

**BELLERIVE YACHT CLUB INC.**  
**(Updated to June 2017)**

**Constitution and Rules**

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## TITLE

1. The title of the Association is the Bellerive Yacht Club Inc. (hereinafter called the Club).

## INTERPRETATIONS

2. In these Rules, unless the contrary is stated:
  - (i) "Member" means a financial member of any class of membership. Financial Members are those Members who have paid their subscription by the date payable as defined in Rule 65.
  - (ii) References in the male or female gender shall be interpreted as meaning either;
  - (iii) "General Meeting" means any Special or Annual General Meeting of the Club;
  - (iv) "Club" means the Bellerive Yacht Club Inc. and its Members for the time being;
  - (v) "Board" means the Board of Management of the Club as elected from time to time under these Rules;
  - (vi) A Life Member is also a Senior Member of the Club.
  - (vii) "Financial year" of the Club is the period beginning on the 1<sup>st</sup> May in one year and ending on the 30<sup>th</sup> April on the next following year.
  - (viii) "Special resolution" is a resolution which is passed by a majority of not less than three-quarters of such members of the Club entitled under these rules to vote as may be present in person at a general meeting, of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules.
  - (ix) "Secretary" refers to General Manager of Club and is the person appointed under Clause 37.
  - (x) "Officers" are those persons referred to in Rule 10.
  - (xi) "Flag Officers" are those persons referred to as such in Rule 10.
  - (xii) "Notice or notices" may include a notice posted on the Club website, notice in writing or by electronic mail or SMS text message.

## INCLUSIONS

3. There is deemed to be included in this Constitution and Rules of the Club the provisions set out in the Guidelines in respect of Club licences from time to time published by the Licensing Board in accordance with Section 17 of the *Liquor and Accommodation Act 1990*.
4. The Club shall cause every notice, advertisement, bill of exchange, cheque, promissory note, endorsement, order, receipt or other document given, published, drawn, endorsed or issued by it to contain the name of the Club and ABN in legible characters.

## CONSTITUTION AND OBJECTS

5. The Club shall consist of the existing members of the Bellerive Yacht Club and members who may be hereinafter elected. The objects of the Club are the promotion and encouragement of yachting and associated activities.

## CLUB BURGEE

6. The Club Burgee shall be white and triangular in shape with a blue horizontal and a blue vertical bar, centred on the burgee with a red diamond at the centre of the cross formed by the bars.

## UNIFORMS

7. Deleted April 2015.

## CLUB BADGE

8. The Club badge shall consist of a replica of the Club burgee and the words “Bellerive Yacht Club Inc.” encircled by a gold wreath.

## FLAG OFFICER’S PENNANTS

9. The Commodore’s pennant shall consist of the Club burgee with a swallowtail. Other Flag Officer’s pennants will be similar to the Commodore’s with the addition of the following distinguishing features: the Vice-Commodore’s shall have one red ball in the left-hand upper canton and the Rear-Commodore’s shall have two red balls placed horizontally in the left-hand upper canton. A Past Commodore’s pennant shall be similar to the Commodore’s with the letter “R” in red in the lower left-hand canton.

## OFFICERS

10. The Officers of the Club shall consist of Commodore, Vice- Commodore, Rear-Commodore (who shall be Flag Officers), and eight Board Members in that order of seniority.

## BOARD OF MANAGEMENT

11. The Board shall consist of the Commodore, Vice Commodore, Rear Commodore and eight elected Board Members all of whom shall be Senior Members. No person employed in the Club as a paid employee shall be a member of the Board. In cases of the joint ownership of a yacht not more than two shareholders of any one yacht may be members of the Board at the same time.

## TREASURER

12. The Treasurer of the Club shall be the Chairman of the Finance Committee as appointed by the Board, and shall be a member of that Board.

## PUBLIC OFFICER

13. A person is not eligible to be appointed as the public officer unless they have attained the age of 18 years and are resident in Tasmania. If the office of public officer becomes vacant the Board must within 14 days after it becomes vacant appoint a person to fill the vacancy. The public officer may hold any other office in the Club except the office of auditor. The Club has the power to appoint a public officer and to remove any person from that office. The position of public officer becomes vacant if the person holding office dies, becomes bankrupt, is detained under the Mental Health Act 1996 or like legislation, resigns by writing under his/her hand to the Board or ceases to be a resident in Tasmania. If a public officer changes their address they shall within 14 days after the change give notice in writing to the Commissioner for Corporate Affairs of the change. Within 14 days after a person is appointed as the public officer they shall give written notice to the Commissioner for Corporate Affairs of the appointment and of their full name, address and occupation.

## AUDITOR

14. There shall be one auditor who shall be a qualified accountant who is a member or affiliate of a recognised institute or association for accountants and who shall be elected annually at the Annual General Meeting. The Board shall have the power to fill any temporary vacancy in the Office of Auditor. The auditor shall not be the public officer, a Board member or an employee of the Club. The auditor also shall not be a partner, employer or employee of the public officer or of a Board member.

#### AUDIT OF ACCOUNTS

15. The Auditor shall audit all the records of the Club at least once in each financial year. The Auditor is certify as to the correctness of the accounts of the Club and report to the members present at the annual general meeting. In the report and in certifying the accounts, the auditor is to state if he/she has obtained the required information and in his/her opinion the accounts are properly drawn so as to exhibit a true and correct view of the financial position of the Association according to the information at his/her disposal and the explanations given; and as shown by the books of the Club and the rules relating to the administration of the funds of the Club have been observed. The public officer of the Club is to cause to be delivered to the auditor a list of all the accounts, books and records of the Club.
16. The Auditor has a right of access to the accounts, books, records, vouchers and documents of the Club; may require from the servants of the Club any information and explanations as may be necessary for the performance of his/her duties as auditor; may employ persons to assist him/her in investigating the accounts of the Club; and may, in relation to the accounts of the Club, examine any member of the Board or any servant of the Club.

#### ANNUAL RETURNS

17. The Club shall lodge an annual return within 6 months of the end of its financial year with the Office of Consumer Affairs and Fair Trading. The Annual Return is to contain the information required under the Associations Incorporation Act 1964 as well as:
- (i) A report on the accounts of the Club stating whether the Club has, in the opinion of the auditor, kept proper accounting records and other records during the period covered by those accounts;
  - (ii) Such statements as in the opinion of the auditor are adequate to explain its financial transactions for that financial year and its financial position at the end of that financial year;
  - (iii) A report by the auditor on the statements referred to in paragraph (ii); and
  - (iv) A list signed by the auditor of the names and residential addresses of the Board for that financial year.

#### QUALIFICATIONS – FLAG OFFICERS AND BOARD MEMBERS

18. All Flag Officers and Board Members shall be financial Senior Members of the Club and must have been so for at least one full year immediately preceding their nomination before being eligible to stand for such Office.

#### ELECTION OF FLAG OFFICERS AND BOARD

19. The Commodore, Vice-Commodore, and Rear-Commodore shall be elected as hereinafter provided and shall hold office for a term of two years until the conclusion of the Annual General Meeting at which their successor or successors are elected unless removed by death, resignation, or otherwise. Retiring Flag Officers shall be eligible for re-election. The two year terms for Commodore and Rear Commodore shall apply to those Officers elected at the Annual General Meeting to be held in 2015 and to those elected at subsequent Annual General Meetings in odd numbered years. The Vice Commodore shall be elected for a one year term at the Annual General Meeting to be held in 2015. The two year term for the Vice Commodore shall apply to the Officer elected at the Annual General Meeting to be held in 2016 and to the Officers elected at subsequent Annual General Meetings in even numbered years. Should a casual vacancy occur in any of the Flag Officer positions, the Board may appoint a Board member to the position for the remainder of the Club year in which it occurs. If that position would normally have run for a further year, then the next election for that position will be for a term of one year only, such that the subsequent elections for the positions of Commodore and Rear Commodore will continue to be held in odd numbered years and that of Vice Commodore in even numbered years, each for terms of two years.
20. In addition to the Flag Officers the Board shall consist of eight members, four of whom shall be elected annually and hold office for the ensuing two years (unless removed by death, retirement, or otherwise). All retiring Board Members shall (unless otherwise debarred) be eligible for re-election.
21. At least 21 clear days prior to each Annual General Meeting the Secretary will, by way of notice on the Club Notice Board(s) or by mailed notice in writing to all Senior Members, advise Senior Members that nominations are called for all positions which will fall vacant at that meeting. The closing date for such nominations shall be a minimum of seven (7) days following such notification on the Club Notice Board or the date of mailing such notice as the case may be. Nomination papers must contain the names and signatures of the Candidate, Proposer, and Secunder, all of whom must be financial Senior Members of the Club at the time of lodgement of the nomination. The Secretary shall record the date and time of lodgement of all such nominations. Candidates are required to provide a short written statement supporting their nomination and a suitable passport style photo by which they may be identified. The Secretary shall display the names of Candidates, Proposers and Seconders along with the candidates' statements and photos on the Club Notice Board and the Club website on the day after the close of nominations.
22. Should the number of nominations for each Office not exceed the number of vacancies, the Candidates will be declared duly elected at the Annual General Meeting. Should the number of nominations exceed the number of vacant positions for any Office the Secretary shall cause a ballot to be conducted as hereinafter provided.

#### BALLOTS

23. Should a ballot be required under the preceding Rule the Secretary shall notify the dates of such ballot in the notice of the Annual General Meeting and shall give eligible Financial Members at least 7 clear days in which to cast their vote prior to the Annual General Meeting.
24. Ballot papers shall be prepared showing the names of each Candidate in alphabetical order for each of the Offices concerned. Such Ballot papers shall be available from the Secretary or his nominee during office hours on at least 5 full working days and at such other times as the Board may determine.

25. Should a member eligible to vote at an election for officers be unable to vote in person he may apply to the Secretary for a postal vote which shall be mailed to him on the day following the close of nominations or immediately upon such application, whichever occurs later, provided always that the Secretary is satisfied that such an application is bona fide. The Secretary may receive such postal votes from eligible members up until the close of voting or until the commencement of counting if it is clear that the ballot paper was posted to the Secretary before the close of voting.
26. The Secretary or such other officer appointed by the Board shall act as Returning Officer and, in conjunction with two scrutineers appointed by the Board, shall determine the result of the Ballot and report the result in writing to the Chairman at the Annual General Meeting. Where two or more candidates for any Office have an equal number of votes, the Chairman of the Annual General Meeting shall draw lots to determine the successful candidate.

#### METHOD OF VOTING

27. Members may cast as many votes as there are vacancies for any Office. (Should there be four vacancies for Board Members, for example, an eligible voter may cast up to 4 votes.) Each vote shall be of equal value and shall be indicated by placing a tick or cross against the names of preferred candidates. The Secretary shall ensure that the method of voting is clearly indicated on ballot papers.

#### UNFILLED VACANCIES

28. Unfilled vacancies may be filled by nomination, and, if necessary, by secret ballot at the Annual General Meeting. A Returning Officer shall be appointed by the Chairman of the Meeting to conduct such a ballot in accordance with the preceding Rule. Subsequent vacancies may be filled by the Board as elsewhere provided.

#### POWERS OF THE BOARD

29. (i) The Board shall have the entire management of the affairs and absolute discretion in appropriation of the funds of the Club in accordance with these Rules and its powers shall be limited or abridged only by express provision in these Rules. The decision of the Board on disputes or on the construction or interpretation of any Rule, Regulation or By-Law shall be conclusive except that any decision may be over-ruled or varied by a General Meeting held within 2 calendar months of such decision.  
  
(ii) The Flag Officers constitute the Executive Committee. During periods between meetings of the Board the Executive Committee may make decisions and issue instructions to Club management in matters of urgency connected with the affairs of the Club. The Executive Committee is to report on any instructions issued to the next meeting of the Board.
30. The income and property of the Club however derived, shall be applied solely towards the promotion of the Objects of the Club as set forth in these Rules and to maintaining, improving or constructing assets for their benefit of Members generally, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise howsoever by way of profit to the Members of the Club.

#### DELEGATION OF POWERS OF BOARD



31. (i) The Board may at any time appoint committees with any powers, functions, restrictions or limitations prescribed by the Board. At least one member of the committee must be a current Board member.
- (ii) The Board may co-opt any person as a member of a committee, whether or not that person is a member of the Club.
- (iii) The Board may delegate any powers to any person or committee as it sees fit provided always that their decisions and recommendations may be over-ruled by the Board.

#### BY-LAWS

32. The Board shall have the power, from time to time, when and as it thinks fit to pass By-Laws for the regulation of the affairs of the Club (provided that they are not inconsistent with any of the Rules for the time being) and to alter or repeal any such By-Law. Notice of the making, altering or repealing of any such By-Laws shall be forthwith exhibited on the Club Notice Board (s) for a period of at least 7 days. All such By-Laws, which are for the time being in force, shall be made available for the perusal of all Members.

#### REMOVAL FROM OFFICE

33. A Special General Meeting may, by resolution to that effect, remove any Officer from his Office.

#### RESIGNATION OF OFFICERS

34. Any Officer may, by notice to the Secretary in writing, resign an Office which shall become vacant on the acceptance of such resignation by the Board.

#### FILLING OF VACANCIES

35. A casual vacancy in any Office occurring between Annual General Meetings may be filled by the Board. A person appointed to a casual vacancy shall continue in such Office until the end of the unexpired period of the term of the Office or, in the case of an elected Office, until the next annual election of Officers. Where such Office or offices are that of a Board Member who would normally have been in office for a further period of one year, and the nominations are equal or greater than the number of vacancies, the successful Candidate or candidates who polls the least number of votes at the next annual election will vacate the Office at the end of one year unless re-elected for a further period. Where a ballot has not been held because the number of nominations did not exceed the number of vacancies, then the Office or offices to be filled shall be filled in the order in which the nominations were received.
36. The Board may also, in the event of the absence or illness of any of the Flag Officers or Board Members, appoint another Senior Member to act in his stead during the period of such absence or illness. Such period shall not exceed the period for which the ill or absent member was appointed or elected.

## APPOINTMENT OF SECRETARY

37. The Board shall have full authority from time to time to appoint a Secretary or such other officer and servant at such salary or remuneration and upon such terms and conditions as it may deem advisable, and may dismiss or suspend at pleasure, such Secretary or other officer or servant. Non-members may be appointed under this Rule, and in such event they shall be deemed Honorary members during their respective terms of office.

## DUTIES OF SECRETARY

38. The Secretary, in addition to duties prescribed elsewhere, shall issue notices, arrange meetings and keep minutes of meeting as required by the Board. He shall issue directions on behalf of the Board and all such lawful directions shall be binding on Members. He shall receive all monies on account of the Club. All monies so received shall be paid into the bank on behalf of the Club at least weekly.
39. The Secretary shall make, or cause to be made, all payments on behalf of the Club under order of the Board, by cheque or electronic transfer drawn on the Club's account to be signed or authorised by any two persons appointed from time to time by the Board. All payments made must be advised to and ratified by the Board at the next Board meeting.
40. The Secretary shall keep, or cause to be kept, adequate records of all monies received and disbursed on behalf of the Club and shall submit them to the Board or the Auditor at any time either shall require it.
41. The Secretary shall keep, or cause to be kept, a Register of Yachts and a Membership Register containing a record of all Members, their addresses, their class of membership and all changes in membership.

## CLASSES OF MEMBERSHIP

42. There shall be 6 classes of membership consisting of:

Senior Members  
Life Members  
Social Members  
Honorary Members  
Junior Members  
Crew Members

43. All classes of Members except Junior Members shall be of minimum age of 18 years provided, however, that the Board at its discretion may increase such minimum age to an age not exceeding 21 years.
44. The Board may vary the conditions for the various classes of membership from time to time, provided, however, that:
- (i) Senior Members shall be fully paid Members.
  - (ii) Life Members shall be those Senior Members of the Club who, for reasons of service to the Club, have been nominated by the Board and elected at a general meeting of Members as prescribed herein.

- (iii) Social Members shall be persons as the Board shall admit whose interest in the Club is only social.
- (iv) Honorary Members shall be persons who, on application of a Senior Member to the Board, are deemed to add value to the Club by their holding membership and reviewed, and approved annually.
- (v) Junior Members shall be members who have not attained the minimum age as required under these Rules for Senior Membership and who are active in sailing.
- (vi) Crew Members shall be those members who wish to be active in sailing without becoming a Senior Member.

45. Their Excellencies the Governor-General, the Governor of Tasmania and their personal staff shall ipso facto be Honorary Members of the Club for the period of their office.

#### TEMPORARY MEMBERSHIP

46. The Board may grant temporary membership to a visitor to the State under any class of membership for a period not exceeding 6 months on payment of a pro-rata subscription in advance.

#### FAMILY MEMBERSHIP

47. The Board may grant a family membership of the Club at such annual subscription as it may from time to time determine, entitling that family to two Senior Members and as many Junior Members as there children under the age of 18 years in that family. A nomination for Membership under this Rule shall be submitted and considered in the same manner as provided herein for Senior Members except that it shall contain the names of each member of the family for whom it is applicable.

#### LIFE MEMBERSHIP

48. A Senior Member of the Club may, for outstanding service to the Club, be nominated by the Board for Life Membership of the Club. A Senior member may recommend another Senior Member to the Board for consideration as a Life Member. Nominations for Life Membership may be put to any General Meeting of the Club provided that such nominations have been included in the Notice of Meeting. A Member so nominated shall be elected by a majority of two thirds of the Senior Members present at that Meeting.

#### RIGHTS OF MEMBERS

49. Only Senior and Life Members may vote at a General Meeting, hold an Office in the club, participate in elections for any Office in the club or have a right or claim to any title or interest in any of the property of the club.

#### APPLICATIONS FOR MEMBERSHIP

50. Applicants for Membership shall, in conjunction with the proposer and seconder, provide such information and complete such forms as the Board from time to time determine.

51. Applicants for Membership of the Club, must be proposed and seconded by Senior Members of at least one year standing. Applications must be accompanied by the nomination fee in

force at the time of the application where applicable. Such nomination fee shall be refundable if membership is refused by the Board.

52. A Member may apply in writing to change his class of membership provided that a valid application under the preceding section is submitted for such an application which is to change the membership to a class which attracts a higher membership fee.
53. Membership applications shall be exhibited on the Club Notice Board for a period of not less than 10 days prior to consideration by the Board and any Senior Member of the Club may object in writing to the admission of any applicant. The Secretary shall bring any such objections to the notice of the Board when it is considering the application. The Board may require applicants for membership to meet the Board prior to considering their application.
54. A majority vote of three fourths of the Board Members present at a properly constituted meeting shall be required to approve applications for membership.

#### NOMINATION FEES

55. The Board may set and vary nomination fees for any class of membership provided that such fee does not exceed the annual subscription for that class of membership which is applicable for the time being.
56. The Board may waive nomination fees for applicants for membership who by virtue of having previously been a Member and since resigned whilst in good financial standing, have once paid a nomination fee.
57. A nomination fee may be required at the discretion of the Board for any person who applies to change their class of membership to another which for the time being requires a higher nomination fee.
58. Nomination fees may be waived for persons transferring from another Club, which has reciprocal rights with Bellerive Yacht Club provided that the normal application procedure has been followed.

#### MEMBERSHIP SUBSCRIPTION

59. The Board shall set membership subscriptions annually for all classes of membership which shall then apply for the following Club financial year commencing on the first day of May.
60. Membership subscriptions shall be set having consideration for the level of membership and the Club's financial standing provided always that;
  - (i) The subscription for any class of member shall not exceed that of a Senior Member, and
  - (ii) There shall be no subscription for Life or Honorary Members.
61. Pro rata subscriptions may be payable by visitors granted temporary membership and Members who are elected during the financial year at the proportion of one twelfth of the annual subscription for each month or part thereof that the person enjoys the privileges of membership.

62. Members who will be absent from the State for a period or periods in excess of twelve months may apply to the Board to maintain continuous membership over the period of absence and on approval of the Board shall pay one eighth of the pro rata subscription for the period of absence, to maintain membership rights. Such person shall inform the Secretary on their return to the State and shall thence pay the subscription which is for the time being in force.
63. A member, having paid an annual subscription for a particular class of membership, will remain a member of that class for the remainder of the financial year unless a personal application for a change is submitted or the member is suspended or expelled under these rules.

#### REDUCED SUBSCRIPTIONS

64. Reduced subscriptions may be granted by the Board for Members satisfying one of the following criteria:
- (i) Senior Members whose permanent residence is more than 70 Km from the Club's facilities by the most direct road.
  - (ii) Members who have attained the age of 65 years and have been a Senior Member for not less than 20 consecutive years.
  - (iii) Members who have been a Senior Member of the Club for a continuous period of 30 years or more regardless of age.
  - (iv) Full time students.
  - (v) Any other circumstances the Board deems reasonable.

#### PAYMENT OF SUBSCRIPTIONS

65. All subscriptions shall become due at the beginning of the Club financial year and shall be payable within one calendar month of that date except that the Board may allow payment by two, four or twelve equal instalments payable within one calendar month of agreed due date.

#### DECLARED UNFINANCIAL MEMBERS

66. Should the subscription for any class of Member be unpaid after 3 calendar months from the date on which it falls due that Member shall be declared unfinancial and may be struck from the membership register by the Board.
67. A list of declared un-financial Members shall be posted on the Club Notice Board and they shall ipso facto cease to be members of the Club upon the expiration of 14 days but shall not be relieved of any subscription or other monies due or payable by virtue of being struck from the membership register.
68. A Member who has been struck from the membership register because that Member was declared un-financial may apply to the Board within 12 months for reinstatement and may be reinstated on payment of all outstanding subscriptions.
69. New Members shall be notified of their acceptance by the Secretary and their membership subscription shall become due on that date and payable within one calendar month. A new Member so advised shall be declared un-financial if the subscription is not paid within 3 months of such advice and shall be struck from the membership register.

## BILLS, FINES, ETC.

70. All Members are to pay their bills promptly for every expense they incur in the Club. Members shall be personally responsible for any debts, bills or fines owing by or imposed upon Honorary Members or guests introduced by the Member.

## RESIGNATIONS

71. Any Member may resign his membership at any time by notifying his resignation in writing to the Secretary and thereupon ipso facto cease to be a Member of the Club. But no such resignation shall relieve any Member from the payment of any subscription or any other monies due or payable by him at the time of such resignation.

## HEARING OF CHARGES

72. Upon application or complaint of any Member, the Board may appoint a Disciplinary Committee of three Members to hear a charge against a Member in respect of any offence or misconduct. A member so charged shall be notified, in writing, that a charge or charges will be heard and giving the Member at least 7 days warning of the date of such hearing and the opportunity to reply to the charge in writing and to appear before the Disciplinary Committee at the hearing. The member may be accompanied by a person of his choice who can represent him at the hearing.

## PENALTIES AND OFFENCES

73. A Disciplinary Committee shall have the power to fine, reprimand, suspend Members from the privileges of membership or impose any other restrictions on Members who have been found guilty of infringing the Rules, Regulations or By-Laws of the Club or who, in the opinion of the Disciplinary Committee, are guilty of conduct unbecoming a Member of the Club whilst on Club property, participating in Club events, or representing the Club in any way whatsoever. Such fines shall not exceed one hundred dollars and such suspension or restriction shall not exceed 2 years.
74. A Member fined under the previous Rule shall forfeit all privileges of membership until such fine is paid. If such fine remains unpaid for three months the Member shall be struck from the membership register.
75. A Member found guilty of an offence under these Rules shall be notified in writing within seven days that he has been found guilty and detailing the penalty imposed.

## EXPULSION

76. A Disciplinary Committee shall also have the power to expel any Member found guilty of an offence as prescribed herein if, in their opinion, the offence merits expulsion.

## APPEALS (OTHER THAN AGAINST EXPULSION)

77. A Member fined or disciplined (other than expelled) under these Rules may appeal to the Board in writing within seven days of the notification of the decision of the Disciplinary Committee. The Board shall consider such appeal at a Special or General Board meeting held

within 14 days of receipt of the appeal and may uphold the decision of the Disciplinary Committee or vary such decision as it sees fit.

#### APPEAL AGAINST EXPULSION

78. Any Member expelled, may, within fourteen days after the date of his expulsion, give to the Board Notice of Appeal in writing and thereupon the Board shall convene a Special General Meeting of Members. At such a meeting the Member expelled shall be permitted to offer an explanation of his/her conduct either verbally or in writing, and if thereupon two thirds of financial Senior Members present shall vote in favour of upholding the Appeal the expulsion shall be set aside and the name of the Member concerned restored to the Membership register otherwise such Appeal shall be deemed to have failed and the expulsion shall stand. The voting at such Special General Meeting shall be by secret ballot.
79. Every Special General Meeting for the purpose of the last aforesaid shall be called and notified in like manner to any other Special General Meeting, except that the resolution in pursuance of which such meeting is to be called shall be that the decision of the Disciplinary Committee be set aside and the Member reinstated.

80. Deleted June 2017

#### GUESTS OF MEMBERS OR CREW MEMBERS

81. Any member may invite Guests into the Club provided that their presence is recorded in the Visitors Book and countersigned by the introducing Member. Visitors under the age of 18 need not sign the Visitors Book provided they are a guest of a Member.

#### GENERAL MEETINGS

82. The Annual General Meeting of the Club shall be held in June at such time and place as the Board may appoint, for the purpose of electing new office bearers, receiving from the Board, auditor and servants of the Club reports on the transactions of the Club during the last preceding financial year and a report of the general concerns of the Club and appointing the Auditor. Such Meetings shall be competent to entertain and transact any business of the Club (except as otherwise provided in these Rules). The report of the Club's financial transactions shall be exhibited in the Club House for seven days prior to the Annual General Meeting.

#### SPECIAL GENERAL MEETINGS

83. The Board may at any time cause a Special General Meeting of the Club to be held for any purpose, and shall be bound to cause such Special General Meeting to be held, on a written requisition of, and signed by, the minimum number of Senior Members prescribed by law and specifying the business for which it is to be held. The Rules for notifying Members and conducting such Meeting shall be as for an Annual General Meeting. It shall not be competent for such Special General Meeting to transact any business not specified in the Notice of Meeting unless in the opinion of at least two-thirds of those Senior Members present the matter arises directly out of the business of the Meeting.

## NOTICE OF GENERAL MEETINGS

84. The Secretary shall cause a notice to be placed on the Club Notice Board (s) of every General Meeting and the business to be transacted thereat, at least 10 days before the holding thereof. Members shall also be advised of such meetings by notice on the Club's website at least 10 days prior to the meeting. Members may also be advised by newsletter or electronic mail. In the event of a postponement or adjournment Members will be advised accordingly.

## QUORUM

85. No business shall be conducted at a General Meeting of the Club unless a quorum is present. Twenty Senior Members shall constitute a quorum at a General Meeting. If within one hour after the appointed time for a General Meeting a quorum is not present, the Meeting shall stand adjourned to the same time and place and the same day in the next week. The Secretary shall cause a notice of such adjourned Meeting to be placed on the Club Notice Board at the earliest possible opportunity. Members shall also be advised of such meetings by notice on the Club's website. Members may also be advised by newsletter or electronic mail. If at an adjourned Meeting a quorum is not present, the Senior Members thereat may resolve to proceed with the business of the Meeting or dissolve it in the absence of a quorum.

## VOTING AT GENERAL MEETINGS

86. At General Meetings except on matters of the expulsion of Members or dissolution of the Club only financial Senior Members who are present shall be eligible to vote. Each such Member shall have only one vote except the Chairman who, in cases of equality, shall also have a casting vote.

## RESOLUTIONS BINDING ON MEMBERS

87. All resolutions passed at meetings of the Club shall be conclusive and binding on all Members of the Club whether they have been present at such Meetings or not, provided that such Meetings be held in conformity with the Rules of the Club.

## MEETINGS OF THE BOARD

88. The Board shall meet at least once a month. Special Meetings of the Board may be called by the Secretary on the written requisition of two members thereof. In calling any meeting the Secretary shall give every member of the Board reasonable notice. In the case of any Special Meeting the object of such Special Meeting shall be advised.
89. At all meetings of the Board six shall form a Quorum.
90. The Commodore or the Chairman for the time being of the Board may call a Special Meeting of the Board at any time he deems it advisable.

## ATTENDANCE AT BOARD MEETINGS

91. Unless granted leave of absence in advance a Board Member who fails to attend three consecutive meetings shall ipso facto cease to be a Member of the Board except that the Board may reinstate him on being given a satisfactory explanation of such absences.



## CHAIRMAN OF MEETINGS

92. At all meetings, whether of the Club or Board, the chair shall be taken by the senior Flag Officer present. In the absence of a Flag Officer the Meeting shall elect a Chairman from those Senior Members present. The Chairman at any Meeting once taking the chair shall continue Chairman for the day.

## VOTING AT BOARD MEETINGS

93. At meetings of the Board all Members shall have one vote except the Chairman who shall only have a casting vote. Except where otherwise provided herein all questions at a meeting of the Board shall be decided by a simple majority of votes.

## CLUB INCOME

94. The assets and income of the Club, however derived, shall be applied solely towards the objects and purposes of the Club and no portion thereof shall be paid or transferred directly or indirectly, by dividend, bonus or otherwise to any Member of the Club, except as bona fide compensation for services rendered or expenses incurred on behalf of the Club.

## CLUB PROPERTY

95. All personal and real property of the Club shall be vested in and shall be held by the Club. All purchases, investments, securities or contracts by, to, or on behalf of the Club shall be made, taken or entered into in the name of the Club by affixing of the common seal of the Club. The affixing of the seal is to be attested by the signatures of one member of the Board and the public officer of the Club or any person the Board appoint for that purpose.

## MINIMUM AGE OF SERVANTS

96. No person under the age of 15 years shall be employed to serve liquor on Club premises. Persons under 18 may only control or serve liquor in the course of work and under the direct and personal supervision of a person who has attained the age of 18 years.

## CONDUCT OF SERVANTS

97. The conduct of any servant of the Club shall in no instance be made the subject of personal reprimand by any Member of the Club, but all complaints against servants must be made direct in writing to the Secretary or Commodore.
98. No servant of the Club shall (except with the express approval of the Board) directly receive any payments, money or gratuity from any Member, or from any tradesman or other person employed by the Club.

## COMPLAINTS AND SUGGESTIONS

99. All complaints or suggestions shall be made to the Secretary in writing and must be signed by the Member making the complaint or suggestion. Such complaints and suggestions shall be laid before the Board with as little delay as possible and answer sent by the Secretary under its direction.

## CREW ON YACHTS

100. A non-Member participating in a Club event in a craft on the Register of Yachts shall be deemed to be an Honorary Member of the Club for the day on which the race is conducted.

## REGISTER OF YACHTS

101. The details of every yacht belonging or on loan to or on hire or lease to a Member of the Club shall be kept by the Secretary in a Register of Yachts. A Supplementary Register of Yachts shall also be kept for craft belonging or on loan to or on hire or lease to a Member of another club affiliated with a Member Yachting Authority such as Yachting Tasmania which shall entitle that craft to participate in Club events. The Board may refuse to register a yacht which it considers to be unfit for any reason.

## MEMBERS TO REGISTER YACHTS

102. It shall be obligatory on Members to register yachts belonging or on loan to or on hire or lease to them and to furnish such details and pay such registration fees as the Board from time to time determines. No yacht belonging to or on lease to more than one person shall be eligible to be registered unless each and every owner or lessee is a Senior Member of the Club or in case of Supplementary Registration, Members of another Club affiliated with a Member Yachting Authority such as Yachting Tasmania.

## PARTICIPATION IN CLUB EVENTS

103. No yacht shall be eligible to enter or compete in a Club event unless a Member of the Club or Member of another Club affiliated with a Member Yachting Authority such as Yachting Tasmania, is on board for the duration of the event. Entries from unregistered vessels may be accepted for certain events at the discretion of the Board.

## SAILING INSTRUCTIONS

104. The Board or its delegate(s) may make any sailing rules and instructions as it may consider necessary provided that such rules and instructions are not inconsistent with these Rules. All crew and yachts competing in Club events shall comply with all such Rules and instructions.

## YACHTING FACILITIES

105. Berthing, marina and ancillary facilities may be built and maintained for the benefit of Members and the Board shall have the power to set such fees and conditions for their use at it deems necessary. The Board may not enter into a lease or agreement for the use of marina facilities with the part owner or lessee of a craft unless each and every owner or lessee of the craft is a Senior Member of the Club. For the purpose of this Rule Members are required to declare all such interests in the ownership or lease of a craft.

## ALTERATION TO CONSTITUTION AND RULES

106. The Constitution and Rules shall remain in force until repealed or amended by any General Meeting of the Club. Approval for any changes to the Constitution and Rules must be obtained from the Commissioner for Licencing. Notice of any proposed repeal or amendment is to be provided in the Notice of Meeting and the detail exhibited on the Club

Notice Board (s) for a period of at least seven days immediately preceding the day of the Meeting. A vote of a majority of at least three quarters of the Senior Members present and at least 15 Senior Members shall be necessary to carry any proposed alteration and a decision so made shall be exhibited in the Club for at least 14 days following the Meeting.

107. The Public Officer of the Club shall within one month after an alteration of the rules of the Club, the objects of the Club or any trusts relating to the Club, lodge with the Commissioner for Corporate Affairs a notice of the alteration in the prescribed form. This notice shall be accompanied by a copy of the special resolution by which the alteration was authorised.

#### CALLS

108. Any Member shall be liable for and bound to pay any calls which shall be made pursuant to a resolution carried at a General Meeting of financial Members called (inter alia) for that purpose.

#### NO LIABILITY FOR LOSS

109. Neither the Club nor any Official of the Club shall be responsible for any loss or damage to any article brought by Members or guests onto the Club premises or for any loss or damage suffered by the Member or guest in or about the Club premises or in consequence of the use of the property of the Club or otherwise.

#### DISSOLUTION OF CLUB

110. On application in writing made to the Board by twenty Members signifying their desire that the Club should be dissolved, a Special General Meeting shall be called to consider the question, of which Meeting and its objects notice shall be exhibited in the clubhouse for at least one month preceding the day of the Meeting and a copy thereof sent to every Member forthwith. At the Meeting votes by proxy will be received, and the votes of at least two-thirds of the Members shall be necessary to carry the proposition for the dissolution. The quorum at such Meeting shall consist of fifty percent of the Members in person.
111. In the event of the Club being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the Board in accordance with their powers to another organisation with similar purposes which is not carried on for profit or gain of its individual members.

#### EXCLUSION OF MODEL RULES

112. The provision of the Model Rules contained in the *Associations Incorporation Act 1964* are expressly excluded.