

**RULES FOR**

*Port Hunter 16ft*

*Sailing Skiff Club*

*Incorporated*

24<sup>th</sup> August 2001

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## **PART I      PRELIMINARY**

### **Rule 1      Name**

The Association shall be named the "Port Hunter 16ft Sailing Skiff Club Incorporated" (referred to in these rules as "The Club").

### **Rule 2      Affiliation**

1. The Club shall be affiliated with the New South Wales 16ft Skiff Association (referred to in these rules as "The Association").
2. The Club may also affiliate with any other body having like aims or objects upon such terms and conditions as may be mutually agreed upon, provided that any such proposal for affiliation shall be submitted to a general meeting for approval and provided further that the Club retains its full autonomy in all matters.

### **Rule 3      Objects**

1. The object of the Club shall be the encouragement as far as possible of the promotion of class racing for 16ft Sailing Skiffs conforming to the dimensions and specifications as set out by the Association.
2. The Club may encourage other class racing as approved by the Committee. Under the provisions of Rule 23 and in the form set out at Appendix 3 to these Rules the Committee may approve the formation of a Division and a Sub-committee of the Club for the purpose of promoting and managing a defined Class or Type of sailing craft racing.
3. To provide conveniences for Club members.
4. To enforce observance of the rules of the Club and deal with any infringements of same.

### **Rule 4      Interpretation**

1. In these rules, except in so far as the context or subject matter otherwise indicates or requires:  
**Secretary** means -  
(a) the person holding office under these rules as Secretary of the Club; or  
(b) where no such person holds that office - the Public Officer of the Club.  
**Special General Meeting** - means a general meeting of the Club other than Annual General Meeting.  
**Sailing Committee** - means the standing committee, consisting of Commodore, Club Captain, Sailing Secretary and one (1) representative from each registered skiff.  
**The Act** - means The Associations Incorporations Act, 1984.  
**The Regulation** - means The Associations Incorporation Regulation, 1985.
2. In these rules -  
(a) A reference to a function includes a reference to a power, authority and duty; and  
(b) A reference to the exercise of a function includes where the function is a duty, a reference to the performance or the duty.
3. The provisions of the Interpretation Act, 1987 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## **PART II MEMBERSHIP**

### **Rule 5 Membership Qualifications**

A person is qualified to be a member of the Club if, but only if:

1. The person is referred to in Section 15 (1)(a), (b) or (c) of the Act and has not ceased to be a member of the Club at any time after incorporation of the Club under the Act; or
2. The person is a natural person who -
  - (a) Has been nominated for membership of the Club as provided by Rule 7; and
  - (b) Has been approved for membership of the Club by the Committee of the Club.

### **Rule 6 Membership**

Membership shall consist of :

- (a) Active - 18 years and over who must have participated in sailing within the Club
- (b) Associate - 18 years and over who have not actively engaged in sailing but who support the Club.
- (c) Junior - 8 years to under 18 of age.
- (d) Life - May be appointed from amongst the members who have rendered special service to the Club. Nominees for life membership must have membership of ten(10) consecutive years as an active member and must receive the endorsement of the General Committee and must be submitted to an Annual General Meeting of the Club. Nominations must be submitted in writing to the General Committee. Such recommendations must be carried by a two-thirds majority of those present and entitled to vote at the Annual General Meeting. Not more than one (1) life member shall be elected in any one year. Life members shall be entitled to all privileges of the Club.
- (e) Honorary - May be elected by the General Committee and shall be entitled to use of Club premises and facilities only.
- (f) Subject to these rules the members of the Club shall be the members of the Club immediately prior to incorporation together with other persons as the Committee admits to membership.

### **Rule 7 Nomination for Membership**

1. A nomination of a person for membership of the Club -
  - (a) shall be made by a member of the Club in writing in the form set out in Appendix 1 to these rules; and
  - (b) shall be lodged with the secretary of the Club and be accompanied by the Annual Subscription.
2. As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the Committee which shall determine whether to approve or reject the nomination.
3. Where the Committee determines to approve a nomination for membership, the Secretary shall, as soon as practicable after that determination, notify the nominee of that approval and enter the nominee's name in the register of members and upon the name being so entered the nominee becomes a member of the Club.
4.
  - (a) Where the Committee determines to reject a nomination for membership, the secretary shall as soon as practicable after that determination notify the nominee of that rejection.
  - (b) The Committee is under no obligation to disclose the reasons for the rejection of the nomination.

### **Rule 8 Cessation of Membership**

A person ceases to be a member of the Club if the person -

- (a) dies
- (b) resigns that membership; or
- (c) is expelled from the Club

### **Rule 9 Membership Entitlement Not Transferable**

A right, privilege or obligation which a person has by reason of being a member of the Club -

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

## **Rule 10      *Resignation of Membership***

1. A member of the Club is not entitled to resign that membership except in accordance with this Rule.
2. A member of the Club who has paid all amounts payable by the member to the Club in respect of the member's membership, may resign from membership of the Club by first giving notice (being not less than 1 month or not less than some other period as the Committee may determine) in writing to the secretary, of the member's intention to resign, and upon the expiration of the period of notice, the member ceases to be a member.
3. Whether a member of the Club ceases to be a member pursuant to clause (2), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## **Rule 11      *Register of Members***

1. The public officer of the Club shall establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.
2. The register of members shall be kept at the principal place of administration of the Club and shall be open for inspection, free of charge, by any member of the Club at any reasonable hour.

## **Rule 12      *Subscriptions***

1. The subscription fees of members for the subsequent year shall be decided at each Annual General Meeting.
2. Subscriptions are due prior to the 31st of October in each financial year and shall be paid in advance.
3. In the case of new members, when the subscription fee is paid at the time of nomination for membership if the nomination for membership is rejected, such money shall be refunded.
4. A member being in arrears in any respect, cannot renew his/her membership until such arrears have been paid.
5. If any person's nomination for membership is approved within six months prior to the Annual General Meeting, then the membership subscription shall be half the full year subscription, in the initial year.

## **Rule 13      *Members Liability***

The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the cost, charges and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by Rule 12.

## **Rule 14      *Discipline of Members***

1. Where the Committee is of the opinion that a member of the Club -
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
  - (b) has persistently and wilfully acted in a manner detrimental to the interests of the Club, the Committee may by resolution -
    - (i) expel the member from the Club; or
    - (ii) suspend the member from membership of the Club for a specified period.
2. A resolution of the Committee under clause (1) is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this rule.
3. Where the Committee passes a resolution under clause (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
  - (a) setting out the resolution of the Committee and the grounds on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting; and
  - (d) informing the member that the member may do either or both of the following -
    - (i) attend and speak at that meeting
    - (ii) submit to the Committee at or prior to the date of that meeting written representation relating to the resolution.
4. At a meeting of the Committee held as referred to in clause (3), the Committee shall -

- (a) give to the member an opportunity to make oral representation
  - (b) give due consideration to any written representations submitted to the Committee by the member at or prior to the meeting; and
  - (c) by resolution determine whether to confirm or to revoke the resolution.
5. Where the Committee confirms a resolution under clause (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under Rule 15.
  6. A resolution confirmed by the Committee under clause (4) does not take effect -
    - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
    - (b) Where within that period the member exercises the right of appeal, unless and until the Club confirms the resolution pursuant to Rule 15 (4).

**Rule 15      *Right of Appeal of Disciplined Member***

1. A member may appeal to the Club in general meeting against a resolution of the Committee which is confirmed under Rule 14 (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. Upon receipt of a notice from a member under clause (1), the secretary shall notify the Committee which shall convene a general meeting of the Club to be held within 21 days after the date on which the secretary received the notice.
3. At a general meeting of the Club convened under clause (2) -
  - (a) no business other than the question of appeal shall be transacted;
  - (b) the 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.
4. If at the general meeting the Club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **PART III THE COMMITTEE**

### **Rule 16 Powers etc. of Committee**

1. The Committee shall be called the Committee of Management of the Club and subject to the Act, the regulation and these rules and to any resolution passed by the Club in general meeting -
  - (a) shall control and manage the affairs of the Club;
  - (b) may exercise all such functions as may be exercised by the Club other than those functions that are required by these rules to be exercised by a general meeting of members of the Club; and
  - (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Club.
2. An executive Committee consisting of President, Commodore, Secretary, Treasurer and Club Captain may be appointed to deal with urgent matters between meetings of the General Committee, three (3) to form a quorum. Decisions made by the executive Committee must be ratified by the General Committee at the next scheduled meeting of the General Committee.

### **Rule 17 Constitution and Membership**

1. Subject in the case of the first members of the Committee to Section 21 of the Act, the Committee shall consist of the office bearers of the Club and 4 elected members, each of whom shall be elected at the Annual General Meeting of the Club pursuant to Rule 18 and must be an active or past active member of the Club who has sailed at least 50% of pointscore races in two seasons with the Club, except that in the case of the Commodore, Vice-Commodore and Club Captain the nominee must have fulfilled this requirement in the 16ft Sailing Skiff class.
2. The office bearers of the Club shall be -
  - (a) the President
  - (b) the Vice President
  - (c) the Secretary
  - (d) the Treasurer
  - (e) the Commodore
  - (f) the Club Captain
  - (g) the Sailing Secretary
3. Each member of the Committee shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.
4. In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint any Active or Associate member of the Club to fill the vacancy and the members so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of appointment.

### **Rule 18 Election of members**

1. Nominations of candidates for election as office bearers or elected members of the Committee shall be -
  - (a) proposed and seconded by financial active members of the Club at the Annual General Meeting at which the election is to take place, or
  - (b) be in writing signed by an active financial member and accompanied by written consent of the candidate and be submitted to the Annual General Meeting at which the election is to take place.
2. If insufficient nominations qualified under Rule 17.1 are received to fill all vacancies on the Committee any vacant positions shall be deemed to be casual vacancies and any Active or Associate member nominated by the General Meeting or the Committee shall be deemed to be elected.
3. If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
4. If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
5. The ballot for the election of office bearers and elected members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
6. If any member of the Committee shall be absent from three (3) consecutive meetings without leave being granted by the Committee, the Committee may declare the office vacant.



## **Rule 19      Office Bearers Duties**

1. President -
  - (a) shall preside at all general meetings of the Club
  - (b) shall have deliberative and casting vote
  - (c) shall be responsible for ensuring that all office bearers of the Club carry out their duties in accordance with this constitution.
  - (d) shall be responsible to the General Committee
2. Vice President - shall perform the duties of the President when that officer is unavailable.
3. Commodore -
  - (a) shall preside at all Sailing Committee meetings
  - (b) shall officiate at all presentations
  - (c) shall be officer of the day on all sailing days
  - (d) shall organise all races, officials and necessary boats
4. Vice Commodore - shall perform the duties of the Commodore when that officer is unavailable.
5. Secretary -
  - (a) shall keep minutes of -
    - (i) all appointments of office bearer and members of the Committee
    - (ii) the names of members of the Committee present at a Committee meeting; and
    - (iii) all proceedings at Committee meetings and general meetings
  - (b) shall conduct all correspondence of the Club and present inwards and outwards correspondence at Committee meetings and general meetings
  - (c) shall keep a complete and up to date list of all members of the Club, showing date of joining and classification. Such list of members and a copy of this constitution shall be made available at all Committee meetings and general meetings.
  - (d) shall be responsible to the General Committee
  - (e) shall be responsible for drafting and printing of the annual report to the Club.
6. Treasurer -
  - (a) shall ensure that all money due to the Club is collected and received and that all payments authorised by the General Committee of the Club are made
  - (b) shall keep correct books and accounts showing the financial affairs of the Club including full details of all receipts and expenditure connected with the activities of the Club
  - (c) shall ensure that all payments exceeding the sum of twenty (20) dollars are made by cheque only
  - (d) shall at all General Committee meetings and general meetings of the Club have available a statement of the financial position of the Club as at the most recent practical date
  - (e) shall at all General Committee meetings of the Club have available the bank pass books, bank statements and cheque books, together with lists of all unfinancial members, Club creditors and debtors.
  - (f) shall prepare a statement of income and expenditure together with a balance sheet showing the financial position of the Club at the close of each financial year.
  - (g) shall be responsible to the General Committee
7. Sailing Secretary -
  - (a) shall conduct all sailing correspondence and present same at Sailing Committee meetings of the Club
  - (b) shall keep all minutes of all proceedings at Sailing Committee meetings of the Club
  - (c) shall keep an up to date register of all 16ft skiffs, sails and ensigns
  - (d) shall receive and enter 16ft skiffs for all Association regattas
  - (e) shall record all results of Club racing and have available an up to date record of pointscore and championship placings of all 16ft skiffs
  - (f) shall be responsible to the General Committee
8. Club Captain -
  - (a) shall allocate all boat storage and racks and shall ensure that all boat storage fees are collected and handed to the treasurer
  - (b) shall draw up a duty boat roster and ensure that all duties allocated to the duty boat are carried out
  - (c) shall be responsible to the General Committee

## **Rule 20      Casual Vacancies**

For the purposes of these rules, a casual vacancy in the office of a member of the Committee occurs if the member -

- (a) dies
- (b) ceases to be a member of the Club

- (c) becomes an insolvent under administration within the meaning of corporation law
- (d) resigns office by notice in writing given to the secretary
- (e) is removed from office under Rule 21
- (f) 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
- (g) is absent without the consent of the Committee for three (3) consecutive Committee meetings of the Club.

### **Rule 21      *Removal of Member***

1. The Club in a general meeting may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
2. Where a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Club, the Secretary or the President may send a copy of the representations to each member of the Club or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

### **Rule 22      *Meetings and Quorum***

1. The Committee shall meet on the second and fourth Monday of each month or at such place and time as the Committee may determine.
2. Additional meetings of the Committee may be convened by the President or by any member of the Committee.
3. Oral or written notice of an additional meeting of the Committee shall be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting.
4. Notice of an additional meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting except business which the Committee members present at the meeting unanimously agree to treat as urgent business.
5. Any 5 members of the Committee shall constitute a quorum for the transaction of the business of a meeting of the Committee.
6. No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall be dissolved. Matters considered to be of an urgent nature may be dealt with by an executive Committee as referred to in Rule 16 (2).
7. At a meeting of the Committee -
  - (a) the president or in the president's absence, the vice-president or if both absent the commodore shall preside; or
  - (b) if the president, vice president and the commodore are absent or unwilling to act such one of the remaining members of the Committee may be chosen by the members present at the meeting shall preside.

### **Rule 23      *Delegation by Committee to Sub-Committee or Delegate***

1. The Committee may, by instruction in writing, delegate to one or more sub-committees (consisting of such member or members of the Club as the Committee sees fit) or Delegate the exercise of such of the functions of the Committee as are specified in the instrument, other than -
  - (a) this power of delegation; and
  - (b) a function which is a duty imposed on the Committee by the act or by any other law.
2. A function the exercise of which has been delegated to a sub-Committee or Delegate under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-Committee or Delegate in accordance with the terms of the delegation.
3. A delegation under this section may be made subject to such conditions or limitations as to time or circumstances, as may be specified in the instrument of delegation.
4. Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
5. Any act or thing done or suffered by a sub-Committee or Delegate acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Committee.
6. The Committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.
7. A sub-Committee may meet and adjourn as it thinks proper.

## **Rule 24      *Voting and Decisions***

1. Questions arising at a meeting of the Committee or of any sub-Committee appointed by the Committee shall be determined by a majority of the votes of members of the Committee or sub-Committee present at the meeting.
2. Each Committee member present at a meeting of the Committee or of any sub-Committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
3. Subject to Rule 22 (5), the Committee may act notwithstanding any vacancy on the Committee.
4. Any act or thing done or suffered or purporting to have been done or suffered, by the Committee or by a sub-Committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-Committee.

## **Rule 25      *General***

1. Without limiting the generality of the powers herein otherwise conferred upon the Committee, the Committee shall have power from time to time -
  - (a) to make such by-laws not inconsistent with these rules as in the opinion of the Committee are necessary or desirable for the proper control, administration and management of the Club's finances, affairs, interest, effects and property and for the convenience, comfort and well being of the members of the Club, and to amend or rescind from time to time any such by-laws.
  - (b) to enforce the observance of all by-laws by reprimand or by suspension from enjoyment of any or all Club privileges of any of them or otherwise as the Committee thinks fit.
  - (c) to determine who shall be entitled to sign or endorse on the Club's behalf, contracts, receipts, acceptances, cheques and other documents or instruments.
2. The Committee shall cause minutes to be kept and entered in a book provided for the purpose
  - (a) of all proceedings and resolutions of the Committee and of the Club; and
  - (b) the names of all persons present at meetings of the Club and of all Committee persons present at meetings of the Club.
3. The Committee shall make available for inspection by all members of the Club all minutes of all meetings of the Club and Committee.

## **PART IV GENERAL MEETINGS**

### **Rule 26 Annual General Meetings - Holding of**

1. With the exception of the first Annual General Meeting of the Club, the Club shall at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the Club, convene an Annual General Meeting of its members.
2. The Club shall hold its first Annual General Meeting -
  - (a) within the period of 18 months after its incorporation under the Act
  - (b) within period of 6 months after the expiration of the first financial year of the Club.
3. Clauses (1) and (2) have effect subject to any extension or permission granted by the commission under section 26(3) of the Act.
4. The financial year of the Club shall commence on the 1st of June in each year.

### **Rule 27 Annual General Meetings - Calling of and Business at**

1. The Annual General Meeting of the Club is, subject to the Act and to Rule 23, to be convened on such date and time as the Committee sees fit.
2. 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 special general meeting held since that meeting
  - (b) to receive from the Committee reports upon the activities of the Club during the last preceding financial year
  - (c) to elect office-bearers of the Club and the elected members of the Committee; and
  - (d) to receive and consider the statement which is required to be submitted to members pursuant to Section 26 (6) of the Act.
3. An Annual General Meeting shall be specified as such in the notice convening it.

### **Rule 28 Special General Meetings - Calling of**

1. The Committee may, whenever it thinks fit, convene a special general meeting of the Club.
2. The Committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the Club.
3. A requisition of members for a special general meeting -
  - (a) shall state the purpose or purposes of the meeting
  - (b) shall be signed by the members making the requisitions
  - (c) shall be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
4. If the Committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
5. A special general meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee and any member who thereby incurs expense is entitled to be reimbursed by the Club for any expense so incurred.

### **Rule 29 Notice**

1. Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
2. Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Club, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter

required under clause (1), the intention to propose the resolution as a special resolution.

3. No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 27 (2).
4. A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary, who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

### **Rule 30      *Procedure***

1. No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
2. Fifteen members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
3. If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the date in which the meeting is adjourned) at the same place.
4. If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall constitute a quorum.

### **Rule 31      *Adjournment***

1. The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
2. Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the Club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
3. Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

### **Rule 32      *Making of Decisions***

1. A question arising at a general meeting of the Club shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
2. At a general meeting of the Club, a poll may be demanded by the chairperson or by not less than 3 members present in person or by proxy at the meeting.
3. Where a poll is demanded at a general meeting, the poll shall be taken -
  - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of meeting as the chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

### **Rule 33      *Special Resolution***

A resolution of the Club is a special resolution if -

- (a) it is passed by a majority which comprises not less than three-quarters of such members of the Club as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
- (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the

Commission.

**Rule 34      *Voting***

1.      Upon any question arising at a general meeting of the Club, eligible members are entitled to one vote only. Eligible members must be active members who have sailed in not less than 50% of pointscore races in a single season with the Club or Life Members of the Club.
2.      All votes shall be given personally or by proxy but no member may hold more than 5 proxies.
3.      In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
4.      A member or proxy is not entitled to vote at any general meeting of the Club unless all money due and payable by the member or proxy, respectively, to the Club has been paid, other than the amount of the annual subscription payable in respect to the then current year.

**Rule 35      *Appointment of Proxies***

1.      Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
2.      The notice appointing the proxy shall be in the form set out in Appendix 2 to these rules.

## **PART V MISCELLANEOUS**

### **Rule 36 Insurance**

1. The Club shall effect and maintain insurance pursuant to Section 44 of the Act.
2. In addition to the insurance required under clause (1), the Club may effect and maintain other insurance.

### **Rule 37 Funds - Source**

1. The funds of the Club shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Club in general meeting, such other sources as the Committee determines.
2. All money received by the Club shall be deposited as soon as practicable and without deduction to the credit of the Club's bank account.
3. The Club shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **Rule 38 Funds - Management**

1. Subject to any resolution passed by the Club in general meeting the assets and income of the Club shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the Club except as bona fide compensation for services rendered or for expenses incurred on behalf of the Club.
2. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 of the President, Treasurer and Secretary.
3. In the event of the Club being dissolved, the amount that remains after such dissolution and satisfaction of all debts shall be transferred to any association with similar purposes which is not carried on for profit or gain of its individual members.

### **Rule 39 Alteration of Objects and Rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Club.

### **Rule 40 Common Seal**

1. The common seal of the Club shall be kept in the custody of the public officer.
2. The common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal shall be attested by the signatures of any 2 of the President, Treasurer, Secretary and the Public Officer.

### **Rule 41 Custody of Books etc.**

Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Club.

### **Rule 42 Inspection of books etc.**

The records, books and other documents of the Club shall be open to inspection, free of charge, by a member of the Club at any reasonable hour.

**Rule 43      *Service of Notices***

1. For the purpose of these rules, a notice may be served by or on behalf of the Club upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
2. Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.





**PORT HUNTER 16FT SAILING SKIFF CLUB INC**  
**(incorporated under the Associations Incorporations Act 1984)**

**FORM OF APPOINTMENT OF PROXY**

I, .....  
(full name)

of .....  
(address)

**being a member of the Port Hunter 16ft Sailing Skiff Club Inc. hereby appoint**

.....  
(full name of proxy)

of .....  
(address of proxy)

**also being a member of the Port Hunter 16ft Sailing Skiff Club Inc., as my proxy to vote for me on my behalf at the general meeting of the Club (annual general meeting or special general meeting, as the case may be) to be held on the**

.....  
(date of meeting)

**and at any adjournment of that meeting.**

**\* My proxy is authorised to vote in favour of / against (delete as appropriate) the resolution (insert details).**

**\* To be inserted as desired.**

.....  
Appointing Proxy

..... Signature of Member  
Date

**NOTE: A proxy vote may not be given to a person who is not a member of the Club.**

**PORT HUNTER 16FT SAILING SKIFF CLUB INC**  
(incorporated under the Associations Incorporations Act 1984)

**FORM OF DELEGATION TO A SAILING DIVISION  
AND SUB-COMMITTEE**

**1. Delegation**

Under the provisions of Club Rules 3.2 and 23 the Committee hereby authorises the formation of the \_\_\_\_\_ Sailing Division and Sub-Committee of the Port Hunter 16ft Sailing Skiff Club. The object of the Division and the duty of the Sub-Committee is to manage, facilitate and promote \_\_\_\_\_ sailing activities within the Club in accordance with the following requirements and subject to the direction of the Club Committee and the Rules of the Club.

**2. Definitions**

In this delegation:

- Club** means the Port Hunter 16ft Sailing Skiff Club Incorporated  
**Committee** means the Committee of Management of the Club  
**Rules** means the Rules for Port Hunter 16ft Sailing Skiff Club Inc  
**Division** means the Sailing Division of the Club, consisting of Club members with a direct interest in sailing activities within the Club  
**Sub-Committee** means the sub-committee elected by members of the Division in accordance with this delegation

**3. Membership**

All members of the Division must be current financial members of the Club and subject to the Rules of the Club.

**4. Sub-Committee**

The Division shall elect a sub-committee consisting of:

- a) **President** The President is to preside at all Division meetings, and to be responsible to the Club General committee for the management of the Division
- b) **Secretary** The Secretary is to keep minutes of:
  - i. all appointments of office-bearers and members of the Sub-Committee
  - ii. the names of members present at Division meetings
  - iii. all proceedings at Sub-Committee and general meetings
- c) **Treasurer** The treasurer is to ensure:
  - i. that all money due to the Division is collected and received and that all payments authorised by the Division are made
  - ii. that correct books and accounts are kept showing the financial affairs of the Division, including full details of all receipts and expenditure connected with the activities of the Division
- d) **Division Vice-Commodore** The Division Vice-Commodore is responsible to the Club Commodore for the conduct and control of all Division sailing activities.
- e) **Other office-bearers or members** as determined by the Division.

All office-bearers of the Division must be at least 18 years old.

**5. Division Liaison Officer**

The Sub-Committee is to nominate an office-bearer or sub-committee member who is not an office-bearer of the Club General Committee to be the Division Liaison Officer to the Club. The Division Liaison Officer is to attend the Club General Committee meetings and report on such Division matters as the Sub-Committee or the General Committee directs.

**6. Meetings**

The Sub-Committee must meet at least three times in each period of 12 months, at such place and time as the Sub-Committee may determine. The conduct of Sub-Committee meetings, and Division general meetings, is to be in accordance with the Club Rules in so far as they apply.

**7. Annual General Meeting**

The Sub-Committee must convene an Annual General Meeting (AGM) of the Division in June of July of each year. The business of the Division AGM is to include:

- (a) to confirm the minutes of the last preceding AGM
- (b) to receive from the Sub-Committee reports on the activities of the Division during the last preceding financial year
- (c) to elect office-bearers and members of the Division Sub-Committee.

**8. Funds – Source**

- 1. The Division may raise funds from race entry fees, raffles, social functions and, subject to the concurrence of the Club Committee, such other sources as the Sub-Committee determines. Such fundraising is not to affect the normal operations of the Club. With the express permission of the Committee the Division may use the Club facilities for fundraising and other activities.
- 2. All money received by the Division must be deposited as soon as practicable and without deduction to the credit of the Division's bank account.

**9. Funds – Management**

The assets and income of the Division shall be applied solely in the furtherance of its abovementioned objects and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the Division.

**10. Dissolution**

In the event of the Division being dissolved, the amount that remains after such dissolution and satisfaction of all debts and liabilities shall be transferred to the Club.

\_\_\_\_\_  
**(Club President)**

\_\_\_\_\_  
**(Club Secretary)**