



## 3.2 Club Constitution

### DEVIOT SAILING CLUB INCORPORATED

#### **CONSTITUTION AND RULES**

##### **1. NAME**

The club shall be known as the Deviot Sailing Club Incorporated, hereinafter referred to as “the Club”.

##### **2. OBJECTS**

The object of the Club shall be the encouragement of sailing and particularly one-design class racing, and to provide suitable accommodation including a clubhouse at Deviot for members of the Club and their guests, and further the objects set forth in Rule 4 of the Associations Incorporation (Model Rules) Regulations 2007.

##### **3. AFFILIATION**

The Club shall be affiliated with Yachting Tasmania and any other recognised National body as may be necessary.

##### **4. BURGEE**

- a). The Club flag shall be the National flag of the Commonwealth of Australia. The Blue Ensign with the Southern Cross in the fly.
- b). The Club Burgee shall be a black swan on a gold background.
- c). The Commodore's Burgee shall be a swallow-tailed Burgee in the same colours as the Club Burgee.

##### **5. MEMBERSHIP**

The membership of the Club shall consist of Members, Junior Members, Student Members, Family Group Members, Social Members, Social Family Group Members, Casual Sailing Members, Casual Sailing Family Members, Outport Members, Honorary Members and Life Members.

- 1). A member is an adult person of the age of eighteen years and over who is a financial member of the Club. A member has full voting rights and full Club privileges.
- 2). A Junior Member shall be aged under 18 years on the Opening day of the sailing season. On attaining the age of 18 years a Junior Member shall automatically become a full member, except that Junior Membership fees shall cease at the end of the current season. A Junior Member shall have full membership rights with the exception of the voting rights and shall be considered a member for the purpose of the rules of the Australian Yachting Federation.
- 3). A Student Member shall be 18 years of age or over and a full time student at the Opening day of the sailing season. A Student Member shall have full membership rights.
- 4). Family group membership consists of a man and/or woman, any number of children aged seventeen years or under and full time students 18 years of age or over at the Opening day of the sailing season. Each person shall enjoy the rights and privileges according to their age status.
- 5). A Social Member shall have all the rights of a Member with the exception that a Social Member shall have no voting or racing rights.
- 6). A Social Family Group Member shall have all the rights of a Family Group Member with the exception that a Social Family Group shall have no voting rights or racing rights.
- 7). A Casual Sailing Member is an adult person of the age of eighteen years and over who is a financial member of the Club. A Casual Sailing Member has full use of the club facilities however has no voting rights. A Casual Sailing member is welcome to race or just sail in any club event, however they are not eligible to earn championship points.



- 8). A Casual Sailing Family membership consists of a man and/or woman, any number of children aged seventeen years or under and full time students 18 years of age or over at the Opening day of the sailing season. Each person shall enjoy the rights and privileges of a casual sailing number.
- 9). The Executive Committee shall have power, after application from a Member, to elect annually as an Outport Member any person who has been a member and who, in the opinion of the Executive Committee, can no longer enjoy the full facilities of the Club. Outport Members shall have membership privileges including the right to vote at any meeting of the Club.
- 10). The Executive Committee shall have power to elect annually as an Honorary Member any member who shall have left Tasmania or joined Her Majesty's Forces or anyone else whose Honorary Membership may be considered desirable. Honorary Members shall have membership privileges with the exception of the right to vote at any meeting of the Club.
- 11). The Executive Committee shall have the power to confer Life membership on any member who has, in the opinion of the Committee, contributed sufficiently to the Club so as to warrant such an honour. A Life Member shall have the same rights as a Member.

## **6. OFFICERS AND EXECUTIVE COMMITTEE**

The Officers of the Club shall consist of a Commodore, Vice-Commodore, Rear-Commodore, Honorary Secretary and Honorary Treasurer, who together with at least three elected members shall form the Executive Committee and be responsible for the management of the Club. The term of office shall be from the date of the Annual General Meeting electing them until the date of the Annual General Meeting in the next year.

## **7. PATRON**

If in the opinion of Club Members it is desirable to have a Club Patron, one may be elected at an Annual General Meeting. If such a person be elected they should satisfy the role as designated by Club Policy.

## **8. APPLICATION FOR MEMBERSHIP**

Applicants for membership shall be proposed by a financial member and seconded by another financial member to whom the applicant is personally known. The application shall be displayed on the Club notice board for 30 days or thereabouts for the perusal of the Members.

Applicants shall be elected only by a majority in the Executive Committee.

## **9. LIMITATION ON MEMBERSHIP**

Any limitation on the membership of the Club shall be left to the discretion of the Executive Committee.

## **10. RESIGNATION**

Any Member wishing to resign from the Club shall give notice before the next Annual General Meeting or liability for the next Annual Subscription shall be incurred.

## **11. COMPLAINTS**

Every Member on joining the Club undertakes to comply with these rules and any refusal or neglect to do so or any conduct which in the opinion of the Executive Committee is either unworthy of a member or otherwise injurious to the interests of the Club shall render a Member liable to expulsion by the Executive Committee provided that before expelling a Member that the Executive Committee shall call upon the Member for an explanation of his/her conduct and shall give them an opportunity of defending themselves or of resigning their membership. The vote on a resolution for expulsion shall be by ballot and the resolution shall only be carried if not less than three quarters of the members of the Executive Committee vote in favour of the resolution.

## **12. FEES AND SUBSCRIPTIONS**

- 1). There shall be an application fee of such a sum as the Executive Committee may from time to time prescribe.
- 2). There shall be an Annual Subscription of such a sum as the Executive Committee may from time to time prescribe. The Annual Subscription must be the subject of a vote at the Annual General



- Meeting after being declared on the notice of that meeting and be acceptable to a majority of members present at that Annual General Meeting.
- 3). Subscriptions shall be due and payable on 1st October in each year, but Members, Juniors, Sub-Juniors and Family Groups joining after 1st February in any year shall be required to pay only half subscription for that year.
  - 4). Any Member whose subscription is unpaid on the 1st December in any year shall be advised that payment is required by the 1st January. Any Member who fails to pay their subscription by the 1st January shall cease to be a Member of the Club except that upon receipt of a satisfactory explanation, the Executive Committee may at its discretion reinstate the Member to full privileges.
  - 5). In the event of the Club being wound up
    - a). every Member of the Club and every person, who, within the period of twelve months immediately
    - b). preceding the commencement of the winding up, was a Member of the Club, is liable to contribute to the Assets of the Club for payment of the debts or liabilities of the Club and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributors among themselves such sum, not exceeding ten dollars, as may be required, but a former Member is not liable so as to contribute in respect of any debt or liabilities of the Association contracted after they ceased to be a Member.

### **13. ANNUAL GENERAL MEETING**

- 1). The financial year shall be from 1st June to 31st May.
- 2). The Club's Annual General Meeting shall be held in July each year to receive the Annual Report and the Financial Report, to elect the Officers, at least three Committee members, an Auditor and to transact any general business. Twenty one days notice in writing and advertised at the Executive Committee's discretion, shall be given and shall detail time, date and place of such meeting and such notice shall contain details of the business to be transacted at the meeting.

### **14. SPECIAL GENERAL MEETING**

Any General Meeting other than the Annual General Meeting shall be known as a Special General Meeting.

- a). A Special General Meeting may be called at any time on the written request of twelve Members or the Executive Committee. Twenty-one days' notice in writing shall be sent to all Members of the time, date and place of such a meeting, and such notice shall contain details of the business to be transacted at the meeting.
- b). Procedure at General Meeting
  - 1). The Quorum for General Meeting shall be 12 persons.
  - 2). The Commodore, or in the Commodore's absence, the Vice-Commodore shall preside over the Meeting.
  - 3). Rule 15(8) shall also apply to General Meetings, except that the term "Committee Member" shall be deemed to apply to any Member of the club present at the Meeting and having voting rights.

### **15. EXECUTIVE COMMITTEE**

- 1). The Routine Business and Affairs of the Club shall be under the management of the Executive Committee. Any five members of the Executive Committee shall form a quorum.
- 2). Any vacancy occurring on the Executive Committee may be filled by the Executive Committee and any Member elected to fill a vacancy to the Executive Committee shall hold office until the next Annual General Meeting.
- 3). The Executive Committee shall meet at least once a month or at such times as may be deemed necessary by the Commodore, Secretary, or upon written request of two of its members.
- 4). The Executive Committee shall have the power to grant such honorarium as they think fit to the Hon. Secretary.
- 5). Neither the Executive Committee nor any Officer of the Club nor any other person shall be empowered to incur any over-draft or to pledge the credit of the Club or Members or to incur any debt or liability whatsoever on behalf of, or on account of the Club, or the members, excepting for the ordinary necessary expenses of maintenance and management. Any extraordinary expenditure shall be placed before the Members at a General Meeting.



No payment of a sum exceeding the limit of the petty cash shall be made from the funds of the Club otherwise than by cheque drawn on the Club's Bank Account.

No drafts, bills of exchange, promissory notes or cheques shall be drawn on the Club's bank account except for the payment of expenditure that has been authorised by the Executive Committee.

6). EXECUTIVE COMMITTEE MEMBER - SOCIAL

- shall act as Assistant to the Hon. Secretary and in the absence of the Hon. Secretary act in that officers stead at Meetings.

- shall be responsible for organising and arranging all Club Social Functions, and be Chairman of any associated Sub-Committee.

7). EXECUTIVE COMMITTEE MEMBER - PUBLICITY

- shall be responsible for all Club Publicity, including Press, Radio and Television.

- shall act as Editor and publish at least four times a year, a Club News Letter to all Members.

8). EXECUTIVE COMMITTEE MEMBER - FUND-RAISING.

- shall be responsible for planning and organising all fund raising activities for the Club.

## 18. AUDIT

1). a. Once at least in each year, the accounts of the Club shall be examined by the Auditor.

b. The Auditor shall certify as to the correctness of the accounts of the Club and shall report thereon to the members present at the Annual General Meeting.

c. The Auditor has a right of access for the purpose of the audit to all documents of the Club in relation to the accounts of the Club and in such relation may examine any Member of the Committee or any servant of the Club.

2). a. The Auditor shall be appointed by Members of the Club at each Annual General Meeting of the Club and shall hold office until the Annual General Meeting of the Club next following their appointment, when they shall be eligible for re-appointment.

b. The first Auditor of the Club may be appointed by the Committee before the first Annual General Meeting, and, if so appointed shall hold office until the first Annual General Meeting, unless previously removed by a resolution of the Members in General Meeting, in which case the Members at that Meeting may appoint an auditor to act until the first Annual General Meeting.

3). The Auditor shall be a Registered Company Auditor (within the meaning of the Companies (Tasmania) Code).

4). In the case of a casual vacancy occurring in the office of Auditor, the Committee shall hold office until the next succeeding Annual General Meeting.

5). Except as provided in rule 18(2)(b) the auditor may only be removed from office by special resolution.

## 19. SUB-COMMITTEES.

1). The Executive Committee may from time to time appoint Sub-Committees as deemed necessary.

2). The quorum for Sub-Committee Meetings shall be either one half of the number of persons on the Sub-Committee, or the next whole number above one half if the number of persons is off.

3). a. At the Meetings of the Sub-Committee:-

i). The Secretary, or if present, the Commodore:-or

ii). If the Secretary and the Commodore are absent, a person nominated by the Sub-Committee members;  
shall preside.

4). The Secretary, as ex-officio member of all Committees, or the Secretary's nominee, shall keep correct minutes of the proceedings of each Sub-Committee Meeting.

5). Rules 15(7), 15(8) and 15(9) will apply to the conduct of Sub-Committee Meetings, and any mention of Committee shall be deemed to also apply to Sub-Committees.

## 20. SAILING COMMITTEE

1). The Sailing Committee shall consist of the Vice-Commodore (Chairman), the Commodore and Secretary as ex-officio Members and other Members who shall be appointed by the Executive Committee.



- 2). The Sailing Committee shall conduct and control all yacht activities and be responsible for the appointment of the Officers of the Day, Starters, Handicappers and Time-keepers.
- 3). The Sailing Committee shall issue the local sailing instructions and ensure that all races are conducted under the rules of the I.S.A.F.
- 4). The Sailing Committee shall be responsible for the operation and maintenance of the Club's Rescue Boats and the appointment of the Rescue Boat Crews.
- 5). The Sailing Committee shall be responsible for the provision and maintenance of sailing marks and all other equipment used for the conduct of races.

## **21. WORKS COMMITTEE**

- 1). The Works Committee shall consist of the Rear-Commodore (Chairman), the Commodore and Secretary as ex-officio Members and other Members who shall be appointed by the Executive Committee.
- 2). They shall appoint one Member in charge of works who will be known as the Director of Works.
- 3). They shall be responsible for the maintenance and improvement of all Deviot Sailing Club property, allocation of boat stowage, upkeep of ramps, and Club grounds.

## **22. ALTERATION OF RULES**

No alteration or addition to the Rules shall be made except by Special Resolution passed by a majority of not less than three quarters of Members present and entitled to vote, or represented by proxy vote, at any Annual General meeting or Special General Meeting. Notice of any proposed alteration or addition must be sent in writing to the Secretary at least twenty eight days before such Meeting, and particulars of such proposed alteration or addition shall be posted on the Club Notice Board and circulated to Members with the notice convening the Meeting.

## **23. BORROWING POWERS**

If at any time the Club in General Meeting shall pass a resolution authorising the Committee to borrow money, the Committee shall thereupon be empowered to borrow for the purposes of the Club such amount of money either at one time or from time to time, and at such rate of interest and in such form and manner and upon such security as shall be specified in such resolution and thereupon the Committee shall make all such dispositions of the Club property or any part thereof and enter into such agreement in relation thereto as the Committee may deem proper for the Club, whether voting on such resolution or not, and all persons becoming members of the Club after the passing of such resolution shall be deemed to have assented to the same as if they had voted in favour of such resolution.

## **24. INDEMNITY OF OFFICERS AND COMMITTEE**

The Officers of the Club, Executive Committee and all other Committees and Sub-Committees while acting in the discharge of their duties on behalf of the Club shall be indemnified by the Club against all costs, losses and expenses which they incur or become liable for by reason of any act or deed done by them or any contract entered into on behalf of the Club.

## **25. LIABILITY OF THE CLUB**

The Club shall not be held responsible for any losses, accident, injury or damage that may be sustained from any cause whatsoever to any Member, Member's children, Member's guests, or to their boats, gear or other property. All applications for Club Membership shall be accompanied by a form of indemnity signed as required by the Executive Committee for the time being.

## **26. YACHT REGISTER**

The Secretary shall keep a book to be called the Yacht Register. It shall contain particulars of the Class, Sail Number, Name and Owner's Name.

Only yachts owned by Members shall be registered unless given exemption by the Executive Committee.

The Executive Committee shall have the power to refuse to register any yacht which, in its opinion, ought not to be registered, and may remove any yacht from the register for any reason which it may consider sufficient.



Applications for a yacht to be registered must be sent in writing to the Secretary specifying the Class, Sail Number, Name, and the Name and Address of the Owner.

The Secretary shall post a list of registered boats in the Clubhouse and this shall be kept up-to-date monthly.

### **27. SAILING RULES**

All races shall be conducted under the Yacht Racing Rules of the International Sailing Federation incorporating the prescriptions of Yachting Australia and the Deviot Sailing Club Inc. Local Sailing Instructions.

### **28. HELMSMEN**

The Helmsmen of any boat sailing in Club Championships shall be a Member of the Club.

### **29. MODEL RULES**

Except as provided herein, the Associations' Incorporation (Model Rules) Regulations 2007 are hereby deemed to be excluded.

### **30. BY-LAWS**

- 1). The Committee may, subject to these Rules, make, vary and rescind By-Laws for the better management of the Club.
- 2). A copy of any By-Laws for the time being in force shall be kept displayed in a conspicuous place on the Club premises.
- 3). By-Laws may be varied and rescinded by Special Resolutions of the Club.

### **31. SEAL**

- 1). The Seal of the Club shall be in the form of a rubber stamp inscribed in the name of the Club, and circling the word "Seal".
- 2). The Seal of the Club shall not be affixed to any instrument except by the authority of the Committee and the fixing thereof shall be attested to by the signatures of any two of the Commodore, Secretary and Treasurer.
- 3). The Secretary shall keep custody of the Seal and keep a register of the use of the Seal.

Every Member of the Deviot Sailing Club Inc. shall receive a copy of this Constitution and a copy shall be permanently kept at the Clubhouse.