

Rules of Rhyll Yacht Club Incorporated
Registered Number A0009089P
ABN 69 272 645 401

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Rules of Rhyll Yacht Club Incorporated

Introduction

The Rhyll Yacht Club (“the Club”) was founded in 1976 and had its base on the foreshore at Rhyll on Phillip Island. The Club was a member of the Victorian Yachting Council and is now a member of Yachting Victoria and Yachting Australia. The Club has always been a member of the Westernport Association of Yacht Clubs, now called Yachting Westernport. It was a founding member of the Westernport Safety Council Incorporated, now defunct.

The Club adopted its first formal constitution on 26th September 1979 after the General Meeting held on that date. The Club became incorporated under the Associations Incorporation Act 1981 (Victoria) on the 5th May 1986 and remains incorporated with the Registered Number A0009089P. That constitution was amended by the Club in General Meeting on the 30th March 1986 and on 19th April 1987.

The Constitution will be repealed in accordance with the law and its provisions and will be replaced by the Club with new Model Rules in 2014 to accord with the Associations Incorporation Reform Act (Victoria) 2012.

The new Model Rules are based upon those Rules prescribed by the Associations Incorporation Reform Regulations 2012 Part 3 and have been modified to the extent necessary to apply to a Yacht Club in Victoria.

These rules were passed by the Club in General Meeting held at the Clubhouse, Beach Rd, Rhyll on Saturday, March 29th 2014.

PART 1—PRELIMINARY

Note

The persons who from time to time are members of the Club are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Club and its members.

1 Name

The name of the incorporated association is "Rhyll Yacht Club Incorporated", hereinafter called “the Club”.

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2 Purposes

The purposes of the Club are—

- (1) to promote and develop the sport of yachting;
- (2) to provide social activities for the members and their families;
- (3) to improve the skill and proficiency in yachting of the members;
- (4) to raise money for Club purposes;
- (5) to co-operate with Yachting Victoria and Yachting Australia.
- (6) to co-operate and participate with Yachting Westernport and its constituent Clubs.
- (7) to co-operate with similar clubs throughout Australia, and

- (8) to do all such other things as are conducive or incidental to the attainment of the above purposes or any of them.

3 Financial year and Club Membership Year

- (1) The financial year of the Club is each period of 12 months ending on 30th April. It commences on the 1st May in each year.
- (2) The Club Membership Year shall commence on 1 July in each year and conclude on 30 June next following.

4 Definitions

- (1) In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

associate member means a member referred to in rule 14(1);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

Committee means the Committee having management of the business of the Club;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Club convened under rule 23(3);

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 22;

disciplinary subcommittee means the subcommittee appointed under rule 20;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Club convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

member means a member of the Club;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting;

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

(2) Preliminary

- (a) The Recitals herein do not form part of these Rules and are included for historical interest only.
- (b) The Schedules to these Rules (at the conclusion of these Rules) do form part of the Rules and have the same legal standing as the provisions of these Rules.
- (c) The Committee of the Club may from time to time make By-laws for the better management and operations of the Club for example, but not limited to, for the management of the Club yard and storage shed and the operations of the Club's Rescue Boats and the conduct of Club meetings and the management of the Clubhouse, subject always to these Rules.

The Committee must notify the members in writing within 28 days of the making of any such By-law.

The Club in general meeting may approve or disapprove or amend any such By-law made by the Committee.

PART 2—POWERS OF THE CLUB

5 Powers of the Club

- (1) Subject to the Act, the Club has power to do all things incidental or conducive to achieve its purposes.
- (2) Without limiting subrule (1), the Club may—
 - (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Club may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

- (1) The Club must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Subrule (1) does not prevent the Club from paying a member—
 - (a) reimbursement for expenses properly incurred by the member; or
 - (b) for goods or services provided by the member—if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Club must have at least 5 members.

8 Who is eligible to be a member

- (1) Any person who supports the purposes of the Club is eligible for membership.
- (2) Membership of the Club shall be made up of the following classifications—
 - (a) Patron;
 - (b) Honorary Life Member;
 - (c) Honorary Member;
 - (d) Life Member;
 - (e) Family Life Member;
 - (f) Adult Member;
 - (g) Family Member;
 - (h) Youth Member;
 - (i) Social Member.
- (3) Schedule 1 of these Rules defines the classifications of membership

9 Application for membership

- (1) To apply to become a member of the Club, a person must submit a written application to a committee member stating that the person—
 - (a) wishes to become a member of the Club; and
 - (b) supports the purposes of the Club; and
 - (c) agrees to comply with these Rules and any Club By-laws.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by the joining fee.

Note

The joining fee is the fee (if any) determined by the Club under rule 12(3).

10 Consideration of application

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

- (3) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- (4) No reason need be given for the rejection of an application.
- (5) If admitted the new member/s must be advised of the classification of their membership.

11 New membership

- (1) If an application for membership is approved by the Committee—
 - (a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and
 - (b) the Treasurer must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.
- (2) A person becomes a member of the Club and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—
 - (a) the Committee approves the person's membership; or
 - (b) the person pays the joining fee.

12 Annual subscription and fee on joining

- (1) At each annual general meeting, the Club must determine—
 - (a) the amount of the annual subscription (if any) for the following financial year; and
 - (b) the date for payment of the annual subscription.
- (2) The Club may determine that a lower annual subscription, or no annual subscription, is payable by a class of membership.
- (3) The Club may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—
 - (a) the full annual subscription; or
 - (b) a pro rata annual subscription based on the remaining part of the financial year; or
 - (c) a fixed amount determined from time to time by the Club.
- (4) The rights of a member (including the right to vote) who has not paid the annual subscription by the due date are suspended until the subscription is paid.

13 General rights of members

- (1) A member of the Club who is entitled to vote has the right—
 - (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
 - (b) to submit items of business for consideration at a general meeting; and
 - (c) to attend and be heard at general meetings; and
 - (d) to vote at a general meeting; and
 - (e) to have access to the minutes of general meetings and other documents of the Club as provided under rule 75; and
 - (f) to inspect the register of members.
- (2) A member is entitled to vote if—
 - (a) the member is a member other than an associate member; and

- (b) more than 10 business days have passed since he or she became a member of the Club; and
- (c) the member's membership rights are not suspended for any reason.

14 Associate members

- (1) Associate members of the Club include—
 - (a) Youth Members;
 - (b) Social Members; and
 - (c) any other category of member as determined by special resolution at a general meeting.
- (2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

15 Rights not transferable

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

16 Ceasing membership

- (1) The membership of a person ceases on resignation, expulsion or death.
- (2) If a person ceases to be a member of the Club, the Treasurer must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

17 Resigning as a member

- (1) A member may resign by notice in writing given to the Club.

Note

Rule 74(3) sets out how notice may be given to the Club. It includes by post or by handing the notice to a member of the committee.

- (2) A member is taken to have resigned if—
 - (a) the member's annual subscription is more than 12 months in arrears; or
 - (b) where no annual subscription is payable—
 - (i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and
 - (ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

18 Register of members

- (1) The Treasurer must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is an associate member, a note to that effect;
 - (v) the classification of that member;
 - (vi) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.

- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

19 Grounds for taking disciplinary action

The Club may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules or the Club’s By-laws; or
- (b) refuses to support the purposes of the Club; or
- (c) has engaged in conduct prejudicial to the Club.
- (d) has failed to comply with the Rules of Sailing and/or the Rules of Yachting Australia and/or Yachting Victoria.

20 Disciplinary subcommittee

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Club or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

21 Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Club proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 23.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

22 Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—

- (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member; and
 - (c) apply the rules of procedural fairness.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
- (a) take no further action against the member; or
 - (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Club.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

23 Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Club under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
- (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.
- (3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Club who is entitled to vote as soon as practicable and must—
- (a) specify the date, time and place of the meeting; and
 - (b) state—
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

24 Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting—
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

- (d) the rules of procedural fairness must be applied.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

25 Application

- (1) The grievance procedure set out in this Division applies to disputes under these Rules between—
 - (a) a member and another member;
 - (b) a member and the Committee;
 - (c) a member and the Club.
- (2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

26 Parties must attempt to resolve the dispute

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

27 Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—
 - (a) notify the Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—an accredited mediator appointed by the Committee; or
 - (ii) if the dispute is between a member and the Committee or the Club—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Club but in any case must not be a person who—
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

28 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and

- (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice and procedural fairness is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE CLUB

30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Club to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Club may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
- (4) 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;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Club during the preceding financial year; and
 - (ii) the financial statements of the Club for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect the members of the Committee;
 - (d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

31 Special general meetings

- (1) Any general meeting of the Club, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
- (3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

32 Special general meeting held at request of members

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members.
- (2) A request for a special general meeting must—

- (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the members requesting the meeting; and
 - (d) be given to the Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
- (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Club must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

33 Notice of general meetings

- (1) The Secretary (or, in the case of a special general meeting convened under rule 32(3), the members convening the meeting) must give to each member of the Club—
- (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 a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
 - (d) comply with rule 34(5).
- (3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.

34 Proxies

- (1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.
- (2) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

- (4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.
- (5) Notice of a general meeting given to a member under rule 33 must—
 - (a) state that the member may appoint another 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.
- (6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.
- (7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Club at its registered address no later than 24 hours before the commencement of the meeting.

35 Use of technology

- (1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

36 Quorum at general meetings

- (1) No business may be conducted at a general meeting unless a quorum of members is present.
- (2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—
 - (a) in the case of a meeting convened by, or at the request of, members under rule 32—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

- (b) in any other case—
 - (i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
 - (ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.
- (4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37 Adjournment of general meeting

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (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.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

- (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 33.

38 Voting at general meeting

- (1) On any question arising at a general meeting—
 - (a) subject to subrule (3), each member who is entitled to vote has one vote; and
 - (b) members may vote personally or by proxy; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Club.

40 Determining whether resolution carried

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of 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—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41 Minutes of general meeting

- (1) The Committee must ensure that minutes are taken and kept 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 include—
 - (a) the names of the members attending the meeting; and
 - (b) proxy forms given to the Chairperson of the meeting under rule 34(6); and
 - (c) the financial statements submitted to the members in accordance with rule 30(4)(b)(ii); and
 - (d) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Club; and
 - (e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

Division 1—Powers of Committee

42 Role and powers

- (1) The business of the Club must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Club except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Club.
- (3) The Committee will arrange appropriate insurance for the assets of the club and the protection of the Committee and office bearers of the Club, including those members charged with the conduct of Club racing and events.
- (4) The Committee may from time to time authorise and approve the making of By-laws for the conduct of the sailing events of the Club, the operation of the Rescue Boat and Rescue Services of the Club, the conduct of meetings of the Club and for such other purposes as may be necessary.
- (5) The Committee may—
 - (a) appoint and remove staff;

- (b) establish subcommittees consisting of members with terms of reference it considers appropriate.
- (6) Sub-Committees may be formed by the Committee from time to time for the purposes of the Club.
- (7) Each Sub-Committee shall be convened and its meetings chaired by a member of the Committee.
- (8) Each Sub-Committee shall be responsible to the Committee and shall regularly report its activities to the Committee.

43 Delegation

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of Committee and duties of members

44 Composition of Committee

- (1) The Committee consists of—
 - (a) The Executive Committee
 - (b) General Members of Committee
 - (c) Such co-opted persons (not exceeding three in number) as the Committee may from time to time determine
- (2) The Executive Committee shall be composed of—
 - (a) Commodore
 - (b) Vice Commodore
 - (c) Rear Commodore
 - (d) Secretary
 - (e) Treasurer
 - (f) Social Convenor
 - (g) Newsletter Editor
- (3) The General Members of Committee shall be composed of—
 - (a) Rescue Boat Captain
 - (b) Tower Controller
 - (c) Building Convenor
 - (d) Youth Members Representative
 - (e) Yard Captain
 - (f) Radio Officer

- (4) Schedule 2 of these Rules describes the duties of each committee member.

45 General Duties

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and any extant By-laws and the Act.
- (2) The Committee is collectively responsible for ensuring that the Club complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Club; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Club.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

- (6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

46 Commodore and Vice-Commodore

- (1) Subject to subrule (2), the Commodore or, in the Commodore's absence, the Vice Commodore, or in his/her absence, the Rear Commodore is the Chairperson for any general meetings and for any committee meetings.
- (2) If the Commodore, Vice Commodore and Rear Commodore are all absent, or are unable to preside, the Chairperson of the meeting must be—
 - (a) in the case of a general meeting—a member elected by the other members present; or
 - (b) in the case of a committee meeting—a committee member elected by the other committee members present.

47 Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

- (2) The Secretary must—
 - (a) keep custody of the common seal (if any) of the Club and, except for the financial records referred to in rule 70(3), all books, documents and securities of the Club in accordance with rules 72 and 75; and

- (b) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and
 - (c) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

48 Treasurer

- (1) The Treasurer must—
- (a) maintain the register of members in accordance with rule 18; and
 - (b) receive all moneys paid to or received by the Club and issue receipts for those moneys in the name of the Club; and
 - (c) ensure that all moneys received are paid into the account of the Club within 5 working days after receipt; and
 - (d) make any payments authorised by the Committee or by a general meeting of the Club from the Club's funds; and
 - (e) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
- (a) ensure that the financial records of the Club are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Club and their certification by the Committee prior to their submission to the annual general meeting of the Club.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Club.

Division 3—Election of Committee members and tenure of office

49 Who is eligible to be a Committee member

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over, with the exception of subrule (c); or
- (b) is entitled to vote at a general meeting.
- (c) is 12 years or over for the office of Youth Members Representative.

50 Positions to be declared vacant

- (1) This rule applies to—
- (a) the first annual general meeting of the Club after its incorporation; or
 - (b) any subsequent annual general meeting of the Club, after the annual report and financial statements of the Club have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

51 Nominations

- (1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.
- (2) An eligible member of the Club may—

- (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

52 Election of Executive Committee members

- (1) At the annual general meeting, separate elections must be held for each of the Executive Committee positions.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 54.
- (4) On his or her election, the new Commodore may take over as Chairperson of the meeting.

53 Election of General Committee members

- (1) The annual general meeting must by resolution decide the number of General members of the Committee (if any) it wishes to hold office for the next year.
- (2) A single election may be held to fill all of those positions.
- (3) If the number of members nominated for the position of general committee member is less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.
- (4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

54 Ballot

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election will be by show of hands.
- (5) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (6) If the returning officer is unable to declare the result of an election under subrule (5) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrule (4) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

55 Term of office

- (1) Subject to subrule (3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.

- (2) A committee member may be re-elected.
- (3) A general meeting of the Club may—
 - (a) by special resolution remove a committee member from office; and
 - (b) elect an eligible member of the Club to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or Commodore of the Club (not exceeding a reasonable length) and may request that the representations be provided to the members of the Club.
- (5) The Secretary or the Commodore may give a copy of the representations to each member of the Club or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

56 Vacation of office

- (1) A committee member may resign from the Committee by written notice addressed to the Committee.
- (2) A person ceases to be a committee member if he or she—
 - (a) ceases to be a member of the Club; or
 - (b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 67; or
 - (c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of Secretary if they do not reside in Australia.

57 Filling casual vacancies

- (1) The Committee may appoint an eligible member of the Club to fill a position on the Committee that—
 - (a) has become vacant under rule 56; or
 - (b) was not filled by election at the last annual general meeting.
- (2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.
- (3) Rule 55 applies to any committee member appointed by the Committee under subrule (1) or (2).
- (4) The Committee may continue to act despite any vacancy in its membership.

Division 4—Meetings of Committee

58 Meetings of Committee

- (1) The Committee must meet at least 4 times in each year at the dates, times and places determined by the Committee.
- (2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Club at which the members of the Committee were elected.
- (3) Special committee meetings may be convened by the Commodore or by any 4 members of the Committee.

59 Notice of meetings

- (1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.
- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

60 Urgent meetings

- (1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.
- (2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.
- (3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

61 Procedure and order of business

- (1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.
- (2) The order of business may be determined by the members present at the meeting.

62 Use of technology

- (1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.
- (2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

63 Quorum

- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (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;
 - (b) in any other case—the meeting must be adjourned to a date no later than 28 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

64 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.

- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (5) Voting by proxy is not permitted.

65 Conflict of interest

- (1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

- (3) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Club is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Club.

66 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 65.

67 Leave of absence

- (1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 6 months.
- (2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

68 Source of funds

The funds of the Club may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

69 Management of funds

- (1) The Club must open an account with a financial institution from which all expenditure of the Club is made and into which all of the Club's revenue is deposited.
- (2) Subject to any restrictions imposed by a general meeting of the Club, 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 (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members.
- (5) All funds of the Club must be deposited into the financial account of the Club no later than 5 working days after receipt.
- (6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

70 Financial records

- (1) The Club must keep financial records that—
 - (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Club must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
 - (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

71 Financial statements

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Club are met.
- (2) Without limiting subrule (1), those requirements include—
 - (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Club;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

72 Common seal

- (1) The Club may have a common seal.
- (2) If the Club has a common seal—
 - (a) the name of the Club must appear in legible characters on the common seal;

- (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
- (c) the common seal must be kept in the custody of the Secretary.

73 Registered address

The registered address of the Club is—

- (a) the Clubhouse, Beach Road, Rhyll, Phillip Island, Victoria 3923 or at such other place as may be determined by the Committee.
- (b) if the Committee has not determined an address to be the registered address – the postal address of the Secretary.

74 Notice requirements

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Club or the Committee may be given—
 - (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Club or the Secretary or the Treasurer; or
 - (ii) by facsimile transmission to the facsimile number of the Club.

75 Custody and inspection of books and records

- (1) Members may on request inspect free of charge—
 - (a) the register of members;
 - (b) the minutes of general meetings;
 - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Club, including minutes of Committee meetings.

Note

See note following rule 18 for details of access to the register of members.

- (2) The Committee may refuse to permit a member to inspect records of the Club that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Club.
- (3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Club referred to in this rule and the Club may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Club and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Club.

76 Winding up and cancellation

- (1) The Club may be wound up voluntarily by special resolution.
- (2) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any members or former members of the Club.
- (3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members, for example Yachting Westernport and/or Yachting Victoria.
- (4) The body to which the surplus assets are to be given must be decided by special resolution.

77 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Club.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar.

78 Rights and Obligations of Members

Members of the Club shall be bound by these Rules and the Schedules appended hereto and any By-laws made thereunder or the lawful direction of the Committee or the Officer of the Day.

79 Liability of the Club

The Club shall not be liable for any damage or loss of any member's or visitor's or guest's property including boats or any parts thereof, including associated equipment, due to theft, loss by fire or loss or damage by accident or any cause whatsoever.

80 Club Property

- (a) The property of the Club shall belong to the members for the time being but no member by reason of his or her membership shall have any transferable or assignable interest therein by operation of law or otherwise.
- (b) No member shall remove from the Club yard or Clubhouse any property belonging to the Club without first obtaining the permission of the Commodore or a member of the Committee.

- (c) If any member fails to return or causes injury or loss or damage to any property of the Club then he or she shall save and except for fair wear and tear upon the property either replace the property or pay the value thereof to the Treasurer of the Club forthwith.

81 Visitors

Members may invite visitors and guests to join in Club sailing events and Club activities and shall be responsible for the conduct of the visitors and guests and for the payment of any relevant fees.

82 Delegates

- (1) At each annual general meeting the Club shall appoint such delegates as are required to—
 - (a) Yachting Victoria Inc;
 - (b) Yachting Westernport Inc;
 - (c) Any other organisation relevant to the Club's activities.
- (2) Any such delegate shall regularly report to the Commodore and the Committee concerning the delegation.

83 Sailing

- (1) All races shall be sailed under current rules of the I.S.A.F. and Y.A. and Y.V and the Rhyll Yacht Club Sailing Instructions and the Committee's By-laws.
- (2) The Committee may from time to time prescribe fees for sailing events as shall be necessary.

84 Age

For the purpose of these Rules and Club activities where a person or a member's age is relevant, that age shall be fixed in relation to the commencement of the Club Membership Year in any year.

85 Flag

The Club Flag shall be a triangular pennant with an Australian white ibis over a white offset cross on a light blue background.

SCHEDULE 1

(see Rule 8)

CLASSIFICATIONS OF MEMBERSHIP

1 Patron

The Club in general meeting may from time to time appoint any suitable person or member interested in the Club to be its Patron upon such terms as may be necessary.

2 Honorary Life Members

The Committee may from time to time recommend to the Club in general meeting that any person or persons who has or have rendered special services to the Club to be Honorary Life Members of the Club. Upon the resolution of the Club in general meeting such person or persons shall be deemed to be a member or members of the Club.

3 Honorary Members

The Committee or the Commodore or the Vice Commodore or the Secretary of the Club may approve the temporary appointment of suitable persons for Honorary Membership upon such terms and for such a period of time as it or they shall think fit. Upon appointment such person shall be deemed to be a member of the Club.

4 Life Members

The Committee may from time to time approve the appointment of a member to the rank of Life Member of the Club in consideration of special services rendered or contribution by that member and the payment of the prescribed fee from time to time applicable. Upon approval such member shall be a member of the Club for his or her life subject to these Rules.

5 Family Life Members

The Committee may from time to time approve the appointment of a member and his or her immediate family to the rank of Family Life Membership of the Club in consideration of special services rendered or contribution and the payment of the prescribed fee from time to time applicable. Upon approval such member and his or her immediate family shall be members of the Club for his or her life and the life of their spouse together with his or her children subject to these Rules.

6 Family Members

The Committee may from time to time approve appointment of a member and his or her immediate family to the rank of Family Membership of the Club. Upon approval such member and his or her immediate family shall be members of the Club for the ensuing year or part thereof.

The term "immediate family" in these Rules shall include the wife or husband of such member (or the de facto spouse or partner thereof), his or her children up to the age of 18 years PROVIDED HOWEVER that full time student children of the member shall continue in the family membership up to the age of 21 years.

7 Adult Members

The Committee may from time to time approve the appointment of any person to be an Adult Member of the Club. Upon approval such person shall be a member of the Club for

the ensuing Club year or part thereof PROVIDED THAT HOWEVER any such person being a student undertaking approved studies shall pay such lesser fees as are prescribed.

8 Youth Members

The Committee may from time to time approve the appointment of any person under the age of 18 years to be a Youth Member of the Club for the ensuing year or part thereof.

9 Social Members

The Committee may from time to time approve the appointment of any person to be a Social Member of the Club for the ensuing year or part thereof. Social Members are deemed to be Associate members under rule 14.

SCHEDULE 2

(see Rule 44)

RESPONSIBILITIES OF COMMITTEE MEMBERS

1 Executive Committee Members

(1) Commodore

- (a) The Commodore is responsible for the general welfare and operation of the Club and is responsible to see that the Club and its members comply with these Rules and By-laws made thereunder.
- (b) The Commodore is to take the Chair at all annual general meetings, general meetings and committee meetings at which he or she is present.
- (c) The Commodore shall officially represent the Club at such social and business meetings as shall from time to time be necessary.

(2) Vice Commodore

- (a) The Vice Commodore shall carry out such duties and responsibilities as are assigned from time to time by the Commodore or the Committee.

(3) Rear Commodore

- (a) The Rear Commodore shall carry out such duties and responsibilities as are assigned from time to time by the Commodore or the Committee.
- (b) The Rear Commodore shall be responsible for the arrangement of all racing and other sailing programmes and instructions for all skippers and crews participating in such events.
- (c) The Rear Commodore will be responsible for overseeing the instruction of Club members in the art of sailing.
- (d) The Rear Commodore shall be responsible to ensure that all Club members are familiar with all Safety Rules and that all boats and equipment used by Club members are in a fit and proper condition to put to sea.
- (e) The Rear Commodore shall be responsible for the appointment of the Officer of the Day.

(4) Secretary

- (a) The Secretary must perform any duty or function required under Rule 47.
- (b) The Secretary shall keep an official copy of these Rules and shall also keep a copy of all Club Rules, and By-laws and shall amend those documents from time to time.
- (c) The Secretary may from time to time co-opt any member to be his or her assistant and shall assign such duties and responsibilities to the co-opted assistant as he or she shall determine.

(5) Treasurer

- (a) The Treasurer shall keep all books of account, financial records and the register of members of the Club as required by these Rules.

- (b) The Treasurer shall collect all entrance fees and membership fees and Club monies and shall forthwith pay all such monies into the Club bank account.
- (c) The Treasurer shall be responsible for the Club bank account.
- (6) Social Convenor
 - (a) The Social Convenor is responsible for arranging and conducting the Club social program and for raising such finances as the Committee shall from time to time determine.
- (7) Newsletter Editor
 - (a) The Newsletter Editor shall be responsible for publishing and distributing the Club newsletter.
 - (b) The Newsletter Editor shall be responsible for the Club's publicity.

2 General Committee Members

- (1) Rescue Boat Captain
 - (a) The Rescue Boat Captain shall be responsible for the Club rescue boat or boats and will ensure that each craft has all necessary equipment in a proper and working condition at all times.
 - (b) The Rescue Boat Captain shall be responsible for the preparation of By-laws in relation to the operation of the rescue boat or boats and for rescue duties both for Club events and for general rescue work.
 - (c) The Rescue Boat Captain shall be responsible subject to the Rear Commodore's directions for the starting of each race event.
 - (d) The Rescue Boat Captain shall liaise with the Victorian Water Police, Coastguard, Volunteer Marine Rescue and the Australian Maritime Safety Authority as necessary.
- (2) Tower Controller
 - (a) The Tower Controller shall be responsible for the Club control tower and his or her duties shall be decided by the Committee.
- (3) Building Convenor
 - (a) The Building Convenor shall be responsible for the preparation of plans, the consultation with the appropriate consultants and the execution of the building works for the Clubhouse.
 - (b) The Building Convenor shall be responsible for the occupation and proper functioning of the Clubhouse and for the provision of facilities therein for the benefit of the members and the purposes of the Club.
- (4) Youth Members' Representative
 - (a) The Youth Members' Representative shall be responsible for informing the Commodore and the Committee of the wishes of the Youth Members of the Club on any issue or matter affecting the Club.
 - (b) The Youth Members' Representative shall have such other duties and responsibilities as shall from time to time be assigned by the Commodore.

(5) Yard Captain

- (a) The Yard Captain shall supervise all boat storage in the Club yard and at the Clubhouse and shall ensure that the boat storage facilities are secure, and maintained and cleaned.
- (b) The Yard Captain shall liaise with the Treasurer for the collection of any boat storage fees.

(6) Radio Officer

- (a) The Radio Officer shall collect and process all Club Radio Licences and fees and report to the Treasurer.
- (b) The Radio Officer shall advise the Committee on all issues relating to Marine Radio.

SCHEDULE 3

STORAGE OF MEMBER'S PROPERTY ON CLUB PREMISES

- 1 From the date of signing an agreement between a member and the Club, the Club may allow the member to store a named boat ("the boat") and its associated equipment on the Club premises subject to payment by the member of the annual membership fee and the storage fees for each year by the due date and in compliance with the other terms of the agreement.
 - 2 The member agrees to pay the annual storage fee by the due date and to be bound by the other terms and conditions of this agreement.
 - 3 Payment of the storage fee entitles the member to use the storage space on the Club premises, as directed by an officer of the Club from time to time. The Club in its absolute discretion may allocate an alternate space at any time during the operation of this agreement without prior notification to the member.
 - 4 The Club will not be liable for any theft, loss or damage to the boat or part thereof including associated equipment while stored at the Club, and the boat remains on the Club premises at the sole risk of the member.
 - 5 The Club will not carry any general insurance for the member's property including associated equipment.
 - 6 The member warrants to the Club that the boat and associated equipment are in a good and safe condition for storage at the Club premises. The member agrees to hold the Club harmless and to fully indemnify the Club for any loss, suit, claim or demand brought against the Club or any of its members or officials, that has resulted from the storage of the member's boat and associated equipment, whether in negligence or otherwise.
 - 7 The member will name spars, sails and associated equipment so they can be easily identified and will be responsible for insurance of their own property.
 - 8 The member will cause the boat stored pursuant to this agreement to be actively used.
 - 9 The annual storage fee is payable in advance and is due on the date fixed by the Committee each year, or at the time the boat is first stored at the Club.
 - 10 In the event that the agreement is terminated by either party for any reason, or if the boat is sold or removed from the Club premises, the Club (in its sole discretion) may determine whether to refund all or part of the boat storage fee paid by the member.
 - 11 The Club, in its sole discretion, may terminate this agreement immediately by written notice to the member at his/her last notified address at any time for such reasons as the Club may determine, including but not limited to the following:
 - (1) the storage fee remains unpaid for 3 months after the due date;
 - (2) the boat is not actively used; or
 - (3) the member is no longer a financial member of the Club.
 - 12 The member shall remove the boat and its associated equipment from the Club within 14 days of the date of the notice of termination.
 - 13 If the Club has terminated the agreement by notice in writing to the member and the member does not remove the boat including associated equipment from the Club premises within 14 days of the date of the notice of termination, the member authorises the Club to remove the boat and associated equipment from the Club premises.
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