, the President or Secretary must either read or circulate the submission at the meeting considering the removal motion.
- (6) If three quarters of votes cast at the meeting are in favour of the motion to remove the elected officer, he is removed.

### **Casual Vacancies**

22. (1) A casual vacancy in an elected position occurs if an elected member:
  - (a) dies; or
  - (b) ceases to be a financial member of a club; or
  - (c) resigns office by notice in writing given to the Secretary;
  - (d) is removed from office under rule 21 ; or

- (e) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (f) in the case of a member of the Executive Committee, the member is absent without the consent of the Executive Committee from all Association meetings held over a period of 6 months; or
- (g) where there is an equal number of nominees for an elected position and the nominee is not confirmed in the position.

### **Filling a casual vacancy**

23. (1) A casual vacancy must be filled at the next General Meeting of the Association after it occurs.
- (2) A club may nominate a financial member of any club to fill a casual vacancy.
- (3) A nomination must:
- (a) be in writing; and
  - (b) be received from a Club; and
  - (c) contain the consent of the nominee that he accepts the nomination.
- (3) If the number of nominees exceed the number of available positions, an election is to be held at the Annual General Meeting, in the manner set out in Appendix A.
- (4) If the number of nominees equal the number of available positions, then, before any nominee can be elected to the relevant position, they must be confirmed by the Annual General Meeting, in the manner set out in Appendix A.

## **DIVISION 5 - DELEGATES**

### **Clubs to be represented by Delegates**

24. (1) A club must annually appoint two (2) of its members to act as delegates at Association meetings.

- (2) The Club shall notify the Secretary in writing of the names and addresses of each delegate.
- (3) Any change of delegate shall be notified to the Secretary in writing.
- (4) A delegate can only represent one club in his own right.
- (5) Where a club cannot have either or both of its delegates in attendance at a meeting: either
  - (a) where one delegate attends, that person can cast 2 votes; or
  - (b) if no delegate attends, the club can appoint, by notice in writing received by the Secretary prior to the commencement of the relevant meeting either:
    - (i) another delegate from another club; or
    - (ii) a member of the Executive Committee to vote as the club's proxy.
- (6) The person appointed as a proxy can cast 2 votes on behalf of the Club conferring the proxy.
- (7) If a delegate from a Sydney Metropolitan area club misses two consecutive association meetings, the Secretary must write to the relevant Club, letting them know about the fact.

**PART V  
MEETINGS**

**DIVISION 1 - ANNUAL GENERAL MEETING**

**Annual General Meeting to be held in August**

25. (1) The Association shall hold its annual general meeting during the month of August.
- (2) The Secretary must give notice to voters and members of the Executive Committee, specifying the:
- (a) date of the meeting; and
  - (b) place where the meeting is to be held; and
  - (c) the matters to be considered.
- (3) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be –
- (a) to confirm the Minutes of the last preceding Annual General Meeting and of any General Meeting held since that meeting; and
  - (b) to receive from the Executive Committee reports upon the activities of the Association during the last preceding financial year; and
  - (c) receive from the Treasurer the accounts of the Association, as audited by the auditor; and
  - (d) to receive and consider the income and expenditure statement required to be considered by the Act.

**DIVISION 2 - GENERAL MEETINGS**

**Frequency**

26. (1) General Meetings of the Association shall be held from time to time, as decided by the Association.
- (2) However, despite subrule 26(1), a General Meeting must be held at least once every 2 months.

## Notice

27. (1) The Secretary must give notice to voters and members of the Executive Committee, specifying the:
- (a) date of the meeting; and
  - (b) place where the meeting is to be held; and
  - (c) the matters to be considered.

## Order of Business at General Meetings

28. The order of business at General Meetings other than the Annual General Meeting shall be –
- (a) Officers, Officials and Delegates present shall sign the register.
  - (b) Confirmation of Minutes of previous meeting.
  - (c) Business arising out of Minutes.
  - (d) Correspondence.
  - (e) Business arising out of correspondence.
  - (f) Treasurer's report.
  - (g) Accounts for payment.
  - (h) Secretary's report.
  - (i) Reports of Officials or Committees and/or Committees.
  - (j) Matters of which notice has been given.
  - (k) General business.

## DIVISION 3 - SPECIAL GENERAL MEETING

### Special General Meeting

29. (1) As soon as practicable, the Secretary must convene a Special General Meeting if he receives a letter signed by either:
- (a) the Commodore; or
  - (b) the Sailing Secretary; or
  - (c) a delegate
- of three clubs indicating that a particular motion should be discussed at a Special General Meeting.
- (2) The Secretary must give notice of the motion to voters.

- (3) The motion received by the Secretary referred to in subrule 29(1) is to be the only business to be discussed at the meeting.

#### **DIVISION 4 - THE CONDUCT OF ASSOCIATION MEETINGS GENERALLY**

##### **Eligibility to Vote at Meetings**

30. (1) Voters may vote at an Association meeting.

**NOTE:** People who can vote at an Association meeting are the President, the Commodore, the Secretary and delegates from clubs.

- (2) Despite subrule 30(1), if a club is more than 12 weeks behind in the payment of any debts, fees and charges owing to the Association, that club is ineligible to vote in any Association meeting until the relevant money has been paid.

##### **Quorum**

31. A quorum for an Association Meeting is when 50% of the number of clubs have either a delegate, or a proxy, present at the meeting.

##### **Procedure**

32. An association meeting shall proceed according to the standing orders contained in Appendix A to these rules.

##### **Delegation by Association to Sub-Committee**

33. (1) The Association at an Association meeting may delegate to one or more subcommittees, the exercise of such functions as are determined by the Association, other than
- (a) this power of delegation; and
  - (b) something which is a duty imposed on another person or entity by:
    - (i) these Rules; or
    - (ii) the Act or;
    - (iii) any other law.

- (2) Anyone can be appointed to a subcommittee.
- (3) A delegation under this section may be made subject to such conditions or limitations as the Association sees fit.
- (4) Notwithstanding any delegation under this Rule, the Association can continue to exercise any function delegated.
- (5) Anything done by a subcommittee acting in the exercise of a delegation under this Rule has effect as if it was done by the Association.

**PART VI**  
**SAILING REGULATIONS**

**Association to Make Regulations for the Conduct of Skiff Sailing in New South Wales**

34. (1) To regulate skiff sailing in New South Wales, the Association must make Sailing Regulations, to be contained in a document called *The Conduct of 16ft Skiff Sailing in New South Wales*.
- (2) The Regulations may set fees and charges that have to be paid:
- (a) to register a skiff with the Association; or
  - (b) to sail in a race controlled by the Association; or
  - (c) for any other purpose relating to the conduct of skiff racing in New South Wales.

**PART VII**  
**ADMINISTRATION OF FUNDS**

**Funds only to be used to further the objects of the Association**

35. (1) The funds and property of the Association can only be used to further the objects of the Association.
- (2) Subject to subrule 38(3), no expenditure is to be made without the prior approval of the Association.
- (3) No club or elected officer associated with the Association is to profit from the funds and property of the Association, unless it is:
- (a) interest payable as a condition to a loan given to the Association; or
  - (b) an honorarium paid to an elected officer approved by a resolution of the Association; or
  - (c) where the Association receives goods and services from a club or relevant person, and it is required to pay for those goods and services under ordinary commercial terms and conditions.

**Funds - Source**

36. The funds of the association are to be derived from:
- (a) entrance fees payable by clubs seeking to become ordinary members, as set from time to time by the Association; and
  - (b) annual subscriptions; and
  - (c) annual skiff registration fees; and
  - (d) new skiff registration fees; and
  - (e) fees payable under the Sailing Regulations; and
  - (f) donations; and
  - (e) sponsorships; and
  - (f) other sources approved by the Association.

## **Funds - Management**

37. (1) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments issued by the Association must be signed by:
- (a) the Treasurer; and either
  - (b) the President; or
  - (c) the Secretary.
- (2) The Treasurer must:
- (a) ensure all money due to the Association is collected and received and that all payments authorised by the Association are made; and
  - (b) ensure correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditure connected with the activities of the Association; and
  - (c) ensure all monies received on behalf of the Association are deposited in an approved bank account in the name of the Association within 48 hours of their receipt; and
  - (d) produce a statement showing receipts and expenditure at each General Meeting; and
  - (e) produce the statement of income and expenses required by the Act; and
  - (f) allow the Auditor access to such information as to allow him to prepare an audited statement of accounts.
- (3) all books and property of the Association held by the Treasurer are handed to the President within 48 hours if called upon so to by resolution of either the Executive Committee or the Association.

## **Secretary to Have Petty Cash Advance**

38. (1) The Secretary can be advanced a sum of money, as decided from time to time by the Association, to be used as a petty cash advance.
- (2) The Secretary must account to each General Meeting how the petty cash advance is to be used.

- (3) Despite subrule 35(2), the Secretary doesn't need the prior approval of the Association to make expenditures from the petty cash advance.

### **Annual Subscription**

39. (1) The Association may, from time to time, determine the annual subscription payable by a club.
- (2) The Annual subscription is payable to the Treasurer by 1 October of each year.

### **Annual Skiff Registration Fee**

40. (1) The Association may, from time to time, determine the annual skiff registration fee.
- (2) The annual skiff registration fee is payable to Treasurer at the time a skiff sailing with a club is registered with the Association.
- (3) The annual skiff registration fee is payable by the club nominated by the owner of the skiff as its home club.

### **New Skiff Registration Fee**

41. (1) The Association may, from time to time, determine the new skiff registration fee.
- (2) The new skiff registration fee is payable to Treasurer at the time a newly constructed skiff sailing with a club is registered with the Association for the first time.
- (3) The new skiff registration fee is payable by the club nominated by the owner of the skiff as its home club.

### **Members' Liabilities**

42. The liability of a club to contribute towards the payment of:
  - (a) the debts and liabilities of the Association; or
  - (b) the cost, charges and expenses of the winding up of the Association,

is limited to the amount of any outstanding monies payable to the Association because of the operation of these Rules, as at the time the Association is to be wound up.

### **Surplus Property**

43. (1) Where:
- (a) a decision is made to wind up the Association; or
  - (b) the incorporation of the Association is cancelled
- the surplus property of the Association is to be distributed in a manner
- (c) set out in a motion for which the Secretary has given voters notice; and
  - (d) three quarters of votes cast at a relevant general meeting are in favour of the motion; and
  - (e) the requirements of the Act are satisfied.

**PART VIII**  
**AMENDING THE RULES AND SAILING REGULATIONS**

**Alteration of objects, rules and Sailing Regulations**

44. (1) The:
- (a) Executive Committee; and
  - (b) Clubs
- can propose amendments to:
- (c) objects of the Association; and
  - (d) these Rules; and
  - (e) the Sailing Regulations
- by giving the terms of the amendment to the Secretary.
- (2) The Secretary must give voters notice of the proposed amendment.
- (3) If three quarters of votes cast support the amendment, the amendment to the objects, Rules or Sailing Regulations (as the case requires) are made.

**PART IX**  
**MISCELLANEOUS**

**Insurance**

45. (1) The Association shall effect and maintain insurance as required by the Act.
- (2) In addition to the insurance required under subrule 45(1), the Association may effect and maintain other insurance.

**Common Seal**

46. (1) The common seal of the Association shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the common seal shall be attested by the signatures of the Secretary and one other member of the Executive Committee.

**Custody of Books, etc.**

47. Except as otherwise provided by these Rules, the Secretary shall keep in his custody or control all records, books and other documents relating to the Association.

**Inspection of Books, etc.**

48. The records, books and other documents of the Association shall be opened for inspections, free of charge, by a member of the Association at any reasonable hour.

**Register of Members**

49. (1) The Secretary shall establish and maintain a register of members of the Association specifying the name and address of each person who is a

member of the Association together with the date of which the person became a member.

- (2) The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, by any member of the Association at any reasonable hour.

### **Public Officer**

50. The:
  - (a) Secretary; or
  - (b) in the absence of the Secretary, a person appointed by a general meeting of the Association shall be the public officer for the purposes of the Act.

### **Patron**

51. The Association may appoint a suitably qualified person to be Patron of the Association.

### **Auditor**

52. The Association must appoint a person eligible to act as an auditor for the purposes of the *Corporations Act 2001* (Cth) to be its auditor.

### **Transitional Provision**

53. (1) The Office Bearers elected under the previous Rules of the Association will retain their positions and responsibilities until the first Annual General Meeting held under these Rules.
- (2) This rule will cease forming part of these Rules as from the close of the first Annual General Meeting held under these rules.

## **APPENDIX A - STANDING ORDERS**

### **Commencement of Meeting**

- 1.1 If a quorum is not present half an hour after the commencement time of the meeting appearing in the notice of the meeting sent to members, the meeting shall be terminated.
- 1.2 Meetings shall commence promptly at the time set out on the notice paper, or when a quorum is present, and shall continue until all business shown on the agenda has been dealt with or the meeting adjourns, or is otherwise closed pursuant to any other provision in the Standing Orders.
- 1.3 A meeting shall be chaired by:
  - (a) the President; or, in his absence;
  - (b) the Vice President; or in the absence of both these officers
  - (c) the Secretary

### **Application of Standing Orders**

- 2.1 Standing Orders pertaining to:
  - (a) a quorum; or
  - (b) filling or confirming elected officer positions; as well as
  - (c) this standing ordercannot be suspended.
- 2.2 A member may move, at any time when another member does not have the floor, a motion to suspend any other Standing Order(s) on grounds of necessity.
- 2.3 The member proposing to move such a motion shall first state the ambit of the suspension and move that it is a matter of necessity that such motion be forthwith considered.
- 2.4 He shall be allowed 3 minutes to explain the necessity. The question shall then be put forthwith by the Chairman.
- 2.5 If three-quarters of those present and eligible to vote agree to the suspension of standing orders, the relevant orders are suspended.

### **Order of Business**

- 3.1 The agenda shall be considered in the order in which it is set out, unless altered by agreement of the meeting.
- 3.2 The agenda for any meeting shall include, or shall be deemed to include, the item "any other business".

### 3.3 However:

- (a) any motion dealing with a matter for which notice is required may not be moved in "any other business"; and
- (b) three quarters of those present at the meeting and eligible to vote must agree to discuss the proposed new business.

### **Motions to be Moved & Seconded**

- 4.1 All motions (other than procedural motions) and amendments to motions, shall be submitted to the Chairman in writing.
- 4.2 When a listed motion is reached and there is no person present prepared to propose the motion, the motion shall be deemed to have lapsed.
- 4.3 All motions shall be duly proposed and seconded. A motion lacking a seconder shall immediately lapse.
- 4.4 A member seconding a motion may reserve his right to speak to the motion later in the debate.

### **Objections**

- 5. The Chairman, after calling the motion, shall then ask if there is any objection to the motion and, if no member objects, the motion shall be declared carried. If there is an objection, the Chairman shall call on the mover and the seconder to speak to the motion.

### **Speaking Time Limits**

- 6.1 The proposer of the original motion shall be allowed 5 minutes to introduce the motion and 3 minutes to reply to the debate. Other speakers shall be limited to 5 minutes. The meeting may, by resolution, extend the time during which any speaker may be allowed to continue.
- 6.2 Where, on a written agenda, a report to the meeting is to be considered, a period not exceeding 15 minutes shall be allowed for the asking of questions.
- 6.3 Unless otherwise resolved, each member shall have the right to speak:
  - (a) once on any motion before the Chair,
  - (b) once on any amendment
  - (c) if the proposer of the motion, in reply in order to wind up the debate.
- 6.4 Not more than 30 minutes shall be allowed for the discussion of any subject (unless extended by the consent of the meeting) and, when such time has expired, the motion shall be put.

## **Questions**

- 7 No questions may be asked of any speaker who has participated in a debate, except for the mover of the motion being debated. Such questions shall only be asked immediately after the mover has spoken. Questions will be limited to clarification of the motion and will not be used to make debating points. Question time for each shall be limited to 5 minutes.

## **Minimum Debate Requirements**

- 8 When a motion or amendment has been moved and seconded, no further speech in support of such motion or amendment shall be heard until after someone has spoken in opposition.

## **Amendments to Motions**

- 9.1 Any member may move to amend a motion before the Chair. A proposed amendment shall be consistent with the subject matter of the original motion and will be deemed "out-of-order" if it negates the general intent of the original motion. Such amendment shall be seconded and, if not seconded, shall lapse.
- 9.2 When an amendment is before the Chair, no further amendments shall be decided until the first amendment has been disposed of.
- 9.3 Debate on all amendments shall take place during the discussion on the original motion and before the mover of a motion replies.

## **Powers and Responsibilities of the Chairman**

- 10.1 The Chairman may conduct the meeting in an informal fashion, subject to the concurrence of the meeting.
- 10.2 When the Chairman rises to speak, any member on his feet shall resume his seat.
- 10.3 A member desiring to speak shall rise in his place and address the Chair. If two or more members desire to address the Chair at the same time, the Chairman shall nominate the next member to speak.
- 10.4 The Chairman shall vacate the Chair if he has a conflict of interests. The Chairman shall vacate the Chair to participate in the debate on any particular subject, and shall appoint a Chairman pro tem who shall be the next most senior member of the Executive.
- 10.5 The Chairman may call upon any person who is responsible for noise or disturbance to withdraw from the meeting. In the event of intractable noise or disturbance, the Chairman may adjourn the meeting.

### **Personal Explanation**

11. Any member may at any time make a personal explanation, although there may be no question before the Chair or if he has already spoken to a motion before the Chair, to explain himself in regard to any matter in which he has been quoted or misunderstood but in such case, he shall not introduce any new matter nor interrupt any member addressing the Chair, nor speak for longer than two minutes.

### **Point of Order**

12. Any member during a debate may raise a point of order and the speaker called to order shall sit down. The member rising to order shall state concisely, within two minutes, the point of order. The Chairman shall give his ruling without further discussion and, subject to that ruling, the person speaking when the point of order was raised shall be allowed to proceed.

### **Dissent in the Chairman's Ruling**

13. A member may move a motion of dissent in the ruling of the Chairman. Should the motion be seconded, the member moving the motion shall have 2 minutes to state the reasons for dissent. The Chairman shall then state within 2 minutes the reason why he made the ruling. The motion shall then be put without further debate.

### **Moving "The Motion Now Be Put"**

- 14.1 A member of the meeting may move at any stage that "the motion now be put". However, it shall not be in order to move that "the motion now be put" until at least two people, in addition to the proposer and seconder, shall have had an opportunity to speak on the question.
- 14.2 It shall not be in order to move that "the motion be not put".

### **Withdrawing or Adjourning Motions**

- 15.1 Once accepted by the Chairman, a motion shall be withdrawn only by leave of the meeting, but may be adjourned to lie on the table for a future meeting.
- 15.2 A member may at any stage of the debate, unless some other member has the floor, move the adjournment of the debate. The Chairman shall, if the motion is seconded, put the motion to adjourn debate with discussion.

### **Counting the Votes - Ordinary Votes**

- 16.1 In submitting the motion before the Chair to the meeting, the Chairman shall state the motion in clear and audible tones. The motion shall be decided by a showing of hands. The Chairman shall declare the motion carried or lost and in the absence of a demand for a recount, the Chairman's declaration shall be final and conclusive and shall be recorded in the minutes.

- 16.2 Unless otherwise provided for in these Rules, a motion shall be deemed carried if a majority of those voting vote in favour of it.
- 16.3 On an equality of votes for any motion, the President, or other person chairing the meeting will have a casting vote.

### **Recounts**

17. Any member may require a recount. The Chairman shall then again call for showing of hands for and against the motion. The Chairman shall then declare the result of the further vote and such a declaration shall be final and conclusive and shall be recorded by the Secretary of the meeting, along with the number of ayes and noes, in the minutes.

### **Close of Meeting**

- 18.1 Any member may at any time, when another member does not have the floor, move the adjournment of the meeting. Such motion shall thereupon supersede the business before the Chairman and shall immediately be put to the meeting. If it be carried, the meeting shall stand adjourned to a time and place to be decided at the meeting. If the motion be lost the meeting shall continue.
- 18.2 If, while no other member is still speaking to a motion, at least three members call for a quorum count, the Chairman shall arrange an immediate count. A call for quorum shall take precedence over all members seeking the call to speak. If the count ascertains that the quorum is not present, then the meeting shall be deemed to close upon the announcement of the count.

### **Agenda Items Carried Over to Subsequent Meetings**

- 19.1 Where at a meeting, there remain agenda items not dealt with by the meeting, those agenda items shall be placed on the agenda of the next meeting.
- 19.2 No resolution dealt with at a meeting shall be debated again at the same meeting.

### **Counting the Votes - Filling Elected Officers Positions**

- 20.1 Where an election has to be conducted at a meeting, the meeting shall appoint one of its number as a returning officer.
- 20.2 The Returning Officer can't be one of the people standing for election.

#### *Where There is Only One Vacant Position*

- 20.3 The Returning Officer must give each person eligible to vote a blank piece of paper.
- 20.4 The voter must either:

- (a) write the name of one of the nominees; or
- (b) abstain.

- 20.5 The Returning Officer must then count the votes.
- 20.6 The Returning Officer will declare the nominee with the most votes elected.
- 20.7 If there is a tie, the Returning Officer will place the names of the nominees who have tied in a hat.
- 20.8 The person elected shall be the person whose name is drawn from the hat.

*Where There is an Election for a Committee*

- 20.9 The Returning Officer must give each person eligible to vote a blank piece of paper.
- 20.10 The voter must either:
- (a) write up to as many names of nominees as are vacant positions on the ballot paper; or
  - (b) abstain.
- 20.11 If a voter writes on the ballot paper more names than there are vacant positions, the vote is informal and is not to be counted.

**EXAMPLE:** There is an election for a committee of three. There are five candidates. Voter A voted for 2 candidates. That is a formal vote, because you can write down *up to* as many names of nominees as there are vacancies. Voter B voted for 4 candidates. As he voted for more candidates than there are vacant positions, his vote is informal, and his vote won't be counted. Voter C voted for 3 candidates. As that is the number of vacancies to be filled, that is a valid vote.

- 20.12 The returning officer will count the number of votes received by each candidate. The candidates with the most votes shall fill the committee positions.
- 20.13 Where there is a tie for the last available committee position, the position will be drawn out of a hat.
- 20.14 The candidate (or candidates) drawn from the hat shall be elected.

**EXAMPLE 1:** There is an election for a committee of three there are six candidates. The votes are Candidate A 20 votes, Candidate B 17 votes, Candidate C 14 votes, Candidate D 14 Votes, Candidate E 12 votes and Candidate F 10 votes. Candidates A and B are elected. Candidates C and D go into the hat. Candidate D is drawn out and is thus elected.

**EXAMPLE 2:** There is an election for a committee of three there are six candidates. The votes are Candidate A 20 votes, Candidate B 17 votes, Candidate C 17 votes, Candidate D 17 votes, Candidate E 12 votes and Candidate F 10 votes. Candidate A is elected. Candidates B, C and D go into the hat. The names of Candidates B and D are drawn out and are thus elected.

*Where the Number of Candidates Equal, or are Less Than, the Number of Vacant Positions*

20.15 The returning officer must give each person eligible to vote a blank piece of paper for each position for which the number of candidates are equal to, or less than, the number of vacant positions.

20.16 The voter must write down:

- (a) the position; and
- (b) the names of the candidates; and
- (c) the word yes, if they want the person confirmed in the relevant elected position; or
- (d) no, if they don't; or
- (e) abstain.

20.17 If 50% or more of voters vast votes indicating that no, the candidate should not be confirmed into a relevant elected position, then:

- (a) the candidate is not confirmed in the position; and
- (b) there is a casual vacancy for the position.

20.18 To remove any doubt, an abstention is not to be counted as a vote not to confirm a candidate into an elected position.

**EXAMPLE:** There are 21 voters. 9 want a candidate confirmed in a position. 10 do not. 2 abstains. The candidate is confirmed. This is because only 10 of the 21 voters, or 47.61% of the vote, voted not to confirm the candidate. The abstention is **not** counted as a "no vote", because of the effect of standing order 20(18). Therefore it is, in effect, as good as a "yes" vote.

**ALTERNATIVELY**

20.19 The voter must write down:

- (a) the position; and
- (b) the names of the candidates; and
- (d) the word "yes", if they want the person confirmed in the relevant elected position

20.20 If a candidate receives less than 50% of those present at the meeting in favour of the candidate being confirmed into the relevant elected position, then:

- (a) the candidate is not confirmed in the position; and
- (b) there is a casual vacancy for the position.

**EXAMPLE:** There are 21 voters. 10 vote in favour of the candidate. 5 vote against. 6 abstain. The candidate in not confirmed. This is because the candidate received the votes of only 10 of the 21 voters, 47.61% of the vote. A candidate must receive **at least** 50% of the vote to be confirmed. In this case, an abstention is as good as a "no" vote.