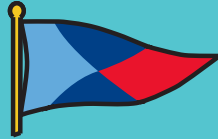


The Newhaven Yacht Squadron Inc



Founded 1962

Statement of Purposes
and Rules

JANUARY 2017

ASSOCIATIONS INCORPORATION ACT 1981
THE NEWHAVEN YACHT SQUADRON INCORPORATED
STATEMENT OF PURPOSES

NAME:

The name of the incorporated association is

“THE NEWHAVEN YACHT SQUADRON INCORPORATED”

(Hereinafter called “The Squadron”) located at Newhaven, Phillip Island in the State of Victoria.

PURPOSES AND OBJECTIVES OF THE SQUADRON

The Squadron was formed for the following purposes and objectives-

1. To promote and encourage the sports of yachting, boating and angling at Phillip Island, and its surrounding waters, and do all things thereto and not inconsistent with the foregoing. To foster and train members in yachting and boat handling and inculcate all concerned with a sense of water safety and seamanship.
2. To acquire, maintain and develop Squadron premises, plant, equipment, boats, jetties, slipways, mooring facilities, boat storage and boat haven.
3. To apply for, obtain, hold and renew as required, from time to time, any certificates, licences, permits, leases or any other requirements needed for The Squadron’s existence, facilities and welfare. To seek and arrange for the necessary affiliation with any organisation which would be of benefit to The Squadron.

JANUARY 2017

CONTENTS

No. Paragraph	Page
1 Name	2
2 Interpretation	2
3 Purpose and objectives of the Squadron	2
4 Membership	3
(a) Eligibility and Categories of Membership	3
(b) Approval of Members	4
(c) Entrance Fees and Subscriptions	4
(ca) Life Membership	5
(d) Resignation of Members	6
(e) Censure, Suspension or Expulsion of Members	6
(ea) Disputes and Mediation	8
(f) Transfer and Transmission of Rights	9
(g) Register of Members	9
5 Squadron Year	9
6 Executive Committee and Officers	9
(a) Committee Composition	9
(b) Nomination and Election	10
(c) Duties, Responsibilities and Authority of Committee	10
(d) Duties of Flag Officers and other Officers	11
(i) Duties of the Commodore	11
(ii) Duties of the Vice Commodore	11
(iii) Duties of the Rear Commodore	12
(iv) Duties of the Secretary	12
(v) Duties of the Treasurer	12
(vi) Duties of Social Secretary, Safety Supervisor, Boating Secretary and Training Officer	12
(e) Vacancy in Membership of the Committee	12
(f) Dismissal of Committee Members	13
(g) Proceedings at Committee Meetings	13
7 General Meetings	13
(a) Annual General Meeting	13
(b) Special General Meetings	14
(c) Chairman of Meetings	15
(d) Quorums	15
(e) Voting	15
(f) Notice of Motion	15
8 Funds	15
9 Common Seal	15
10 Interpretation of Rules	16
11 Members' Interest	16
12 Winding up or Cancellation	16
13 Custody of Records and Inspection of Books	16
14 By-Laws	16
15 Sub-Committees	16
16 Indemnity of Members of the Committee	17
17 Conduct of Meetings	17
18 Changes to Rules and Statement of Purpose	17
19 Squadron Flags and Insignia	17
20 Boat Register and Identification	17
21 Squadron's Lien on Member's Property	18
Application for Membership	Appendix 1
Nomination for Life Membership	Appendix 11

ASSOCIATIONS INCORPORATION ACT 1981
THE NEWHAVEN YACHT SQUADRON INCORPORATED
RULES

1. NAME

The name of the incorporated association is

“THE NEWHAVEN YACHT SQUADRON INCORPORATED”

(In these Rules called “The Squadron”) located at Newhaven, Phillip Island in the State of Victoria.

2. INTERPRETATION

(a) In these Rules unless the contrary intention appears: “Committee” means the Executive Committee of The Squadron.

“Financial year” means the year ending on 30th June.

“Annual General Meeting” means a meeting of members convened in accordance with Rule 7(a).

“Special General Meeting” means a general meeting of members convened in accordance with Rule 7(b).

“Member” means a member of The Squadron.

“Officer” means a member of The Squadron who is elected in accordance with Rule 6(b) as Commodore, Vice Commodore, Rear Commodore, Secretary or Treasurer.

“Flag Officer” means Commodore, Vice Commodore or Rear Commodore.

“Ordinary Member of the Committee” means a member of the Committee who is not an Officer of the Squadron.

“The Act” means the Associations Incorporation Reform Act 2012.

“The Regulations” means regulations under the Act.

(b) In these Rules, a reference to the Secretary of the Squadron is a reference:

(i) Where a person holds office under these Rules as Secretary of The Squadron - to that person; and

(ii) In any other case, to the Public Officer of the Squadron.

(iii) Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

(iv) Where a specific gender is referred to in these Rules it equally refers to both genders.

(v) In these Rules words importing the singular shall be taken to include the plural, and the reverse shall apply.

3. PURPOSES AND OBJECTIVES OF THE SQUADRON

(a) To promote and encourage the sports of yachting, boating and angling at Phillip Island and its surrounding waters, and to do all things thereto and not inconsistent with the foregoing. To foster and train members in yachting and boat handling and inculcate all concerned with a sense of water safety and seamanship.

- (b) To acquire, maintain and develop Squadron premises, plant, equipment, boats, jetties, slipways, mooring facilities, boat storage and boat haven.
- (c) To apply for, obtain, hold and renew as required, from time to time, any certificates, licences, permits, leases or any other requirements needed for The Squadron's existence, facilities and welfare. To seek and arrange for the necessary affiliation with any organisation which would be of benefit to The Squadron.

4. MEMBERSHIP

(a) Eligibility and Categories of Membership

Any person not less than the age of 10 years and of good repute shall be eligible for approval as a Member of the Squadron in the following categories:

- (i) *Senior Members:*
Shall be not less than the age of 18 years at the time of application of membership.
- (ii) *Juniors:*
Shall not be less than the age of 10 years at the time of application and will cease to be Juniors on reaching the age of 18 years. Such Juniors attaining the age of 18 years shall be eligible for admittance as Senior Members upon payment of 50% of the then current entrance fee.
- (iii) *Associate Members:*
Associate membership shall be available to the spouse or partner of a Senior Member without payment of an annual subscription.
- (iv) *Social Members:*
Shall be not less than the age of 18 years at the time of application and shall be entitled to such privileges as the Committee may from time to time determine.
- (v) *Crew Members:*
Shall be not less than the age of 18 years at the time of application and shall be entitled to such privileges as the Committee may from time to time determine.
- (vi) *Honorary Membership:*
It shall be within the power of the Committee to confer Honorary Membership upon any person for a specific reason or purpose. Honorary Members shall be entitled to all the privileges of The Squadron except the right to vote at meetings and the right to be elected to the Committee.
- (vii) *Absentee Membership:*
A Member, who is domiciled more than 240 kilometres from Newhaven for a period of 12 months or more, may apply for Absentee Membership.
- (viii) *Life Membership:*
Shall be conferred, on the recommendation of the Committee and ratified by a general meeting of Members, for special meritorious services to The Squadron. Such Life Member shall be entitled to the same privileges and use of The Squadron's facilities as a Senior Member without payment of any further subscription. Criteria for Life Membership is set out in 4(ca) below.

(aa) **Visitors**

May be introduced provided that the name of the visitor and such details as may be determined by the Committee are entered in the visitor's book and signed by the Member making such introduction upon such visitor entering The Squadron's premises. The Member making the introduction shall be responsible for the behaviour of such visitor.

(b) **Approval of Members**

- (i) Any person wishing to become a Member of The Squadron shall complete the appropriate form of application as set out in Appendix 1 and Appendix 11 signed by two Senior Members, who have been Members of The Squadron for at least two years, as proposer and seconder and forward such application to the Secretary who shall keep the said form displayed in a conspicuous place in The Squadron's premises for at least two weeks. Prior to consideration for approval by the Committee, the applicant shall be present on The Squadron's premises at a time when Members are foregathered and at least one of the Committee is present. The Committee shall have the power to reject any application and shall not be required to furnish any reason whatever for such rejection.
- (ii) Upon a nomination being approved by the Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that he is approved for membership of The Squadron, supply him with a copy of these rules and request payment within the period of 28 days after receipt of the notification of the sum payable under these Rules as the entrance fee and the balance of the first year's subscription
- (iii) The Secretary shall, upon payment of the amounts referred to in the preceding sub-clause within the period referred to in that sub-clause, enter the nominee's name in the Register of Members kept by him and, upon the name being so entered, the nominee becomes a Member of The Squadron.

(c) **Entrance Fees and Subscriptions:**

- (i) There shall be an entrance fee payable by new Members the amount of which, and the classes of membership to which such fees are applicable being determined by the Committee and reviewed by the Committee from time to time.
- (ii) Annual subscriptions shall be paid by Members, which together with any other dues are payable in advance on or before 1st July and must be paid by the 31st August in each year. The amount of such subscription will be determined by the Committee.
- (iii) Any variation to entrance fees and annual subscriptions shall not be by more than fifteen per centum (15%) in any one year without the approval of a General Meeting of Members.

(ca) **Life Membership**

Individual members may be considered for the awarding of Life Membership for significant voluntary service in the areas of administration, asset management and maintenance, coaching or officiating.

The following guidelines and criteria shall apply: -

1. The person shall have met the criteria set out in the rules of the Squadron for being eligible to be considered for Life Membership.
2. The person shall have been an individual current member of The Newhaven Yacht Squadron for at least 15 years.
3. The person shall have served at least 10 years of service as a member of the management committee or as a member of a sub-committee or as a club coach at The Newhaven Yacht Squadron.
4. The person shall have given service of significant value to advance the objectives or status of the Squadron at Club level, State level or at a higher level.
5. Significant service is defined as service above performing the ordinary duties expected of a club member assisting in the day to day running of the Squadron.
6. The following roles may be considered towards service to qualify a person for life membership.

(a) Performance and service given by a member in an official or unofficial role in the squadron, which is considered to have been above the normal standard and or duration expected of a volunteer.

(b) Performance of a principal or significant role, which has enabled the club to conduct a major event, to complete a special project or to achieve a significant objective.

Submitting a Nomination for Life Membership

1. A nomination for Life Membership may be submitted by any two financial voting members of the Newhaven Yacht Squadron, acting as proposer and seconder for the nomination.
2. The proposer and seconder should refer to those sections of the Squadron's Rules and these Guidelines which relate to the awarding of Life membership.
3. The nomination must be supported by a statement showing the club history of the nominee and details of any valuable service rendered to the Squadron during their membership.
4. The nomination is to be lodged with the Secretary on the approved nomination form (Appendix 11).
5. The Secretary will note the date of receipt on the form and table the nomination at the next meeting of the management committee.
6. The management committee may seek further information about the nominated person from the proposer and seconder or from other members.

Review of Nominations for Life Membership

1. The management committee, at a meeting prior to the Annual General meeting shall consider any nominations for Life Membership against the criteria.
2. The management committee may accept or reject a nomination.
3. If the management committee accepts the nomination, it shall notify a member in writing, that they propose to recommend the member for Life Membership and seek the member's acceptance.
4. A member so notified is to acknowledge acceptance of the offer in writing.

Actioning approved nominations for Life Membership

1. The management committee will prepare a resolution for the AGM for each nominee, who has accepted the nomination and provided a statement of any outstanding service given by each nominee with a recommendation that Life Membership be conferred.
2. The resolution will be read to members at the AGM and members shall vote to approve or reject the management committee recommendation.
3. When the members approve the management committee recommendation, those member's names shall be record on the Life Membership register and on any Honour Board
4. The new Life Member/s will be presented to members at the next club season opening ceremony and given a Squadron Life Membership certificate to recognise the award.

(d) **Resignation of Members:**

- (i) A Member of The Squadron who has paid all moneys due and payable by him to The Squadron may resign from The Squadron by first giving one month's notice in writing to the Secretary of his intention to resign, and upon the expiration of that period of notice, the Member shall cease to be a Member.
- (ii) Upon expiration of a notice given under sub-clause (i), the Secretary shall make in the Register of Members an entry recording the date on which the Member by whom the notice was given, ceased to be a Member.

(e) **Censure, Suspension or Expulsion of Members:**

- (i) Any charge or complaint against a Member, shall be made to the Committee in writing. Upon receipt of such a charge or complaint, if the Committee is of the opinion that the Member has
 - (a) refused or neglected to comply with these Rules; and / or
 - (b) been guilty of conduct unbecoming of a Member or prejudicial to the interests of The Squadron the Member concerned may be censured, suspended or expelled by resolution of the Committee.

- (ii) A resolution of the Committee under sub-clause (i) –
 - (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the Member of a notice that under sub clause (iii) confirms the resolution in accordance with this clause, and
 - (b) where the Member exercises a right of appeal to The Squadron under this clause, does not take effect unless The Squadron confirms the resolution in accordance with this clause.
- (iii) Where the Committee passes a resolution under sub-clause (i), the Secretary shall, as soon as practicable, cause to be served on the member a notice in writing -
 - (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the Member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting;
 - (d) informing the member that he may -
 - (i) attend that meeting; and/or
 - (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution; and/or
 - (iii) if the resolution of the Committee was that the Member be expelled he may lodge with the Secretary a notice to the effect that he wishes to appeal to the Squadron in Special General Meeting against the resolution. The notice must be lodged no later than 24 hours before that Committee Meeting.
- (iv) At a meeting of the Committee held in accordance with sub-clause (ii) the Committee -
 - (a) shall give to the Member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the Member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- (v) Where the Secretary receives a notice under sub-clause (iii), he shall notify the Committee and the Committee shall convene a Special General Meeting of the Squadron to be held within twenty-one (21) days after the date on which the Secretary received the notice.
- (vi) At a Special General Meeting of the Squadron convened under sub-clause (v)
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Committee may place before the Meeting details of the grounds for the resolution and the reasons for the passing of the resolution;

- (c) the Member shall be given an opportunity to be heard; and
 - (d) the Members present and entitled to vote, shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (vii) If at the Special General Meeting -
- (a) two-thirds of the Members vote in favour of the confirmation of the resolution, the resolution is confirmed, and
 - (b) in any other case, the resolution is revoked.

(ea) Disputes and Mediation

- (a) The grievance procedure set out in this rule applies to disputes under these Rules between
 - (i) a member and another member; or
 - (ii) a member and the Squadron.
- (b) The parties to the dispute must meet and discuss the matter in dispute and if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- (c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- (d) The mediator must be -
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement -
 - (a) In the case of a dispute between a member and another member, a person appointed by the committee of the Squadron; or
 - (b) In the case of a dispute between a member and the Squadron, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (e) A member of the Squadron can be a mediator.
- (f) The mediator cannot be a member who is a party to the dispute.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must-
 - (i) give the parties to the mediation process every opportunity to be heard; and
 - (ii) allow due consideration by all parties or any written statement submitted by any party; and
 - (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process
- (i) The mediator must not determine the dispute

- (j) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or Otherwise at law.

(f) Transfer and Transmission of Rights

A right, privilege or obligation of a person by reason of his membership of The Squadron -

- (i) is not capable of being transferred or transmitted to another person; and
- (ii) is terminated upon the cessation of his membership whether by death, resignation, non-payment of dues, or otherwise.

(g) Register of Members

- (i) The Secretary shall keep and maintain a register in which shall be entered the full name, address and date of entry of each Member along with the Member's date of election. Members will give written notice of any change of address to the Secretary who will duly amend the Register. All communications delivered or posted to the registered address shall be deemed to be a notice duly given. The Secretary shall, on election and payment of dues, issue to each Member a membership card or badge which indicates that they are financial members. The Register shall be available for inspection by Members at the address of the Public Officer.

5. SQUADRON YEAR

- (a) The Squadron year shall commence on the 1st July of each year and on that date annual subscriptions and any other fees shall be due and payable. Notice of dues shall be delivered or emailed or posted to the Member's registered address, such delivery or posting shall be deemed to be notice duly given as a first and final request for payment. Any Member who fails to pay such subscription within a period of three months shall cease to be a Member. Cases of personal hardship will be considered on merit.
- (b) A Member whose membership is terminated due to such non-payment or a Member who has previously resigned may apply to re-join and may be re-elected on terms acceptable to the Committee.

6. EXECUTIVE COMMITTEE AND OFFICERS

(a) Committee Composition

The Committee of The Squadron shall consist of: Commodore, Vice Commodore, Rear Commodore (each of whom shall be or have been owner or part owner of a boat on The Squadron Register), Secretary, Treasurer, Social Secretary and six (6) other Members. Three (3) of these six (6) Members elected at the appropriate Annual General Meeting shall be to the position of Safety Supervisor, Boating Secretary and Training Officer.

(b) Nomination and Election

- (i) The election of the Committee shall be conducted at an Annual General Meeting and those elected shall, unless they vacate or be removed from office,

hold office for a term of two years or until successors have been duly elected or appointed in their stead, but so that:

- (a) In the year 2001 and in every alternate year thereafter the Commodore, Rear Commodore, Secretary, Social Secretary, Safety Supervisor and one other Committee Member shall be elected,
 - (b) In the year 2001 the Vice Commodore, Treasurer, and one other Committee Member shall be elected for one year only, and
 - (c) In the year 2002 and in every alternate year thereafter the Vice Commodore, Treasurer, Boating Secretary, Training Officer and two other Committee Members shall be elected.
- (ii) Nominations in writing signed by two (2) Senior or Life Members who have been members of the Squadron for at least two years and the candidate shall be in the hands of the Secretary or his nominee (who shall be a Flag Officer) at least fourteen (14) days prior to the announced date of the Annual General Meeting and shall be displayed on The Squadron notice board for not less than seven (7) days prior to the meeting. Election of all office bearers shall be by a majority vote unless unopposed.
 - (iii) Senior or Life Members only may be members of the Committee.
 - (iv) At least one Committee Member shall be on every sub-committee and, wherever possible, each Committee Member shall be responsible for at least one sub-committee.

(c) Duties, Responsibilities & Authority of Committee

- (i) The Committee shall be fully responsible for the management of The Squadron in accordance with the provisions of these Rules as amended from time to time and subject to the Act and the Regulations may regulate its own proceedings. It is authorised to incur necessary expenditure in connection with the development, operation and maintenance of The Squadron and its property, provided that any proposal to purchase, lease, sell or mortgage any land or to expend a sum of more than \$25,000.00 upon any one project must be approved by a General Meeting of Members. No moneys shall be expended without the prior or subsequent sanction of the Committee. All accounts must be submitted to the Committee and passed for payment. The Committee shall open a bank account or accounts in which all funds received on behalf of The Squadron shall be deposited and from which all accounts shall be paid. Surplus moneys may be invested at the discretion of the Committee. All cheques drawn or electronic fund transfers on behalf of The Squadron shall be signed or authorised by any two of the following officers, viz: Flag Officers, Secretary or Treasurer. All payments over \$50.00 must be made by cheque or electronic banking drawn on The Squadron's bank account. The Secretary, Treasurer and Social Secretary may each hold up to \$100.00 or such other amount not exceeding \$1000.00 as is approved by the Committee for petty cash payments.
- (ii) For each Financial Year, the Committee shall cause a balance sheet and statement of income and expenditure to be prepared from the books of account, audited and laid before the Annual General Meeting. The Committee

shall also cause to be attached to these accounts, before the auditor reports on them, a statement made in accordance with a resolution of the Committee and signed by not less than two (2) Committee Members stating whether in the opinion of the Committee:

- (a) the statement of income and expenditure is drawn up so as to give a true and fair view of the income and expenditure of The Squadron for the year;
 - (b) the balance sheet is drawn up so as to give a true and fair view of the state of affairs of The Squadron at the end of the financial year;
 - (c) there are reasonable grounds to believe that The Squadron will be able to pay its debts as and when they fall due.
- (iii) Squadron Employees-
Employees may be appointed, engaged or dismissed by the Committee as it deems necessary. The duties and remuneration of such employees shall be defined and allotted by the Committee.

(d) Duties of Flag and other Officers

- (i) Duties of the Commodore:
 - (a) The Commodore shall preside at all meetings of the Squadron and of the Committee at which he is present.
 - (b) The Commodore is the Chief Executive Officer of The Squadron, and has the primary responsibility for ensuring that the resolutions of the Committee and the provisions of the Act and Regulations are carried into effect in the administration of the affairs of the Squadron.
 - (c) The Commodore shall use his best endeavours to supervise the management of the property and activities of the Squadron for attaining the objectives and purposes of the Squadron.
- (ii) Duties of the Vice Commodore:
The Vice Commodore shall:
 - (a) Assist the Commodore generally in the discharge of his duties
 - (b) Is responsible, subject to any direction given by the Committee or the Commodore, for overseeing the day to day operation of the marina and the boat yard and the maintenance of Squadron property, and
 - (c) Shall act as Commodore during any absence of the Commodore or his inability to act and whilst so acting shall have and may exercise all or any of the powers of the Commodore.
- (iii) Duties of the Rear Commodore:
The Rear Commodore shall assist the other Flag Officers in the discharge of their duties when so requested from time to time and in particular shall, together with the Boating Secretary, manage and supervise the sailing and boating activities conducted by the Squadron.
- (iv) Duties of the Secretary:
The Secretary shall;
 - (a) Give notice to members of all General and Special Meetings of the Squadron and keep full and correct minutes of all resolutions and proceedings of all Meetings of the Squadron and of the Committee

- (v) **Duties of the Treasurer:**
To receive all moneys, properly record same in the books of account provided, and ensure that The Squadron's financial commitments, as approved by the Committee, are paid and recorded. To report on The Squadron's current financial position at all Committee meetings. To submit to the Committee an annual balance sheet and statement of income and expenditure. The books of account referred to above shall be available for inspection by Members by prior appointment with the Treasurer.
- (vi) Duties of Social Secretary, Safety Supervisor, Boating Secretary and Training Officer shall be as directed by the Committee.

(e) Vacancy in Membership of the Committee

- (i) Should a vacancy occur during The Squadron year, such vacancy may be filled by the Committee and the person appointed shall hold office until the next Annual General Meeting, when such appointee shall retire, but be eligible for re-election. However, should a vacancy occur among the Ordinary Members of the Committee, such vacancy may be filled by the Committee and the appointee shall retire in conformity with the provisions of Rule 6(b) at the time that the Member replaced by the appointee would have been due to retire, and will be eligible for re-election. In the event of any Member of the Committee or a sub-committee failing to attend three consecutive meetings and not furnishing a satisfactory explanation, the Committee, at its discretion, may declare the position vacant.
- (ii) For the purposes of these Rules, the position of a Committee Member becomes vacant if the Member
 - (a) ceases to be a Member of the Squadron;
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
 - (c) resigns his office by notice in writing given to the Committee or accepts nomination under Rule 6(b)(ii) for election to some other position on the Committee.

(f) Dismissal of Committee Members

- (i) The Squadron in General Meeting may by resolution remove any Member of the Committee before the expiration of his elected term and appoint another Member in his stead until the expiration of the term of the first-mentioned Member.
- (ii) Any such resolution must be passed by not less than two thirds of the Members present and entitled to vote at a General Meeting called under the provisions of these Rules. Such voting must be by ballot with scrutineers appointed by the Chairman of such meeting.

(g) Proceedings at Committee Meetings

- (i) The Committee shall meet at least once per month at such place and time as the Committee may determine.

- (ii) Special meetings of the Committee may be convened by the Commodore or by any six of the Members of the Committee.
- (iii) Notice shall be given to Members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a Meeting.
- (iv) Any six (6) Members of the Committee constitutes a quorum for the transaction of the business of a meeting of the Committee.
- (v) No business shall be transacted unless a quorum is present, and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting will be adjourned to the same day in the next week, at the same time, and at the same place, and if at the adjourned meeting, the quorum is not present, within half an hour after the time appointed for commencement of the meeting, the Members present (being not less than three (3) shall be a quorum.
- (vi) At meetings of the Committee the senior Flag Officer present shall take the chair. If a Flag Officer is not present, the meeting shall elect a Member of the Committee as chairman.
- (vii) Questions arising at a meeting of the Committee or of any subcommittee appointed by the Committee shall be determined on a show of hands, or, if demanded by a Member, by poll taken in such manner as the person presiding at the meeting may determine.

7. GENERAL MEETINGS

(a) Annual General Meeting

Shall be held during the month of October each year at such hour and place as the Committee determines. Written notice of Meeting including an agenda of all subject matter to be dealt with shall be sent to Members by prepaid post or email at least fourteen (14) clear days prior to the Meeting and only matters listed shall be dealt with at such Meetings. Procedure at such Meetings shall be:

- (i) On opening the Meeting the Chairman shall declare a quorum.
- (ii) The Minutes of the last Annual General Meeting and any Special General Meeting held since that Meeting will be read and confirmed.
- (iii) The Commodore's Report on behalf of the Committee will be received.
- (iv) The Annual Accounts, Statement of Committee and other Reports presented in accordance with Section 3 0(3) of the Act, together with the Auditors Report thereon, will be received and adopted.
- (v) The Election of Committee will be conducted and the results declared, if necessary determined by ballot.
- (vi) Auditor: An Auditor, who shall not be a Member of the Committee, shall be elected.
- (vii) Any other business of which notice has been given in accordance with these Rules shall be transacted.

(b) Special General Meeting

- (i) All General Meetings other than the Annual General Meeting shall be called Special General Meetings. The Committee may, whenever it thinks fit, convene a Special General Meeting of the Squadron.
- (ii) The Committee shall, on a requisition in writing, signed by not less than fifteen (15) Senior Members, convene a Special General Meeting of the Squadron.
- (iii) Written notice of meeting shall be sent to Members at least fourteen (14) clear days prior to the Meeting detailing the date, place and time of the Meeting and the business to be transacted at the meeting. The date, place and time shall be determined by the Committee.
- (iv) No business other than that set out in the notice convening the Meeting shall be transacted at the Meeting.
- (v) The requisition for a Special General Meeting shall state the objects of the Meeting and shall be signed by the Members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the Members making the requisition.
- (vi) If the Committee does not cause a Special General Meeting to be held within one (1) month after the date on which the requisition is sent to the address of the Secretary, the Members making the requisition, or any of them, may convene a Special General Meeting held not later than three (3) months after that date.
- (vii) A Special General Meeting convened by Members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those Meetings are convened by the Committee and reasonable expenses incurred in convening the Meeting shall be refunded by The Squadron to the persons incurring any expenses.

(c) Chairman of Meetings

At all General Meetings the Senior Flag Officer present shall take the chair. If a Flag Officer is not present, the Meeting shall elect a member of the Committee as chairman.

(d) Quorums

At all General Meetings ten per centum (10%) of the Senior Members of the Squadron shall constitute a quorum. If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the Meeting, if convened upon the requisition of Members, shall be dissolved, and in any other case shall stand adjourned to the same day in the next week at the same time and at the same place, and if at the adjourned Meeting the quorum is not present within half an hour after the time appointed for the commencement of the Meeting, the Members present (being not less than three (3)) shall be a quorum.

(e) Voting

Except as otherwise provided, every resolution shall be carried on a show of hands

of the Senior Members present unless a ballot is demanded by at least twenty-five per centum (25%) of the eligible-voting Members present. In the event of a tied vote the motion shall be deemed lost. No Member may vote by proxy or postal vote on any substantive motion but may vote by postal ballot under sub-rule (e)(a) of this rule in any election to the Committee. Only Senior and Life Members are entitled to vote. All Members are entitled to be heard.

(a) **Voting by Post at Elections**

Any Senior or Life Member may apply to the Returning Officer appointed by the Committee for the purposes of an election for a postal ballot-paper for the election and shall have issued to him a postal ballot-paper setting forth the names of the candidates nominated for election and the offices for which they are nominated and any such postal ballot- paper that is completed and returned shall be valid and effective if received by the Returning Officer not less than 48 hours before the time fixed for holding the meeting at which the election is to be held.

(f) **Notice of Motion**

Any Member wishing to propose a motion at the Annual General Meeting shall deliver notice of such motion in writing to the Secretary twenty-one (21) clear days before the anticipated date of the Meeting.

8. **FUNDS**

The funds of The Squadron shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

9. **COMMON SEAL**

(a) The Common Seal of the Squadron shall be kept in the custody of the Secretary.

(b) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two Members of the Committee or of one Member of the Committee and of the Public Officer of the Squadron.

10. **INTERPRETATION OF RULES**

Any question, dispute or difference of opinion which may arise as to the meaning or interpretation of these Rules shall be determined by a majority vote of a General Meeting of Members of The Squadron and shall remain in force until and unless otherwise determined by a subsequent General Meeting.

11. **MEMBERS' INTEREST**

No Member of the Squadron shall have any transferable or assignable interest in the property of The Squadron. On any Member ceasing by death, resignation or otherwise to be a Member, such Member's collective interest in The Squadron's property shall immediately cease. No Member shall be entitled to derive any profit, benefit or advantage arising out of membership of The Squadron otherwise than as bona fide remuneration for services rendered to the Squadron or expenses incurred on behalf of the Squadron.

12. **WINDING UP OR CANCELLATION**

In the event of The Squadron being dissolved or the cancellation of the Incorporation of The Squadron, the amounts which remain after such dissolution or cancellation and the

satisfaction of all debts and liabilities shall be paid by the Committee in accordance with their powers to any organisation which is exempt from Income Tax under Division 50 of the Income Tax Assessment Act. 1997 of the Commonwealth.

13. CUSTODY OF RECORDS AND INSPECTION OF BOOKS

- (a) Except as otherwise provided in these Rules, the Secretary must keep in his custody or under his control all account books, documents and securities of The Squadron.
- (b) All accounts, books, securities and any other relevant documents of the Squadron must be available for inspection free of charge by any member upon request.
- (c) A member may make a copy of any accounts, books, securities and any other relevant documents of the Squadron.

14. BY-LAWS

The Committee is empowered to make, repeal and amend such By-Laws as it may from time to time consider necessary.

15. SUB-COMMITTEES

The Committee may appoint and disband any sub-committees as may be deemed necessary for the functioning of The Squadron. The Committee reserves all executive rights unto itself. A sub-committee shall only have the right to make recommendations to the Committee. Except in the case of emergency no sub-committee shall have any executive power nor shall it incur any obligations, or cause any notice to be posted or circulated or take any other action without first obtaining the approval of the Committee. The Committee shall have the right to delegate authority to any subcommittee to take any action or cause any notice to be posted or circulated, if in the opinion of the Committee this is necessary for the proper functioning of the sub-committee. All Members of the Committee are ex officio members of all sub-committees.

16. INDEMNITY OF MEMBERS OF THE COMMITTEE

Members of the Committee acting in the bona-fide discharge of their respective duties shall be and are hereby indemnified to the extent of The Squadron's resources against any costs, damages or expenses incurred as the result of any legal action brought against any of the aforesaid, or against The Squadron in consequence of anything done, said or written by any one or more of them in the legitimate discharge of their duties.

17. CONDUCT OF MEETINGS

The conduct of Meetings shall be in accordance with Parliamentary Procedure with the Ordinary Rules of Debate applying, unless otherwise stated in these Rules.

18. CHANGES TO RULES AND STATEMENT OF PURPOSES

These Rules and the Statement of Purposes of the Squadron shall not be altered except in accordance with the Act.

19. SQUADRON FLAGS AND INSIGNIA

- (a) The Squadron burgee shall be in the colours of light blue, dark blue and scarlet, and the fly shall be double the length of the hoist, size appropriate to the boat. All Members of the Squadron may wear The Squadron burgee on their boat provided the boat is on The Squadron Register.
- (b) Members may also wear the Australian Ensign only in addition to The Squadron burgee on appropriate occasions, and in accordance with Admiralty Flag Etiquette.

- (c) The Commodore's Flag shall be The Squadron's burgee, but rectangular in shape and swallow-tailed. The Vice-Commodore's Flag shall be the same, defaced by one black ball in the upper head quarter of the hoist. The Rear-Commodore's Flag shall be the same, defaced by two black balls in the upper head quarter of the hoist. All Flag Officer's flags should be appropriate to the size of the boat. If two or more Flag Officers are aboard, only the flag of the Senior Officer shall be worn.
- (d) Squadron badges, cap insignia, blazer pockets and other insignia shall incorporate The Squadron's burgee and colours, of such design as approved by the Committee.

20. BOAT REGISTER AND IDENTIFICATION

- (a) All boats other than rowing dinghies and tenders owned by Members of the Squadron, shall be entered in The Squadron's Register established and maintained by the Secretary. Each boat will be allocated a Squadron number prefixed by the letters 'NYS'.
- (b) Each boat will carry near or on the transom its name, The Squadron prefix and number in letters not less than 50mm in height, boats liable for government registration must also carry the official registration plate and number as required by the State Motor Boat Act 1961, as amended.
- (c) All sailing yachts will carry on the main sail and on or near the transom, identification as required by the AYF/IYRU Rules 1981-1985 and as amended from time to time.
- (d) Acquisition; or disposal of a boat entered on The Squadron Register must be notified to the Secretary in writing within seven (7) days of such transaction.
- (e) The Committee has the power to refuse registration of any boat, which it considers to be unsuitable for The Squadron, or which it regards as being unseaworthy. The Committee, at its discretion, may remove from The Squadron Register any boat and order its removal from The Squadron's premises at the Member's expense.
- (f) Every Member who owns or uses a boat shall comply with The Squadron's safety rules and prescriptions as determined by the Committee.

21. SQUADRON'S LIEN ON MEMBER'S PROPERTY

The Squadron shall have a lien on any property belonging to a Member left on The Squadron's premises, including the safe boat haven, against any debt owing by him to The Squadron. Upon notice in writing to the Member that The Squadron intends to enforce this lien, such Member shall not remove such property from the possession of or from The Squadron's premises. Any Member's property or any part thereof which is left unattended for a period of three (3) months shall be removed by the Member within thirty (30) days of being requested by the Committee in writing to do so. In the event of such property not being removed as aforesaid it may be disposed of by The Squadron in any manner the Committee deems fit. The said Member hereby indemnifies The Squadron and its Officers and Members against any loss, expense, claim or suit resulting from such action.

The Newhaven Yacht Squadron Incorporated

PO Box 309, San Remo, Vic 3925

Ph: 5956 7515 Fax: 5956 6127

Email: admin@nys.org.au

Website: www.nys.org.au

APPLICATION FOR MEMBERSHIP

Please Print

I,
(Given names) (Preferred name) (Surname)

Gender: Female Male Date of Birth:/...../.....

Preferred Name of Spouse/Partner:

Private Address:

Suburb: Post Code:

Postal Address:

Suburb: Post Code:

Home Phone: Mobile: Fax No:

Occupation: Email:

Membership applied for: SENIOR SOCIAL JUNIOR CREW

Names of other clubs or associations to which you belong

Do you currently own a boat? YES/NO Yacht or Motor Boat

Type of Boat:

What expertise, skill or knowledge can you bring to the club?
.....

Please indicate your availability to assist in Club operations and sub committees:

Social	Sailing	Junior Sailing
Angling	Motor	Boating Training

I declare that the information given herein by me is true and correct and I agree to become a member of The Newhaven Yacht Squadron. I also declare that I have read, understand and agree to be bound by and uphold the Newhaven Yacht Squadron Constitution, its Rules and By-Laws currently in force and as they may be amended from time to time.

Signature of Applicant: Date:/...../.....

Obtain actual form from the Secretary

Nomination for Life Membership of the Newhaven Yacht Squadron

The proposer and seconder must both be financial voting members of the Newhaven Yacht Squadron Inc and should refer to sections in Squadron's rules and guidelines for Life Membership, which would relate to the awarding of Life Membership.

This nomination should be accompanied by a statement showing the club history of the nominee and details of any valuable and extra-ordinary service rendered to the Squadron during their membership.

We wish to nominate the member named below for Life Membership of The Newhaven Yacht Squadron.

Name of Nominee	
Address	
Phone/Mobile	
Email	
Date of Nomination	
Name of Proposer	
Phone/Mobile	
Email Address	
Signature of Proposer	
Name of Seconder	
Phone/Mobile	
Email Address	
Signature of Seconder	

FOR COMMITTEE USE ONLY

Nomination received	Date:
Presented to Management Committee	General Meeting Date:
Nomination meets criteria	Years - YES / NO Service YES / NO
Nomination recommended	YES / NO
Nomination accepted	YES / NO
Presented to Members	AGM Date:
Decision of Members	Approved / Rejected
Advised Nominee	Date:
Actioned by (Name/Position)	

Obtain actual form from Secretary

