



Shelley Sailing Club (Inc.)

RULES (Formerly Constitution)

and BY-LAWS (Formerly Rules)

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Compiled from Department of Commerce template to meet the requirements of the Associations Incorporation Act 2015 with amendments to cover the contents of the superseded SSC Constitution and Rules of 1999 and to meet the requirements of the SSC reflecting current circumstances of the SSC

These Rules may only be altered through presentation and acceptance at a General Meeting convened in accordance with the said Rules and the requirements of the Associations Incorporation Act 2015 and then authorised by both the Commissioner of the Department of Commerce and the Director of Liquor Licensing.

The By-Laws represent the day to day management and operations of the Club and may be altered, in accordance with the Act, through presentation and acceptance at a General Meeting without referring to the above mentioned Commissioner and Director.

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RULES

PART 1 — PRELIMINARY

1. Title

The name of the Club shall be “Shelley Sailing Club (Inc.)”.

2. Objects

The objects of the Club are to provide a safe and enjoyable environment for the development and conduct of small boat sailing and other water based activities including:

- (a) encouraging participation in the sport of sailing and recreation on the water
- (b) promotion of sailing races and regattas
- (c) to generally promote and encourage social intercourse between its' members
- (d) to provide club houses and other facilities for its' members
- (e) affiliation with other kindred sporting organisations and river users
- (f) promotion of family participation in the sport of sailing, and
- (g) to apply the property and income of the Club solely towards the promotion of these objectives, understanding that no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the club, except in good faith in the promotion of these Club objectives.

3. Colours

Club Burgee or Flag shall be a yellow pennant with a horizontal black stripe.

4. Incidental Powers

Within the constraints of the *Associations Incorporation Act 2015* and the rules contained within these “Rules and By-Laws”, the Club shall have the following incidental powers:

- (a) To erect, add to, improve, repair, pull down and rebuild buildings and other structures within the guidelines and authorisation of the appropriate governing bodies.
- (b) To accept donations whether of real or personal estate and devises and bequests.
- (c) To borrow or raise or secure the payment of money in such manner as the Club sees fit with power to issue debentures, grant mortgages, charges or any other class of security upon charging all or any of the property real or personal both present and future, of the Club and to redeem or pay off any existing or future security.
- (d) To invest and deal with moneys of the Club not immediately required for the purposes of the Club in such a manner as may from time to time be determined.
- (e) To hold any property or any trusts.

- (f) To make gifts to any charitable object in accordance with the law of the State or any other purposes approved by the Court.
- (g) To amalgamate, cooperate or affiliate with any other Club or Society having objects wholly or in part similar to those of the Club.
- (h) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.
- (i) To apply for and obtain and renew from time to time a Club licence under the Liquor Licensing Act 1988 as amended from time to time (hereinafter referred to as “the Liquor Act”).
- (j) To do all other things as are incidental or conducive to the attainment of its objects.

5. Club Management Documentation

- (a) All relevant management documentation, including the those documents listed in By Law 4 shall be accessible to all members via the Shelley Sailing Club web site.
- (b) Providing an email address is supplied, all new members will be sent an electronic copy of the Club’s “Rules and By-Laws”. All members will have drawn to their attention that this and other Club Management documents are available on the Club website.
- (c) All current members will be sent an electronic copy of the “Rules and By Laws” where any amendment has been made and ratified by the Commissioner.

6. Terms used

In these rules, unless the contrary intention appears —

Act means the *Associations Incorporation Act 2015*;

Associate Member means a member with the rights referred to in rule 13(10);

books, of the Club, includes the following —

- (a) a register of memberships;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

by laws means by-laws made by the Club under rule 69;

chairperson means the Committee member holding office as the chairperson of the Club and is represented as the Commodore of the Club;

Club means Shelley Sailing Club Inc., the incorporated association to which these rules apply;

Commissioner means the person for the time being designated as the Commissioner under section 153 of the Act;

committee means the committee of the Club;

committee meeting means a meeting of the committee;

committee member means an elected or appointed member of the committee;

due date means the date that membership payments for the ensuing season are due

financial records includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and

- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
 - (i) the methods by which financial statements are prepared; and
 - (ii) adjustments to be made in preparing financial statements;

financial report, has the meaning given in section 63 of the Act. As defined in section 63, the Shelley Sailing Club is a tier 1 association;

financial statements means the financial statements in relation to the Club required under Part 5 Division 3 of the Act;

financial year, of the Club, has the meaning given in rule 7;

general meeting, of the Club, means a meeting of the Club that all members are entitled to receive notice of and to attend;

Management Committee means those members of the committee who hold Flag or management office, those being, Commodore, Vice Commodore, Rear Commodore Sailing, Rear Commodore Property, Secretary and Treasurer and may, from time to time, include Sailing Captain if that position is current;

member means a person (including a body corporate) who is an Ordinary Member or an Associate Member of the Club;

ordinary committee member means a committee member who is not a Flag or office holder of the Club under rule 32(3);

Ordinary Member means a member with the rights referred to in rule 13(2);

register of members means the register of members referred to in section 53 of the Act;

rules means these rules of the Club, as in force for the time being;

secretary means the committee member holding office as the Secretary of the Club which is in an honorary capacity;

special general meeting means a general meeting of the Club other than the Annual General Meeting;

special resolution means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;

subcommittee means a subcommittee appointed by the committee under rule 53(1)(a);

tier 1 association means an incorporated association to which section 64(1) of the Act applies, the Club is a tier 1 association;

Treasurer means the committee member holding office as the Treasurer of the Club.

7. Financial year

- (1) The first financial year, appropriate to this “Rules and By-Laws”, of the Club, is to be the period notified to the Commissioner under section 7(4)(e) of the Act.
- (2) The financial year of the Club shall commence on 1st May and end on 30th April.
- (3) Each subsequent financial year of the Club is the period of 12 months commencing at the termination of the first financial year or the anniversary of that termination.

PART 2 — CLUB TO BE NOT FOR PROFIT BODY

8. Not-for-profit body

- (1) The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) A payment may be made to a member out of the funds of the Club only if it is authorised under sub-rule (3).
- (3) A payment to a member out of the funds of the Club is authorised if it is —
 - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or for goods supplied to the Club, in the ordinary course of business; or
 - (b) the payment of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
 - (c) the payment of reasonable rent to the member for premises leased by the member to the Club; or
 - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

PART 3 — MEMBERS

Division 1 — Membership

9. Eligibility for membership

- (1) Any person who supports the objects or purposes of the Club is eligible to apply to become a member.
- (2) An individual who has not reached the age of 18 years is not eligible to apply for a class of membership that confers full voting rights.

10. Applying for membership

- (1) A person who wants to become a member must apply to the Club in writing, on a printed, or electronic version, of the club membership form.
- (2) The application must include a member's nomination of the applicant for membership.
- (3) The application must be signed by the applicant and the member nominating the applicant.
- (4) The applicant must specify in the application the class of membership, or classes if there is more than one, to which the application relates.

11. Dealing with membership applications

- (1) The committee must consider each application for membership of the Club and decide whether to accept or reject the application.
- (2) All applications shall be posted on the Club noticeboard for a period of not less than seven (7) days before election. Further to this, a period of not less than fourteen (14) days shall elapse between nomination and election.
- (3) Subject to sub-rule (4), the committee must consider applications in the order in which they are received by the Club.
- (4) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (5) The committee must not accept an application unless the applicant —
 - (a) is eligible under Rule 9; and
 - (b) has applied under Rule 10.
- (6) The committee may reject an application even if the applicant —
 - (a) is eligible under Rule 9; and
 - (b) has applied under Rule 10.
- (7) The committee must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision.
- (8) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

12. Becoming a member

- An applicant for membership of the Club becomes a member when —
- (a) the committee accepts the application; and
 - (b) the applicant pays any membership fees payable to the Club under Rule 17.

13. Classes of membership

- (1) The Club consists of **Ordinary Members** provided for in sub-rule (2, 13 and 14), **Life Members** provided for in sub-rule (2 and 3), **Reciprocal Members** provided for in sub-rules (4 and 10), **Honorary Members** provided for in sub-rules (5, 6 and 10), **Junior Members** provided for in sub-rules (7, 8, 10 and 14), **Temporary Members** provided for in sub-rules (9 and 10) and any **Associate Members** provided for under sub-rules (10 and 11)).
- (2) **Ordinary Membership** - members entitled to every privilege open to members of the Club, include **Family** membership, **Senior** membership and Life membership with each Life and Senior member having one full voting right and Family memberships having two full voting rights where two eligible members of that family membership are concurrently present. Rule 58 (Proxies) also applies.
- (3) **Life Members** - members over the age of twenty one years who have rendered special services to the Club and been recommended for "Life" Membership by a resolution passed at a Management Committee Meeting and elected by a resolution passed at the next following General Meeting provided that not more than two such Life Members shall be elected in any financial year. Life members have full rights of an Ordinary Member including full voting rights.
- (4) **Reciprocal Members** - members of such other Yacht or Sailing Clubs as Management Committee may decide shall be admitted as Reciprocal Members provided they are participating in an event at the Club and that such members are financial members of and entitled to vote at a General Meeting of that Club.
- (5) **Honorary Membership** - the Management Committee may elect as Honorary Members for the then current year, or for any shorter period, or for any particular occasion, any person they may deem desirable, who possesses the qualifications for Ordinary Membership.
- (6) The Management Committee may extend, or at any time terminate, any Honorary Membership.
- (7) **Junior Members** - members whose age is under 18 years and who shall be entitled to exercise such of the privileges of the Club as may be provided by these rules.
- (8) A Junior membership must have a parent or guardian as an Ordinary, Life or Associate Member of the Club; or an adult member as a sponsor. Members up to age 18 years are juniors, however, at Management Committee discretion, this age limit may be extended where that member is in full time education.
- (9) **Temporary Members** - persons visiting the Club to engage in Club events or to assist in the running of such events, as approved by the Management Committee.
- (10) Reciprocal, Honorary, Junior, Temporary and Associate Members shall have all of the privileges of an Ordinary Member except that they shall not be entitled to vote, hold office, or be elected a Member of the Management Committee, propose or second new members of any type, nor any candidate for election to office.
- (11) The Club may have any class of **Associate** Membership approved by resolution at a general meeting, including Canoe Member and may include within those categories, junior or senior membership.
- (12) A person can only be an Ordinary Member or belong to one class of associate, honorary, reciprocal or temporary membership.
- (13) An Ordinary Member (other than Junior Members) has full voting rights, and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the committee.
- (14) A Junior Member wishing to become an Ordinary Member on attaining the age of 18 years, or beyond, as provided for in sub-rule (8), must be nominated within three months of attaining such age and subsequently elected in the prescribed manner.

- (15) The number of members of any class is not limited unless otherwise approved by resolution at a general meeting.

14. When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
- (a) for a member who is an individual, the individual dies;
 - (b) the person resigns from the Club under rule 15;
 - (c) the person is expelled from the Club under rule 20;
 - (d) the person ceases to be a member under rule 17(5).
- (2) The Secretary must keep a record, for at least one year after a person ceases to be a member, of —
- (a) the date on which the person ceased to be a member; and
 - (b) the reason why the person ceased to be a member.

15. Resignation

- (1) A member may resign from membership of the Club by giving written notice of the resignation to the Secretary.
- (2) The resignation takes effect —
- (a) when the Secretary receives the notice; or
 - (b) if a later time is stated in the notice, at that later time.
- (3) A person who has resigned from membership of the Club remains liable for any fees or other monies that are owed to the Club (the **owed amount**) at the time of resignation.
- (4) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Club.

16. Rights not transferable

The rights of a member are not transferable and end when membership ceases.

Division 2 — Membership fees

17. Membership fees

- (1) The committee must determine the entrance fee (if any) and the annual membership fee to be paid for membership of the Club. The Management Committee has power to reduce any entrance fee or subscription for such reasons as ability to pay or joining/attending part season.
- (2) Any member joining the Club between the 1st of May and the 30th of June in any one year shall pay full entrance fee (if any) and relevant subscription which shall entitle him or her to continue as a financial member for the ensuing financial year without paying a further subscription for that year.
- (3) The fees determined under sub-rule (1) may be different for different classes of membership.
- (4) A member must pay the annual membership fee to the Treasurer, or another person authorised by the committee to accept payments, by the due date, being 1 October each year, unless otherwise determined by the Management Committee.
- (5) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period unless mitigating circumstances are accepted by the Management Committee and/or prior arrangements have been made with the Management Committee **by the member**.
- (6) If a person who has ceased to be a member under sub-rule (5) offers to pay the annual membership fee after the period referred to in that sub-rule has expired —
 - (a) the committee may, at its discretion, accept that payment; and
 - (b) if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.

Division 3 — Register of members

18. Register of members

- (1) The Secretary, or another person authorised by the committee, is responsible for the requirements imposed on the Club under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Club.
- (2) The Club shall keep an up to date listing of all members including the members' names and class of membership. This listing of members must be continually available for inspection by authorised parties at the club premises.
- (3) The register of members referred to in Rule 18 (1) must be kept at the Secretary's place of residence, or at another place determined by the committee.
- (4) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership to which each member belongs and the date on which each member became/becomes a member.
- (5) A member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.
- (6) If —
 - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
 - (b) a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required, declaring that member privacy will not be compromised and declaring that the purpose is connected with the affairs of the Club.

PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION

Division 1 — Term used

19. Term used: member

In this Part —

member, in relation to a member who is expelled from the Club, includes former member.

Division 2 — Disciplinary action

20. Suspension or expulsion

- (1) The committee may decide to suspend a member's membership or to expel a member from the Club if —
 - (a) the member contravenes any of these rules; or
 - (b) the member acts detrimentally to the interests of the Club.
- (2) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the committee meeting at which the proposal is to be considered by the committee.
- (3) The notice given to the member must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) the grounds on which the proposed suspension or expulsion is based; and
 - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- (4) At the committee meeting, the committee must —
 - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
 - (b) give due consideration to any submissions so made; and
 - (c) decide —
 - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
 - (ii) whether or not to expel the member from the Club.
- (5) A decision of the committee to suspend the member's membership or to expel the member from the Club takes immediate effect.
- (6) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within 7 days after the committee meeting at which the decision is made.
- (7) A member whose membership is suspended or who is expelled from the Club may, within 14 days after receiving notice of the Committee's decision under sub-rule (6), give written notice to the Secretary requesting the appointment of a mediator under rule 28.
- (8) If notice is given under sub-rule (7), the member who gives the notice and the committee are the parties to the mediation.

21. Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
 - (a) loses any rights (including voting rights) arising as a result of membership; and
 - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.

- (2) When a member's membership is suspended, the Secretary must record in the register of members —
 - (a) that the member's membership is suspended; and
 - (b) the date on which the suspension takes effect; and
 - (c) the period of the suspension.

- (3) When the period of the suspension ends, the Secretary must record in the register of members that the member's membership is no longer suspended.

Division 3 — Resolving disputes

22. Terms used

In this Division —

grievance procedure means the procedures set out in this Division;

party to a dispute includes a person —

- (a) who is a party to the dispute; and
- (b) who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

protest is a dispute resulting from an incident resulting from actions on the water in an event conducted by the Club and will be resolved under guidelines of current Racing Rules of Sailing, SSC Sailing Instructions and/or By-Laws.

23. Application of this Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- (a) between members; or
- (b) between one or more members and the Club.

24. Parties to attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

25. How grievance procedure is started

- (1) Grievances relating to participation in Club activities on the water shall be treated as a protest and handled as defined in the current Racing Rules of Sailing and SSC Sailing Instructions.

- (2) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 24, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
 - (a) the parties to the dispute; and
 - (b) the matters that are the subject of the dispute.

- (3) Within 28 days after the Secretary is given the notice, a committee meeting must be convened to consider and determine the dispute.

- (4) The Secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (5) The notice given to each party to the dispute must state —
 - (a) when and where the committee meeting is to be held; and
 - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (6) If —
 - (a) the dispute is between one or more members and the Club; and
 - (b) any party to the dispute gives written notice to the Secretary stating that the party —
 - (i) does not agree to the dispute being determined by the committee; and
 - (ii) requests the appointment of a mediator under rule 28,

the committee must not determine the dispute.

26. Determination of dispute by committee

- (1) At the committee meeting at which a dispute is to be considered and determined, the committee must —
 - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
 - (b) give due consideration to any submissions so made; and
 - (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the committee's determination under sub-rule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under rule 28.
- (4) If notice is given under sub-rule (3), each party to the dispute is a party to the mediation.

Division 4 — Mediation

27. Application of Division

- (1) This Division applies if written notice has been given to the Secretary requesting the appointment of a mediator —
 - (a) by a member under rule 20(7); or
 - (b) by a party to a dispute under rule 25(6)(b)(ii) or 26(3).
- (2) If this Division applies, a mediator must be chosen or appointed under rule 28.

28. Appointment of mediator

- (1) The mediator must be a person chosen —

- (a) if the appointment of a mediator was requested by a member under rule 20(7) — by agreement between the member and the committee; or
 - (b) if the appointment of a mediator was requested by a party to a dispute under rule 25(6)(b)(ii) or 26(3) — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of sub-rule (1)(a) or (b), then, subject to sub-rules (3) and (4), the committee must appoint the mediator.
- (3) The person appointed as mediator by the committee must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
- (a) a member under rule 20(7); or
 - (b) a party to a dispute under rule 25(6)(b)(ii); or
 - (c) a party to a dispute under rule 26(3) and the dispute is between one or more members and the Club.
- (4) The person appointed as mediator by the committee may be a member or former member of the Club but must not —
- (a) have a personal interest in the matter that is the subject of the mediation; or
 - (b) be biased in favour of or against any party to the mediation.

29. Mediation process

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
- (a) give each party to the mediation every opportunity to be heard; and
 - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
 - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator must not determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential and without prejudice. Any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs, if any, of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

30. If mediation results in decision to suspend or expel being revoked

If —

- (a) mediation takes place because a member whose membership is suspended or who is expelled from the Club gives notice under rule 20(7); and
- (b) as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a committee meeting or general meeting during the period of suspension or expulsion.

PART 5 — COMMITTEE

Division 1 — Powers of Committee

31. Committee

- (1) The committee members comprising the Management Committee of the Club, have the authority to manage the affairs of the Club.
- (2) Subject to the Act, these rules, the by-laws and any resolution passed at a general meeting, the committee has rightful authority to do all things necessary or convenient to be done for the proper management of the affairs of the Club.
- (3) The committee must take all reasonable steps to ensure that the Club complies with the Act, these rules and the by-laws and that all decisions are made in the best interests of the Club and its' members.

Division 2 — Composition of Committee and duties of members

32. Committee members

- (1) The committee members consist of —
 - (a) the Flag Officers, Secretary and Treasurer of the Club; and
 - (b) member volunteers elected at an Annual General Meeting or otherwise nominated by the Management Committee to manage various club needs as determined by the committee.
- (2) The committee must determine the roles required to be filled to meet the needs of the Club there-by establishing the maximum number of members who may be ordinary committee members.
- (3) The following are the Flag and management office holders of the Club —
 - (a) the Commodore;
 - (b) the Vice Commodore;
 - (c) the Rear Commodore Sailing;
 - (d) the Rear Commodore Property;
 - (e) the Secretary;
 - (f) the Treasurer;
 - (g) the Sailing Captain (where such office is filled).
- (4) All candidates for Flag Officer shall be a fully paid up Ordinary or Life Member of at least two years standing with the Club, or be approved for election by the Management Committee, such approval to have been minuted.
- (5) A person may be a committee member if the person is —
 - (a) an individual who has reached 18 years of age; and
 - (b) an Ordinary Member.
- (6) A person must not hold 2 or more of the offices mentioned in sub-rule (3) at the same time.

33. Chairperson (Commodore)

- (1) It is the duty of the chairperson to consult with the Secretary regarding the business to be conducted at each committee meeting and general meeting.
- (2) The chairperson has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.

34. Secretary

The Secretary has the following duties —

- (a) dealing with the Club's correspondence;
- (b) consulting with the Commodore regarding the business to be conducted at each committee meeting and general meeting;
- (c) preparing the notices required for meetings and for the business to be conducted at meetings;
- (d) unless another member is authorised by the committee to do so, maintaining on behalf of the Club the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- (e) maintaining on behalf of the Club an up-to-date copy of these rules, as required under section 35(1) of the Act;
- (f) unless another member is authorised by the committee to do so, maintaining on behalf of the Club a record of committee members and other persons authorised to act on behalf of the Club, as required under section 58(2) of the Act;
- (g) ensuring the safe custody of the books of the Club, other than the financial records, financial statements and financial reports, as applicable to the Club;
- (h) maintaining full and accurate minutes of committee meetings and general meetings;
- (i) carrying out any other duty given to the Secretary under these rules or reasonable duty assigned by the committee.

35. Treasurer

The Treasurer has the following duties —

- (a) ensuring that any amounts payable to the Club are collected and issuing receipts for those amounts in the Club's name;
- (b) ensuring that any amounts paid to the Club are credited to the appropriate account of the Club, as directed by the committee;
- (c) ensuring that any payments to be made by the Club that have been authorised by the committee or at a general meeting are made on time;
- (d) ensuring that the Club complies with the relevant requirements of Part 5 of the Act;
- (e) ensuring the safe custody of the Club's financial records, financial statements and financial reports, as applicable to the Club;
- (f) as the Club is a tier 1 association, coordinating the preparation of the Club's financial statements before their submission to the Club's Annual General Meeting;
- (g) providing any assistance required by an auditor or reviewer conducting an audit or review of the Club's financial statements or financial report under Part 5 Division 5 of the Act;
- (h) carrying out any other duty given to the Treasurer under these rules or reasonable duty assigned by the committee.

Division 3 — Election of Flag Officers, committee members and others and tenure of office

36. How members become Committee members

A member becomes a committee member if the member —

- (a) is elected to the committee at a general meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy under rule 43.

37. Nomination of committee members

- (1) At least 31 days before an Annual General Meeting, the Secretary must send written notice to all the members —
 - (a) calling for nominations for election to the committee; and
 - (b) stating the date by which nominations must be received by the Secretary to comply with sub-rule (2).
- (2) A member who wishes to be considered for election to the committee at the Annual General Meeting must nominate for election by completing a nomination form as circulated by the Secretary and forwarding to the Secretary prior to the commencement of the Annual General Meeting.
- (3) The nomination must include the signature of another member in support of the nomination.
- (4) A member may nominate for one specified position of office holder of the Club or to be an ordinary committee member filling any of the roles as may be determined by the committee.
- (5) A member whose nomination does not comply with this rule is not eligible for election to the committee unless the member is nominated under rule 38(4) or 39(2)(b).

38. Election of office holders

- (1) A Patron and Vice Patron shall be elected at each Annual General Meeting by a show of hands and shall hold office until the next succeeding Annual General Meeting but shall be eligible for re-election. No notice of nomination shall be required. Where no nominations are received the position of Vice Patron may remain vacant.
- (2) At each Annual General Meeting, a separate election must be held for each position of office holder of the Club. The order of election being:-
 - (a) Commodore;
 - (b) Vice Commodore;
 - (c) Rear Commodore Sailing;
 - (d) Rear Commodore Property;
 - (e) Secretary;
 - (f) Treasurer;
 - (g) Sailing Captain (if appropriate and membership numbers warrant).
- (3) Where more than one nomination for any Management Committee position is received, the Committee shall, at least fourteen days prior to each Annual General Meeting, appoint a member to act as Returning Officer and two other members to act as Scrutineers, (refer (6) below).
- (4) If there is no nomination for a position, the chairperson of the meeting may call for nominations from the Ordinary and Life Members at the meeting.
- (5) If only one eligible member has nominated for a position, the chairperson of the meeting must declare the member elected to the position.
- (6) If more than one eligible member has nominated for a position, the Ordinary and Life Members at the meeting must vote in accordance with procedures that have been determined by the commit-

tee to decide who is to be elected to the position. Where there is a tie in the votes the chairperson has the deciding vote

- (7) Each Ordinary Member present at the meeting may vote for one member who has nominated for the position.
- (8) A member who has nominated for the position may vote for himself or herself.
- (9) On the member's election, the new Commodore of the Club may take over as the chairperson of the meeting.
- (10) The chairperson shall declare successful candidates duly elected.

39. Election of ordinary committee members

- (1) At the Annual General Meeting, the Club must decide by resolution the number of ordinary committee members (if any) to hold office for the next year to fill such roles necessary to fulfil the management needs of the Club for the ensuing year. Such roles may include Class Captains, Training Management, Galley Management, Bar Management and other roles as may be determined by the committee.
- (2) If the number of members nominating for the position of ordinary committee member is not greater than the number to be elected, the chairperson of the meeting —
 - (a) must declare each of those members to be elected to the nominated positions; and
 - (b) may call for further nominations from the Ordinary and Life Members at the meeting to fill any positions remaining unfilled after the elections under sub-rule 2 (a).
- (3) If —
 - (a) the number of members nominating for the position of ordinary committee member is greater than the number to be elected; or
 - (b) the number of members nominating under sub-rule (2)(b) is greater than the number of positions remaining unfilled,

the Ordinary and Life Members at the meeting must vote in accordance with procedures that have been determined by the committee to decide the members who are to be elected to the position of ordinary committee member.
- (4) A member who has nominated for the position of ordinary committee member may vote in accordance with that nomination.

40. Term of office

- (1) The term of office of a committee member begins when the member —
 - (a) is elected at an Annual General Meeting or under sub-rule 41(3)(b); or
 - (b) is appointed to fill a casual vacancy under rule 43.
- (2) Subject to rule 42, a committee member holds office until the positions on the committee are declared vacant at the next Annual General Meeting.
- (3) The officers and Management Committee shall hold office until the next succeeding Annual General Meeting but shall be eligible for re- election except that no Commodore shall be eligible for re-election if he or she had held that particular office for two consecutive years immediately prior to such Annual General Meeting.

41. Resignation and removal from office

- (1) A committee member may resign from the committee by written notice given to the Secretary or, if the resigning member is the Secretary, given to the Commodore.

- (2) The resignation takes effect —
 - (a) when the notice is received by the Secretary or Commodore; or
 - (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Club may by resolution —
 - (a) remove a committee member from office; and
 - (b) elect a member who is eligible under rule 32(4) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under sub-rule (3)(a) may make written representations (of a reasonable length) to the Secretary or chairperson and may ask that the representations be provided to the members.
- (5) The Secretary or chairperson may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

42. When membership of committee ceases

A person ceases to be a committee member if the person —

- (a) dies or otherwise ceases to be a member; or
- (b) resigns from the committee or is removed from office under rule 41; or
- (c) becomes ineligible to accept an appointment or act as a committee member under section 39 of the Act;
- (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- (e) where a committee member fails to attend 3 consecutive Committee meetings, of which the person has been given notice and without having notified the Committee that the person will be unable to attend, in this case committee membership may cease at the discretion of the Management Committee.

43. Filling casual vacancies

- (1) The committee may appoint a member who is eligible under rule 32(4) to fill a position on the committee that —
 - (a) has become vacant under rule 42; or
 - (b) was not filled by election at the most recent Annual General Meeting or under rule 41(3)(b).
- (2) If the position of Secretary becomes vacant, the committee must appoint a member who is eligible under rule 32(4) to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under rule 50, the committee may continue to act despite any vacancy in its membership.
- (4) If there are fewer committee members than required for a quorum under rule 50, the committee may act only for the purpose of —
 - (a) appointing casual committee members under this rule; or
 - (b) convening a general meeting.

44. Validity of acts

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

45. Payments to committee members

- (1) In this rule —
committee member includes a member of a subcommittee;
committee meeting includes a meeting of a subcommittee.
- (2) No member is entitled to payment to attend or recompense of any outlay incurred in attending any committee or general meeting of the Club. A committee member is only entitled to be paid out of the funds of the Club for any out-of-pocket expenses incurred in the maintenance of the facilities of the Club or its operations and any such payment must be authorised for payment at a committee meeting.

Division 4 — Committee meetings

46. Committee meetings

- (1) The committee must meet at least 10 times (including the Annual General Meeting) in each year on the dates and at the times and places determined by the committee.
- (2) If any Management Committee member shall fail to attend three consecutive meetings of the Management Committee without leave of absence his or her position may be declared vacant, under sub-rule 42 (e), and upon the happening of such event that member shall be notified in writing within 7 days.
- (3) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the Annual General Meeting at which the committee members are elected.
- (4) Special committee meetings may be convened by the Commodore or any two Management Committee members.

47. Notice of committee meetings

- (1) Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting by way of an agenda.
- (2) The agenda must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless sub-rule (4) applies, the only business that may be conducted at the meeting is the business described in the agenda. The Commodore may ask for general items of business from any or all of the attendees of the meeting.
- (4) Urgent business that has not been described in the agenda may be conducted at the meeting if the majority of committee members at the meeting agree to treat that business as urgent.

48. Procedure and order of business

- (1) The Commodore or, in the Commodore's absence, the Vice Commodore must preside as chairperson of each committee meeting.

- (2) If the Commodore and Vice Commodore are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of the members present to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.
- (5) A member or other person who is not a committee member may attend a committee meeting if invited to do so by the committee.
- (6) A person invited under sub-rule (5) to attend a committee meeting —
 - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
 - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
 - (c) cannot vote on any matter that is to be decided at the meeting.
- (7) a member of the committee who has a material personal interest in a matter being considered at a committee meeting must:
 - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee;
 - (b) if deemed relevant by the committee, disclose the nature and extent of the interest at the next general meeting of the Club.

49. Use of technology to be present at committee meetings

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a committee meeting as allowed under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- (3) The Club is not responsible for provision of such communication media nor for costs involved.

50. Quorum for committee meetings

- (1) The quorum of the committee meeting shall be four, comprising at least three Management Committee members with the fourth being an ordinary committee member.
- (2) Subject to rule 43(4), no business is to be conducted at a committee meeting unless a quorum is present.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting —
 - (a) in the case of a special meeting — the meeting lapses; or
 - (b) otherwise, the meeting is adjourned to a time and day, within 14 days, to be held at a place agreed by those present.
- (4) If —
 - (a) a quorum is not present within 30 minutes after the commencement time of a committee meeting held under sub-rule (3)(b); and
 - (b) at least 2 committee members are present at the meeting, those members present are taken to constitute a quorum.

51. Voting at committee meetings

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

52. Minutes of committee meetings

- (1) The committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following —
 - (c) the names of the committee members present at the meeting;
 - (d) the name of any person attending the meeting under rule 48(5);
 - (e) the business considered at the meeting;
 - (f) any motion on which a vote is taken at the meeting and the result of the vote.
 - (g) details relating to the disclosure of a committee member's material personal interest in a matter being considered at a committee meeting.
- (3) The minutes of a committee meeting must be distributed to committee members within 10 days after the day the meeting is held. The Secretary to maintain a printed copy of those minutes.
- (4) The Commodore/chairperson must ensure that the minutes of each committee meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next committee meeting.These signed minutes are to be maintained by the Secretary.
- (5) When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any appointment purportedly made and payment authorised at the meeting was validly made.

Division 5 — Subcommittees and subsidiary offices

53. Subcommittees and subsidiary offices

- (1) To help the committee in the conduct of the Club's business, the committee may, in writing, do either or both of the following —
 - (a) appoint one or more subcommittees;
 - (b) create one or more subsidiary officers roles and appoint people to those offices.
- (2) A subcommittee may consist of the number of people, whether or not members, that the committee considers appropriate. The Management Committee may authorise Junior Members to form a Junior Committee with such powers and limitations as are fixed by the Rules from time to time.
- (3) A person may be appointed to a subsidiary office whether or not the person is a member.
- (4) Subject to any directions given by the committee —
 - (a) a subcommittee may meet and conduct business as it considers appropriate; and
 - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

54. Delegation to subcommittees and holders of subsidiary offices

- (1) In this rule —

non-delegable duty means a duty imposed on the committee by the Act or another written law.
- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than —
 - (a) the power to delegate; and
 - (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

PART 6 — GENERAL MEETINGS OF CLUB

55. Annual General Meeting

- (1) The committee must determine the date, time and place of the Annual General Meeting. That date to be within the months of June or July each year.
- (2) If circumstances cause delay to holding the Annual General Meeting more than 6 months after the end of the Club's financial year, the Secretary must apply to the Commissioner for permission under section 50(3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the Annual General Meeting is as follows —
 - (a) to confirm the minutes of the previous Annual General Meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
 - (b) to receive and consider —
 - (i) the Commodore's annual report on the Club's activities during the preceding financial year; and
 - (ii) as the Club is a tier 1 association, the financial statements of the Club for the preceding financial year presented under Part 5 of the Act; and
 - (iii) where appropriate under rule 68, present a review of the financial statements of the Club;
 - (c) to elect the office holders of the Club and other committee members;
 - (d) if applicable under any circumstances, to appoint or remove a reviewer or auditor of the Club in accordance with the Act;
 - (e) to confirm or vary the entrance fees, subscriptions and other amounts (if any) to be paid by members.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the Annual General Meeting.
- (5) Notice of Motion of any resolution (other than ordinary business) must be sent to the Secretary not later than the 14th day preceding such Annual General Meeting and the Secretary shall, not less than 28 days preceding the meeting, send a reminder to this effect to each Ordinary and Life Member of the Club.
- (6) Any Notices of Motion received by the Secretary shall be forwarded electronically at least seven days prior to the Annual General Meeting to each Ordinary and Life Member with such detail as to provide members with the opportunity to assess such motions.

56. Special general meetings

- (1) The committee may convene a special general meeting.
- (2) The committee must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —
 - (a) make the requirement by written notice given to the Secretary; and
 - (b) state in the notice the business to be considered at the meeting; and
 - (c) each sign the notice.
- (4) The special general meeting must be convened within 28 days after notice is given under sub-rule (3)(a).
- (5) If the committee does not convene a special general meeting within that 28 day period, the members making the requirement (or at least three of those members) may convene the special general meeting.
- (6) A special general meeting convened by members under sub-rule (5) —

- (a) must be held within 3 months after the date the original requirement was made; and
 - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Club must reimburse any reasonable expenses incurred by the members convening a special general meeting under sub-rule (5).

57. Notice of general meetings

- (1) The Secretary or, in the case of a Special General Meeting convened under rule 56(5), the members convening the meeting, must give to each Ordinary and Life Member —
- (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must —
- (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if the meeting is the Annual General Meeting, include the names of the members who have nominated for election to the committee under rule 37(2); and
 - (d) if a special resolution is proposed —
 - (i) state the actual wording of the proposed resolution as required by section 51(4) of the Act; and
 - (ii) state that the resolution is intended to be proposed as a special resolution; and
 - (iii) comply with rule 58(7).

58. Proxies

- (1) Subject to sub-rule (2), an Ordinary Member may appoint an individual who is an Ordinary Member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- (2) An Ordinary Member may be appointed the proxy for not more than 5 other members.
- (3) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (4) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (5) If no instructions are given to the proxy, the proxy may vote on behalf of the member in any matter as the proxy sees fit.
- (6) If the committee has approved a form for the appointment of a proxy, the member may use that form or any other form —
- (a) that clearly identifies the person appointed as the member's proxy; and
 - (b) that has been signed by the member.
- (7) Notice of a general meeting given to an Ordinary Member under rule 57 must —
- (a) state that the member may appoint an individual who is an Ordinary Member as a proxy for the meeting; and
 - (b) include a copy of any form that the committee has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be given to the Secretary before the commencement of the general meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club not later than 24 hours before the commencement of the meeting.

59. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under sub-rule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.
- (3) The Club is not responsible for provision of such communication media nor for costs involved.

60. Presiding member and quorum for general meetings

- (1) The chairperson (Commodore) or, in the chairperson's absence, the deputy chairperson (Vice Commodore) must preside as chairperson of each general meeting.
- (2) If the Commodore and Vice Commodore are absent or are unwilling to act as chairperson of a general meeting, the senior Flag Officer present will act as chairperson. Where no Flag Officer is present all committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present. Any 50% of current Ordinary and Life Members (refer Rule 13(2)), as listed on the Club member register, present (being members entitled to vote under these rules at a general meeting) will constitute a quorum for the conduct of business at a general meeting. Where two adult Family Members as listed on the relevant Family membership form are present they will count for quorum purposes as two.
- (4) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
 - (a) in the case of a Special General Meeting — the meeting lapses; or
 - (b) in the case of the Annual General Meeting — the meeting is adjourned to —
 - (i) the same time and day in the following week; and
 - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (5) If, when an adjourned Annual General Meeting is scheduled —
 - (a) a quorum is not present within 30 minutes after the commencement time of a rescheduled Annual General Meeting held under sub-rule (4)(b); and
 - (b) at least 25% of current Ordinary and Life Members (as listed by the Secretary) are present at the meeting, or by proxy

those members present and by proxy are taken to constitute a quorum.

61. Adjournment of general meeting

- (1) The chairperson (Commodore) of a general meeting at which a quorum is present may, with the consent of a majority of the Ordinary and Life Members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting sub-rule (1), a meeting may be adjourned —
 - (a) if there is insufficient time to deal with the business at hand; or
 - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 57.

62. Voting at general meeting

- (1) On any question arising at a general meeting —
 - (a) subject to sub-rule (3), each Ordinary Member has one vote, except that a Family Membership has two votes where two representatives, over the age of 18, listed on the membership form of that membership are present; and
 - (b) Ordinary (including Family) and Life Members may vote personally or by proxy.
- (2) Except in the case of a special resolution, a motion is carried if a majority of the Ordinary and Life Members present at a general meeting and those represented by proxy, vote in favour of the motion.
- (3) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (5) For a person to be eligible to vote at a general meeting as an Ordinary Member, or on behalf of another Ordinary Member, the Ordinary Member voting —
 - (a) must have been an Ordinary Member at the time notice of the meeting was given under rule 57; and
 - (b) must have paid any fee or other money payable to the Club by the member.

63. When special resolutions are required

- (1) A special resolution is required if it is proposed at a general meeting —
 - (a) to affiliate the Club with another body; or
 - (b) to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Sub-rule (1) does not limit the matters in relation to which a special resolution may be proposed.

64. Determining whether resolution carried

- (1) In this rule —

poll means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to sub-rule (4), the chairperson of a general meeting may, by a show of hands, declare that a resolution has been —
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost.
- (3) If the resolution is a special resolution, the declaration under sub-rule (2) must identify the resolution as a special resolution. The Special Resolution shall be carried if not less than three-fourths of the members present at the meeting and entitled to vote, do so in favour of such resolution
- (4) If a poll is demanded on any question by the chairperson of the meeting or by at least 3 other Ordinary and Life Members present in person or by proxy —
 - (a) the poll must be taken at the meeting in the manner determined by the chairperson;
 - (b) the chairperson must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the chairperson or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson.

- (7) A declaration under sub-rule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

65. Minutes of general meeting

- (1) The Secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each Annual General Meeting must record —
 - (a) the names of the Ordinary and Life Members attending the meeting; and
 - (b) any proxy forms given to the chairperson of the meeting under rule 58(8); and
 - (c) the financial statements or financial report presented at the meeting, as referred to in rule 55(3)(b)(ii); and
 - (d) any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 55(3)(b)(iii).
- (4) The minutes of a general meeting must be prepared by the Secretary within 21 days after the meeting being held. An electronic copy to be forwarded to all members who were present and those who presented apologies.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
 - (a) the chairperson of the meeting; or
 - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
 - (a) the meeting to which the minutes relate was duly convened and held; and
 - (b) the matters recorded as having taken place at the meeting took place as recorded; and
 - (c) any election or appointment purportedly made at the meeting was validly made.

PART 7 — FINANCIAL MATTERS

66. Source of funds

The funds of the Club may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the committee, including in house sale of items through the canteen and bar.

67. Control of funds

- (1) The Club must open an account in the name of the Club with a financial institution from which all expenditure of the Club is made and into which all funds received by the Club are deposited. Further accounts, in the name of the Club, may be opened at that same financial institution for investment of carried over funds.
- (2) Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on behalf of the Club.
- (3) The committee may authorise the Treasurer to expend funds on behalf of the Club up to a specified limit without requiring approval from the committee for each item on which the funds are expended, or to arrange direct debit for accounts of a regular nature for utility services.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Club must be signed by —
 - (a) 2 of 3 committee members being, Treasurer, Commodore and Vice Commodore; or
 - (b) Treasurer and a person authorised by the committee.
- (5) All funds of the Club, other than normal working floats, must be deposited into the Club's account within 7 working days after their receipt.

68. Financial statements and financial reports

- (1) For each financial year, the committee must ensure that the requirements imposed on the Club under Part 5 of the Act relating to the financial statements or financial report of the Club are met.
- (2) Without limiting sub-rule (1), those requirements include —
 - (a) as the Club is a tier 1 association, the preparation of the financial statements; and
 - (b) the review or auditing of the financial statements, by one of - a member who has served as a Club Management Committee member in the past, a life member of the Club, a Club member with proven accounting capability or a certified public accountant.
 - (c) the presentation to the Annual General Meeting of the financial statements; and
 - (d) the presentation to the Annual General Meeting of a copy of the financial statements and the reviewer's or auditor's report, as applicable, on the financial statements.

PART 8 — GENERAL MATTERS

69. By-laws

- (1) The Club may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
 - (a) provide for the rights and obligations that apply to any classes of membership other than Ordinary and Life Members approved under rule 13(1); and
 - (b) impose restrictions on the committee's powers, including the power to dispose of the Club's assets; and
 - (c) impose requirements relating to the financial reporting and financial accountability of the Club and the auditing of the Club's accounts; and
 - (d) provide for any other matter the Club considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect if and when it is inconsistent with the Act, the regulations or these rules.
- (4) Without limiting sub-rule (3), a by-law made for the purposes of sub-rule (2)(c) may only impose requirements on the Club that are additional to, and do not restrict, a requirement imposed on the Club under Part 5 of the Act.
- (5) At the request of a member, the Club must make a copy of the by-laws available for inspection by the member.

70. Executing documents and Common Seal

- (1) The Club may execute a document without using a Common Seal if the document is signed by —
 - (a) 2 committee members; or
 - (b) one committee member and a person authorised by the committee.
- (2) The Club does not have a Common Seal as such, however, where a Common Seal is deemed to be warranted the Club letterhead fulfils such requirement and must include —
 - (a) the name of the Club appearing in legible characters; and
 - (b) where deemed to be filling the requirements of a Common Seal the document must be completed by authority of the committee and in the presence of —
 - (i) 2 committee members; or
 - (ii) one committee member and a person authorised by the committee,and each of them is to sign the document to attest that the document was authorised in their presence.
- (3) The Secretary must make a written record of each use of such documents.
- (4) The Management Committee shall have power to provide a Common Seal for the purposes of the Club and from time to time to destroy the same and substitute a new Common Seal in lieu thereof. Any such Common Seal shall be kept in the custody of the Secretary.

71. Giving notices to members

- (1) In this rule —

recorded means recorded in the register of members.
- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —
 - (a) delivered by hand to the recorded address of the member; or
 - (b) sent by prepaid post to the recorded postal address of the member; or

- (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

72. Custody of books and securities

- (1) Subject to sub-rule (2), the books and any securities of the Club must be kept in the Secretary's custody or under the Secretary's control.
- (2) The financial records and, as applicable, the financial statements or financial reports of the Club must be kept in the Treasurer's custody or under the Treasurer's control.
- (3) Sub-rules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Club must be retained for at least 7 years.

73. Record of office holders

The record of committee members and other persons authorised to act on behalf of the Club that is required to be maintained under section 58(2) of the Act must be kept in the Secretary's custody or under the Secretary's control.

74. Inspection of records and documents

- (1) Sub-rule (2) applies to a member who wants to inspect —
 - (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorised to act on behalf of the Club, under section 58(3) of the Act; or
 - (c) any other record or document of the Club.
- (2) The member must contact the Secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in sub-rule (1)(c) but does not have a right to remove the record or document for that purpose.
- (6) The member must not use or disclose information in a record or document referred to in sub-rule (1)(c) except for a purpose —
 - (a) that is directly connected with the affairs of the Club; or
 - (b) that is related to complying with a requirement of the Act.

75. Publication by committee members of statements about Club business prohibited

A committee member must not publish, or cause to be published, any statement about the business conducted by the Club at a general meeting or committee meeting unless —

- (a) the committee member has been authorised to do so at a committee meeting; and
- (b) the authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.

76. Distribution of surplus property on cancellation of incorporation or winding up

(1) In this rule —

surplus property, in relation to the Club, means property remaining after satisfaction of —

- (a) the debts and liabilities of the Club and
- (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Club,

but does not include books relating to the management of the Club.

- (2) On the cancellation of the incorporation or the winding up of the Club, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act in that it is not lawful for any part of the surplus property of an incorporated association to be distributed on the winding up of the association —
- (a) Among members or former members of the association; or
 - (b) Otherwise than to an incorporated association or for charitable purposes.

77. Alteration of rules

- (1) If the Club wants to alter or rescind any of these rules, or to make additional rules, the Club may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows—
- (a) Subject to Rule 77 sub-rule (d) and 77 sub-rule (e), the Club may alter its rules by special resolution but not otherwise. The Special Resolution shall be carried if not less than three-fourths of the members present at the meeting and entitled to vote, do so in favour of such resolution;
 - (b) As soon as is practicable after the making of any proposal for change to the Rules of the Club, the Secretary shall provide to the Director of Liquor Licensing, certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.
 - (c) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner of the Department of Commerce may in a particular case allow (on written application by the Club), the Club must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Club as so altered conform to the requirements of this Act;
 - (d) An alteration of the rules of the Club does not take effect until Rule 77 sub-rule (1) (b) and (1) (c) are complied with;
 - (e) An alteration of the rules of the Club having effect to change the name of the Club does not take effect until Rule 77 sub-rule (a) to 77 sub-rule (d), are complied with and the approval of the Commissioner is given to the change of name;
 - (f) An alteration of the rules of the Club having effect to alter the objects or purposes of the Club does not take effect until Rule 77 sub-rule (a) to 77 sub-rule (d) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (2) These rules bind every member and the Club to the same extent as if every member and the Club had signed and sealed these rules and agreed to be bound by all their provisions.

78. Liquor

- (1) No payment or part payment to any officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.
- (2) No liquor shall be sold or supplied to any juvenile (ie. any person under the age of 18 years).
- (3) No liquor shall be sold for consumption other than on the Club premises.
- (4) No person who is not a member of the Club, other than Reciprocal Members as defined in Para 13 (4), shall be permitted to use the Club premises and no member or other person shall admit any person who is not a member of the Club to use the Club premises for the purpose of supply of liquor, other than invited guests.
- (5) The Club shall only be open for the sale and supply of liquor during such hours (within the hours permitted under the Liquor Act) as the committee shall from time to time determine but not earlier than 10:00 am on any one day.

- (6) No liquor shall be sold or supplied on Christmas Day, Good Friday or before noon on Anzac Day except as permitted under the provisions of the Liquor Control Act 1988.
- (7) The Club shall nominate a person as the approved manager pursuant to the provisions of section 100 of the Liquor Control Act 1988. Where the approved manager is absent for a period of seven (7) days, the Club may appoint a temporary manager without prior approval of the Director of Liquor Licensing. In cases where the approved manager is absent for a period of 28 days, the Club, provided the person nominated has previously been approved by Licensing Authority under the Liquor Control Act 1988, may, without prior approval of the Director of Liquor Licensing, appoint the nominee to the position of approved manager. Where a person has not previously been approved, an Application for Approval of Manager, together with the prescribed fee, must be lodged.
- (8) Reciprocal Membership numbers shall be limited to ten (10) and at no time outnumber Ordinary Members present. A register of such memberships shall be maintained whenever these visitors are attending the Club for an event lasting more than two (2) consecutive days.
- (9) Venue Hire – other than outlined in Para 79 (6) the Club Policies Document outlines the Policy of the Club for hire of the venue to Members only for their private function. The Club liquor licence does not extend to such an activity and any requirement for a liquor licence shall be the responsibility of the hirer of the premises.

79. Guests

Members may introduce guests to the club subject to the following conditions:

- (1) Other than provided in (6) below, no member may introduce more than three (3) guests to the Club at any one time.
- (2) A guest shall not be supplied with liquor in the Club premises except on the invitation and in the company of that member.
- (3) A guest shall be supplied with liquor to be consumed on the Club premises only.
- (4) The member introducing the guest shall be responsible for the proper conduct of the guest whilst on the Club premises.
- (5) Any person who has been refused membership of the Club, or who is under suspension by the Club, shall not be admitted as a guest.
- (6) A member of at least one year's standing may, at their expense, and with the prior written approval of the Management Committee, supply liquor to guests, (up to any maximum number of guests specified by the Management Committee), at a function held by or on behalf of that member, at the Club premises, and provided that in no case may the member sell the liquor to guests or receive any other financial or other benefit in respect to the supply of such liquor.

PART 9 — BY-LAWS

1. Sailing Committee

- (a) The Sailing Committee may be nominal depending on the current Management Committee positions occupied. The Committee is headed by the Rear Commodore Sailing supported by the Sailing Captain (where position filled) and Class Captains.
- (b) The control of all races and of all yachts competing therein, and the management of the sailing affairs of the Club, shall be vested in a Sailing Committee, headed by the Rear Commodore Sailing and including one delegate from each class racing competitively within the Club. This control is then vested with the nominated Officer of the Day for each racing day with support and assistance from Class Captains.
- (c) Any vacancy occurring on the Sailing Committee should be recruited by the Sailing Committee, subject to approval by the Management Committee. Each member of the Sailing Committee must have practical or theoretical knowledge of sailing and yacht racing. The Sailing Committee shall have the power, subject to the approval of the Management Committee, to add to their number. Where formal meetings of the Sailing Committee are conducted, one member of the Sailing Committee shall act as Minute Secretary.

2. Sailing Committee Duties and Responsibilities

The duties and powers of the Sailing Committee shall be:

- (a) Frame and present to the Management Committee a programme of races for the season and including a roster of duties for those race dates.
- (b) Prepare and review Club Sailing Instructions.
- (c) Present a report to the Management Committee at least once a month.
- (d) Control all races and all yachts competing therein.
- (e) Recommend to the Management Committee the number and value of prizes to be competed for.
- (f) Make arrangement for, and appoint, officials for all Races sailed by, or under direction of, the Club, ensure availability of such officials in a timely manner. This includes, where necessary, appointment of Honorary Measurers; such appointment to be and their duties defined and recommended by the Sailing Committee and relevant Class Representatives and to be subject to confirmation by the Management Committee.
- (g) Decide all questions that arise in connection with such races and to disqualify any yacht or boat that, in their opinion, shall have violated any rule.
- (h) Where necessary, postpone any race or schedule it to be re-sailed.
- (i) Where a protest arises out of on the water dispute, nominate a protest committee as outlined in the Sailing Instructions.
- (j) To elect, appoint or delegate such members as may be required to attend, from time to time, as

delegates to such outside Associations, Committees or other bodies as may be connected with the yachting activity of the Club. Such delegates to report to the Sailing Committee on all matters concerning the Club.

(k) A quorum of Sailing Committee is not necessary as this committee reports and recommends action or approach to the Management Committee.

(l) All races shall be sailed in accordance with Racing Rules of Sailing as presented on the "Australian Sailing" website and prescriptions thereof.

3. Protests

(a) Protests arising out of on the water disputes shall be handled in accordance with the current Sailing Instructions in front of a Protest Committee nominated by the Sailing Committee or its representative, nominally the Rear Commodore Sailing or in the absence of that officer, the senior Flag Officer present. Where there is no Flag Officer present this role passes to the nominated Officer of the Day.

(b) On all questions, disputes, and protests arising under the sailing rules and regulations of the Club in Club races, the decision of the Sailing Committee shall be final, unless on written application of either of the parties interested, they refer the question to the Australian Sailing. Such application shall be made within 14 days of the date of the decision of the Sailing Committee.

4. Club Management Documentation

(a) Club Management Documentation shall be made available to all members through access to the Club website. Such documents to include but not limited to – Club's "Rules and By-Laws", "Risk Management", "Club Policies and Procedures", "Emergency Response Plan", "Rescue Boat Operations and Procedures", "Emergency Evacuation Procedures" and "SSC Sailing Instructions".

(b) Providing an email address is supplied, all new members will be sent an electronic copy of the Club's "Rules and By-Laws" as required by Rule 5.

(c) All members will also receive an electronic copy of both the Club Sailing Instructions and Rescue Boat Operations and Procedures.

5. Handicapper

The Sailing Committee shall ensure Class Captains are aware of their responsibility as Handicapper for their relevant class. It shall be the duty of the Class Captains as Handicapper, in cooperation with the race day management team:

(a) To oversee handicapping of relevant class(es) in all Club sailing events.

(b) To ensure boat handicaps of each race appear on the Class sign on logs prior to the race.

(c) To review and ensure availability to all those who have sailed on any day, the result of each race immediately after the day's pennant presentations.

(d) To review, and ensure accuracy of, the register of sailing fixtures within the Club race management computer containing a record of:

- i. boats competing in each race - and
- ii. crew names - and
- iii. handicaps - and
- iv. time of completion of course of each boat engaged in the race.

6. Sailing Captain

- (a) Where deemed appropriate by the Management Committee, a Sailing Captain will be elected at the Annual General Meeting and will take up his or her responsibilities from that date.
- (b) The Sailing Captain will be under the jurisdiction of the Rear Commodore (Sailing) and be a member of Management Committee and Sailing Committee by virtue of the office
- (c) The Sailing Captain will liaise with the Class Captains to uphold the interests of the Club, maintain discipline and the well being of its members.

7. Registrations

- (a) The Club shall keep a register of Club owned Sailing Craft, Power Craft, Dinghies and Trolleys.
- (b) The Club shall keep a register of member boats which participate in club events.
- (c) The Management Committee has discretion to register or refuse the registration of craft owned by Club members.
- (d) Only registered sailing craft may use the Club's facilities, other than visiting boats registered with an Australian Sailing affiliated club or association.
- (e) No yachts shall be registered unless every person having an interest therein be a member of the Club or be a visiting participant invited as a Reciprocal member.

8. Miscellaneous

- (a) Any member who is known to destroy, damage or lose any property belonging to the Club shall pay the full cost of replacing or repairing same to the satisfaction of the Management Committee.
- (b) No member shall take away from the Club any newspaper, book or any other article being the property of the Club unless duly authorised.
- (c) No paper or notice, written or printed, shall be displayed anywhere in or about the Club premises without the sanction of the Management Committee being first obtained.
- (d) The Club, its officers and Management Committee shall not be liable to any member of the Club, or to any person using the Club premises or property under or by virtue of the Rules thereof, for or by reason of any act, neglect, default or negligence of any officer, servant, employee or agent of the Club.
- (e) All such persons as aforesaid using the Club premises, or any property of the Club, or making use of any of the conveniences or facilities provided by the Club shall be deemed to do so at their own risk.
- (f)) Every member shall advise the Secretary of his/her address and electronic (email) address and all notices required by these rules to be sent or given to members shall be deemed to have been sent or given if sent to such address(es). This includes transmission by electronic mail.
- (g) The sailing rules shall be the current rules of the International Yacht Racing Union and Australian

Sailing unless otherwise ordered by the Management Committee and stated in Sailing Instructions.

(h) Appeal to Law

The members shall be held to consent to and be bound by the Rules and Sailing Instructions of the Club, and shall not be entitled to appeal to any Court because of anything done under the provision of said Rules and Sailing Instructions.

(i) Interpretation of Rules

As no Rule can be compiled capable of dealing with every incident that may arise, the Management Committee's interpretation of these Rules and their decision thereon shall be accepted as final.

Part 10 AMMENDMENTS

AMMENDMENTS - January 2018 required by Dept. of Local Govt., Sport and Cultural Industries – Licensing and Industry Services

- Para 11 (2) added. – Posting of membership applications
- Para 13 (4) more defined – Reciprocal membership
- Para 18 (2) added – Register of members on site
- Para 77 (1) (b) added Proposed changes to Rules to Director of Liquor Licensing
- Para 78 (3) added – Liquor sold for consumption on club premises only
- Para 78 (4) included Reciprocal Members
- Para 78 (5) expanded – from 10:00 am
- Para 78 (6) expanded – not before noon on ANZAC Day
- Para 78 (8) added – Reciprocal members limits
- Para 78 (9) added – Venue Hire - licence not to cover
- Para 79 (1) – 3 guests by any one member