

BENDIGO

YACHT CLUB Inc
(Incorporation Number A2316)

STATEMENT OF

PURPOSES

AND RULES

AS AMENDED MAY 2000

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BENDIGO YACHT CLUB Inc [Add: (A2316)]

STATEMENT OF PURPOSES

The purposes of the Association are:

1. To promote and encourage the sport of yachting.
2. To provide for and conduct yacht races, regattas, and seasonal programs of races; and to provide for non-competitive sailing.
3. To provide training and tuition in the art of sailing and in any other disciplines related thereto.
4. To provide for the well being, comfort, entertainment, social contact, and accommodation of its members, guests and visitors.

Solely for the purpose of furthering the purposes set out above the Association shall have power:

- (a) To take over the funds and other assets and the liabilities of the present unincorporated association known as Bendigo Yacht Club.
- (b) To indemnify any person for any loss or damage incurred as a result of having on behalf of the unincorporated association become liable to pay any amount by way of damages or otherwise.
- (c) To subscribe to, become a member of and co-operate with any other association, club or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Association provided that the Association shall not subscribe to or support with its funds any club, association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Association under or by virtue of the Rules.
- (d) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the members of the Association or persons frequenting the Association's premises.
- (e) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal, and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the objects of the Association: Provided that in case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as is allowed by law having regard to such trusts.
- (f) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association; to obtain from any such Government or Authority any rights, privileges and concessions which the Association may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements rights privileges and concessions.
- (g) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Association.
- (h) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds, works or conveniences which may seem calculated directly or indirectly to advance the Association's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.

- (i) To invest and deal with the money of the Association not immediately required in such manner as may from time to time be thought fit.
- (j) To take, or otherwise acquire, and hold shares, debentures or other securities of any company or body corporate.
- (k) To lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- (l) To borrow or raise money either alone or jointly with any other person or legal entity in such manner as may be thought proper and whether upon fluctuating advance account or overdraft or otherwise to represent or secure any moneys and further advances borrowed or to be borrowed alone or with others as aforesaid by notes secured or unsecured, debentures or debenture stock perpetual or otherwise, or by mortgage, charge, lien or other security upon the whole or any part of the incorporated association's property or assets present or future and to purchase, redeem or pay-off any such securities.
- (m) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- (n) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association,
- (o) To take or hold mortgages, liens or charges, to secure payment of the purchase price, or any unpaid balance of the purchase price, of any part of the Association's property of whatsoever kind sold by the Association, or any money due to the Association from purchasers and others.
- (p) To take any gift of property whether subject to any special trust or not, for any one or more of the objects of the Association but subject always to the proviso in paragraph (e).
- (q) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Association, in the shape of donations, annual subscriptions or otherwise.
- (r) To print and publish any newspapers, periodicals, books or leaflets that the Association may think desirable for the promotion of its objects.
- (s) To amalgamate with any one or more incorporated associations having objects altogether or in part similar to those of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as that imposed upon the Association under or by virtue of the Rules.
- (t) To purchase or otherwise acquire and undertake all or any part of the property, assets, liabilities and engagements of any one or more of the incorporated associations with which the Association is authorised to amalgamate.
- (u) To transfer all or any part of the property, assets, liabilities and engagements of the Association to any one or more of the incorporated associations with which the Association is authorised to amalgamate.
- (v) To award prizes in relation to competitive sailing.
- (w) To make donations to assist yachtsmen to participate in significant sailing events or training schemes, or to assist the cause of yachting in general.
- (x) To make donations for patriotic, charitable or community purposes.
- (y) To transact any lawful business in aid of the civil power, or of Australia in the prosecution of any war in which Australia is engaged.
- (z) To do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the Association.

RULES OF

BENDIGO YACHT CLUB INCORPORATED A2316

1. NAME

- (1) The name of the incorporated association is Bendigo Yacht Club Inc (in these rules called "the Association").

2. INTERPRETATION

- (1) In these rules, unless the contrary intention appears:
 - (a) "General Committee" means the Committee of Management of the Association.
 - (b) "Financial year" means the year ending on 30 April.
 - (c) "General Meeting" means a general meeting of members convened in accordance with Rule 12.
 - (d) "Member" means a member of the Association.
 - (e) "Ordinary Member of the General Committee" means a member of the General Committee who is not an officer of the Association under Rule 15.
 - (f) "The Act" means the Associations Incorporation Act 1981.
 - (g) "The Regulations" means regulations under the Act.
- (2) In these Rules, a reference to the Secretary of an Association is a reference:
 - (a) where a person holds office under these Rules as Secretary of the Association - to that person: and
 - (b) in any other case, to the Public Officer of the Association.
- (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 No 1009 as amended from time to time, and within the context used the masculine gender shall be deemed to include the feminine gender.

3. MEMBERSHIP

- (1) A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the joining fee and annual subscription payable under these rules.
- (2) A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:
 - (a) unless he/she is nominated as provided in Rule 3(3); and
 - (b) his/her admission as a member is approved by the General Committee.
- (3) A nomination of a person/persons for membership of the Association:
 - (a) shall be made in writing in a form determined by the General Committee; and
 - (b) shall be lodged with the Secretary of the Association, who shall then arrange for the exhibition of the nomination on the Association's notice board for a period of not less than seven days.
- (4) The Secretary shall, as soon as practicable, refer the nomination to the General Committee.

- (5) Upon a nomination being referred to the General Committee, the General Committee shall:
 - (a) by ballot, determine to approve or reject the nomination, and in the event of rejection no further nomination of the subject nominee/s shall be dealt with until after the expiration of one year. A two-thirds majority shall be required for the nomination to be approved.
 - (b) Ensure that no restriction be imposed on any person by virtue of them having any of the attributes listed in Part 2 Section 6 of the Equal Opportunity Act 1995 No 42 as amended from time to time. General Committee shall have the right to refuse membership to any person without assigning any reason therefore.
- (6) Upon a nomination being approved by the General Committee, the Secretary shall, with as little delay as possible, notify the nominee in writing that he/she is approved for membership of the Association and request payment within the period of sixty days of the date of such notification of the sum payable under these rules as the joining fee and the first year's annual subscription.
- (7) Should the amounts referred to in Rule 3(6) be not received within sixty days of the date of the notification the General Committee's approval the nomination shall lapse and be treated as null and void.
- (8) The Secretary shall, upon payment of the amounts referred to in Rule 3(6) within the period referred to in that Rule, enter the nominee's name in the register of members kept by him/her and, upon the name being so entered, the nominee becomes a member of the Association.
- (9) A right, privilege, or obligation of a person by reason of his/her membership of the Association is not capable of being transferred or transmitted to another person, and shall terminate upon the cessation of his/her membership whether by death or resignation or otherwise.

4. CATEGORIES OF MEMBERSHIP

- (1) Ordinary Member
A person not under eighteen years of age as at the first day of the financial year concerned may be an Ordinary Member.
- (2) Family Member
The spouse or bona-fide partner of a member of any other category or one adult single child of a widowed or widowered member of any other category or the widowed mother or widowered father of any other category member, and persons under fourteen years of age as at the first day of the financial year concerned for whom such other category member or said spouse or bona-fide partner accept full accountability to the Association in respect to such persons memberships, may be Family Members to the said other category member.
- (3) Intermediate Member
A person not under eighteen years but under twenty-one years of age as at the first day of the financial year concerned may be an Intermediate Member.
- (4) Short Term Member
A person not under eighteen years of age as at the first day of the financial year concerned may be a Short Term Member. This category of membership is reserved for persons who through work or other commitments know that they will only be able to take up and hold membership for a period of time equal to or less than 4 years. If a Short-Term Members' circumstances change and they wish to change their

membership category they are to submit an application for change of membership category to the General Committee in accordance with Rule 5 (2).

(5) Junior Member

A person not under fourteen years but under eighteen years of age as at the first day of the financial year concerned may be a Junior Member.

(6) Veteran Member

A person not under sixty-five years of age as at the first day of the financial year concerned may be a Veteran Member.

(7) Social/Non-Sailing Member

(a) A person not under eighteen years of age as at the first day of the financial year concerned may be a Social/Non-Sailing Member.

(b) A Social/Non-Sailing Member and Family Members to a Social/Non-Sailing Member may not participate as a skipper or crew member of a competing yacht in more than five races conducted by the Association in any one financial year.

(8) Special Member

(a) A person who considers himself/herself to be in circumstances worthy of special consideration may state his/her case in writing to the General Committee.

(b) The General Committee may resolve to offer to any member or non-member who it considers is severely disabled or disadvantaged that he/she be a Special Member.

(c) The General Committee will notwithstanding anything contained in Rule 6(1) separately determine any fees (which determination may be that the fees and subscriptions be nil) and conditions that apply to each application/offer for Special Membership.

(9) Absentee Member

(a) A member who anticipates being unable to avail himself/herself of the privileges of the Association for a continuous period of not less than one year may apply to the General Committee to be registered as an Absentee Member, and upon the application being approved shall be recorded as such in the register of members.

(b) An Absentee Member shall be entitled to receive a copy of any periodical journal or the like of the Association; and may be present at premises of the Association or at functions conducted by the Association under the same conditions as apply to visitors except that he/she shall not be required to pay visitor fees.

(10) Honorary Member and Short Term Honorary Member

(a) The General Committee may elect any member or non-member who has rendered significantly special services to the Association or to the sport of yachting generally as an Honorary Member of the Association. Such Honorary Membership shall expire at the end of each financial year but an Honorary Member may be re-elected.

(b) The General Committee, or any two or more Flag Officers acting in concert, may elect any person as an Honorary Member for a period not exceeding seven days. A person so elected shall be defined as a "Short Term Honorary Member". Any election to Short Term Honorary Membership made by Flag Officers is to be advised to the General Committee meeting next following exercise of the power.

(c) An Honorary Member shall be bound by the Rules of the Association and shall be entitled gratis to use in common with other members the facilities and enjoy all the privileges of the Association.

(d) A Short Term Honorary Member shall be bound by the Rules of the Association and shall be entitled gratis to use in common with other members the facilities and enjoy all the privileges of the Association with the exceptions of the right to hold any key that of the Association and of the right to vote.

(11) Life Member

- (a) The General Committee may elect a member of the Association to be a Life Member but shall stand bound to determine any nomination for Life Membership in accordance with the following parameters, viz:
- (i) The nominee is to have been a member of the Association for not less than ten years.
 - (ii) The nominee is to have given outstanding service as an office bearer or in officially designated capacities for not less than five years.
 - (iii) The nature of the service contributed must be seen to have been very significant to the development and betterment of the Association.
 - (iv) The nominee is to be of overall merit favourably comparable with that of present and or previous Life Members at the time they were so elected; and at the time of proposed election there is not to be any other member equally or more worthy of the honour.
 - (v) The bestowal of Life Membership is to be reserved to only the very few really top performances; the honour must not under any circumstances be down-graded to a long-service award.
 - (vi) A Life Membership, if bestowed, should not be likely to cause any significant disharmony in the Association.
 - (vii) Upon a nomination accruing the General Committee shall appoint a Sub-Committee of three past Commodores, or if such be not available or willing to act from among past officers of the Association, to investigate the general eligibility of the nominee for consideration and, if so requested by the General Committee, to make a recommendation as to the worthiness of the nominee; and such Sub-Committee is to certify its findings in writing to the General Committee.
 - (viii) The report of the findings of the Sub-Committee is to be tabled at the General Committee meeting next following receipt of it; whereupon further action shall rest upon there being notice of motion given, which notice shall be not less than twenty-eight days, that a stipulated nominee/s be elected as a Life Member/s.
 - (ix) A motion that the General Committee elect a nominee as a Life Member shall be determined by secret ballot and for the resolution to be carried there shall be not less votes in favour than a number equal to eighty per cent of the number of members of the General Committee.
 - (x) It shall be the prerogative of the Chairman of the General Committee meeting at which it may have been expected the ballot be conducted to at his/her discretion determine that the ballot be conducted by post, and if that chairman so determines, he/she shall personally administer a postal secret ballot such that it be returnable within twenty eight days of such determination.
- (b) The election by the General Committee of a member as a Life Member shall be subject to ratification by a General Meeting of members. The notice of such meeting shall show that business includes consideration of such ratification, but it shall not be necessary to state the name of the electee/s in the notice.
- (c) A motion that election of a Life Member by the General Committee be ratified shall require a three-fourths majority for it to be carried.
- (d) If a General Meeting ratifies the General Committee's election of a Member the electee shall be declared a Life Member; and at an appropriate future occasion he/she shall be presented with a Life Membership Certificate.
- (e) A Life Member shall be bound by the Rules of the association and shall be entitled gratis to use in common with other members the facilities and enjoy all the privileges of the Association.

5. CHANGE OF MEMBERSHIP CATEGORY

- (1) The membership category of a member who by reason of having reached an appropriate age as at the first day of a financial year ought in accordance with these rules then be in a different category of membership shall be changed to the appropriate category automatically; and the Secretary is to amend the membership register accordingly.
- (2) A member may apply in writing to the General Committee for his/her membership category to be changed and the General Committee shall determine the matter by ballot in respect to which a two-thirds majority shall be required for the application to be approved. The General Committee shall determine and notify the applicant of any additional fees and conditions that may be applicable to the change in membership category.

6. JOINING FEES, ANNUAL SUBSCRIPTIONS AND OTHER MONIES DUE

- (1) The General committee shall recommend to members by way of motion in respect to the Annual General Meeting the joining fees and the annual subscriptions to apply retrospectively from the first day of the financial year concerned; to be carried such motion shall require a three-fourths majority of members present and voting at the Annual General Meeting, and should the motion not be carried the joining fees and annual subscriptions shall remain the same as set at the previous Annual General Meeting, and until otherwise determined shall be as hereunder set out.

Membership Category	Joining Fee	Annual Subscription
Ordinary Member [Rule 4 (1)]	\$100.00 (Can be paid over 4 years)	\$160.00
Family members. [Rule 4 (2)] (Being a group subscription covering all persons who are family members to the same other category member)	Not applicable	\$45.00
Intermediate Member [Rule 4 (3)]	\$50.00	\$72.00
Short term Member [Rule 4 (4)]	Prorata based on \$100.00 over 4 years	\$160.00 or part there of based on % of year
Junior Member [Rule 4 (5)]	Not applicable	\$33.00
Veteran Member [Rule 4 (6)]	\$25.00	\$85.00
Social/Non-Sailing Member [Rule 4 (7)]	\$50.00	\$80.00
Special Member [Rule 4 (8)]	As determined by the General Committee	As determined by the General Committee
Absentee Member [Rule 4 (9)]	Not applicable	\$55.00
Honorary Member [Rule 4 (10)]	Not applicable	Nil
Life Member [Rule 4 (11)]	Not applicable	Nil

- (2) The subscription payable by persons approved for membership after the 31st day of May is to be calculated on a months-pro-rate basis in respect to the financial year of joining.
- (3) The joining fee for any person who has previously been a member of the Association is one fourth of the joining fee applicable at the time of rejoining.
- (4) Annual subscriptions are due and payable on or before the 1st day of August in each financial year.
- (5) Any member whose annual subscription is not paid as at the 30th day of September in any financial year is deemed to be unfinancial.
- (6) A member who is not financial or is otherwise indebted to the Association is not eligible to participate in any Association race or sailing event, or to vote at any meeting; and shall automatically stand suspended from any office or appointment held by him/her until such time as he/she becomes financial or removes the debt. Provided always that the General Committee may exercise discretion in respect to these matters.

- (7) The General Committee may by resolution impose upon any member whose annual subscription is overdue a penalty subscription of up to 5 per cent of the Annual Subscription for each month and part of a month it is overdue and if such penalty subscription be not paid within sixty days of notification of its imposition the member concerned shall be deemed to be unfinancial.
- (8) If any member owes any monies, not being his/her annual subscription or part thereof, to the Association, the Secretary may forward to such member a notice in writing requiring payment within thirty days from the date of the notice. If the monies or any part thereof remain unpaid after the expiration of the thirty days the General Committee may by resolution declare the member concerned to be unfinancial; the provisions of Rule 6(7) shall then apply.
- (9) The General Committee may by resolution terminate the membership of any member who has been unfinancial for not less than three consecutive calendar months. The name of any person whose membership is so terminated shall forthwith be struck off the register of members, and the date of the resolution be recorded therein.

7. REGISTER OF MEMBERS

- (1) The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, category of membership, and date of entry of the name of each member; and the register shall be available for inspection by members by prior personal arrangement with the Public Officer.

8. RESIGNATION OF MEMBER

- (1) A member of the Association who has paid all monies due and payable by him/her to the Association may resign from the Association by first giving one months notice in writing to the Secretary of his/her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- (2) Upon the expiration of a notice given under Rule 8(1), 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.

9. DISCIPLINE Of MEMBERS

- (1) Subject to these rules, if the General Committee is of the opinion that a member:
 - (a) has refused or neglected to comply with these rules; or
 - (b) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association;the General Committee may by resolution:
 - (i) expel the member from the Association; or
 - (ii) suspend the member from membership of the Association for a specified period; or
 - (iii) fine the member in accordance with the Regulations, or
 - (iv) Take such other action as considered appropriate to the circumstances.
- (2) A resolution of the General Committee under Rule 9(1):
 - (a) does not take effect unless the General Committee, at a meeting held not earlier than 14 days and not later than 35 days after the service on the member of a notice in accordance with Rule 9(3) confirms the resolution in accordance with Rule 9(4); and
 - (b) where the member exercises a right of appeal to the Association under Rule 9(3) does not take effect unless the Association confirms the resolution in accordance with Rule 9(6).

- (3) Where the General Committee passes a resolution under Rule 9(1), 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 General Committee and the grounds on which it is based;
 - (b) stating that the member may address the General Committee at a meeting to be held not earlier than 14 days and not later than 35 days after service of the notice;
 - (c) stating the date, time, and place of that meeting;
 - (d) informing the member that he/she may do one or more of the following:
 - (i) Attend that meeting;
 - (ii) Give the Secretary or the General Committee before the date of that meeting a written statement seeking the revocation of the resolution and including the grounds on which revocation is sought.
 - (iii) Not later than 24 hours before that meeting, lodge with the Secretary or General Committee a notice to the effect that he/she wishes to appeal to the Association in general meeting against the resolution.
- (4) At a meeting of the General Committee held in accordance with Rule 9(2), the General Committee shall:
 - (a) give to the member an opportunity to be heard;
 - (b) give due consideration to any written statement submitted by the member; and
 - (c) by resolution determine to confirm or revoke the resolution.
- (5) Where the secretary receives a notice under Rule 9(3), he/she shall notify the General Committee and the General Committee shall convene a general meeting of the Association to be held within 35 days after the date on which the secretary received the notice.
- (6) At a general meeting of the Association convened under Rule 9(5):
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the General 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 shall vote by secret ballot on the question whether the resolution be confirmed or revoked, and
 - (e) if a two-thirds majority of members present and voting are in favour of confirmation of the resolution, the resolution is confirmed; and in any other case, the resolution is revoked.

10. ANNUAL GENERAL MEETING

- (1) The Association shall convene an annual general meeting of its members to be held on a date between the 15th day of May and the 15th day of June as the General Committee shall determine each year save that it shall not be necessary to hold an annual general meeting in the year of incorporation.
- (2) The annual general meeting shall be specified as such in the notice convening it.
- (3) The ordinary business of the annual general meeting shall be:
 - (a) to confirm the minutes of the preceding annual general meeting and of any general meeting held since that meeting;
 - (b) to receive from the General Committee a report upon the general activities of the Association over the preceding financial year.
 - (c) to receive from the General Committee reports upon the transactions of the Association during the last preceding financial year.
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.

- (e) to set the joining fees and the annual subscriptions to be applicable retrospectively as from the first day of the current financial year.
 - (f) to elect officers of the Association and the ordinary members of the General Committee.
- (4) The annual general meeting may transact special business of which notice is given in accordance with these rules.
 - (5) The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

11. SPECIAL GENERAL MEETINGS

- (1) All general meetings other than the annual general meeting shall be called special general meetings.
- (2) The General Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- (3) The General Committee shall, on the requisition in writing of not less than twenty members entitled to vote, convene a special general meeting of the Association.
- (4) 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 may consist of several documents in a like form each signed by one or more of the members making the requisition, and shall be sent to the address of the Secretary.
- (5) If the General Committee does not cause a special general meeting to be held within 45 days after the date on which a requisition is sent to the address of the Secretary, the members making the requisition, or any three of them acting in concert, may convene a special general meeting to be held not later than 70 days after that date.
- (6) 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 General Committee and all reasonable expenses incurred in convening the meeting may be refunded by the Association to the persons incurring the expenses.

12. CONVENING OF GENERAL MEETINGS

- (1) The Secretary of the Association shall, at least 15 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association entitled to vote at his/her address appearing in the register of members, a notice by pre-paid post, stating the place, date, and time of the meeting and the nature of the business to be transacted at the meeting.
- (2) A notice, which is sent to member, shall be deemed to have also been sent to any member who is a family member to that member.
- (3) The non-receipt of a notice of meeting or the accidental omission to send such notice to a member shall not invalidate the proceedings of any general meeting.
- (4) A member desiring to bring business before a meeting may give notice of that business in writing to the Secretary and if the nature of the business is such that it can not be dealt with other than by a General Meeting the General Committee shall arrange for that business to be included as an agenda item for the next notice calling a general meeting.

13. PROCEDURE OF GENERAL MEETINGS PROCEEDINGS AT MEETINGS

- (1) No business other than that set out in the notice convening the meeting shall be transacted at a general meeting.
- (2) All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that referred to at Rule 10(3) as being the ordinary business of the annual general meeting shall be deemed to be special business.
- (3) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.
- (4) Twenty members personally present (being members entitled to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (5) 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, unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned, at the same place and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present, being not less than ten shall be a quorum.
- (6) The Commodore, or in his/her absence or if he/she is unwilling to preside, the Vice-Commodore, or in his/her absence or if he/she is unwilling to preside, the Rear-Commodore, shall preside as Chairman at each general meeting of the Association.
- (7) If the Commodore and Vice-Commodore and the Rear-Commodore are absent from a general meeting or are unwilling to preside as Chairman, the members present shall elect one of their number to preside as Chairman at the meeting.
- (8) The Chairman of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place.
- (9) No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (10) Where a meeting is adjourned for 18 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.
- (11) Except as provided in Rules 13 (8), (9) and (10), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

14. VOTING

- (1) A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, an entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, the resolution.
- (2) Upon any question arising at a general meeting of the Association, a member entitled to vote has one vote only.

- (3) All votes shall be given personally.
- (4) In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- (5) If at a meeting a poll on any question is demanded by not less than two members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (6) A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.
- (7) With the exception of Absentee Members, Short-Term Honorary Members and Social/Non-Sailing Members with less than 5 years club membership any member over the age of 18 years as at the first day of May of the financial year concerned is unless debarred under these rules because of unfinanciality or other reason entitled to vote at any general meeting.
- (8) There shall be no voting by proxy.

15. COMMITTEE OF MANAGEMENT

- (1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in Rule 15 (5). The General Committee:
 - (a) shall control and manage the business and affairs of the Association.
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of the members of the Association; and
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the General Committee to be necessary for the proper management of the business and affairs of the Association,
- (2) The officers of the Association shall be:
 - (a) A Commodore;
 - (b) A Vice-Commodore;
 - (c) A Rear-Commodore;each of whom shall be designated as a Flag Officer,
 - (d) A Treasurer, and
 - (e) A Secretary
- (3) Except as provided in Rule 15 (8) to be eligible to be an officer of the Association or an ordinary member of the General Committee a member must:
 - (a) be financial;
 - (b) be not under 18 years of age as at the first day of May preceding election or appointment.
 - (c) have been a member of the Association or of some other similar yachting association for not less than twelve months; and
 - (d) be the owner or part owner of a boat appearing on the boat register of the Association or be a regular member of the crew of such a boat, excepting that a member who does not meet either the ownership or the crew criteria aforesaid shall not be debarred if he/she is not less than 23 years of age and has been a member of the Association for not less than five years.

- (4) If at any Annual General Meeting the retiring Commodore be not re-elected to that office he/she shall be designated as the Immediate Past Commodore and shall be the Immediate Past Commodore for such periods as his/her successor is Commodore and if a serving Commodore resigns or is removed from office the incumbent Immediate Past Commodore shall retain that position during the periods the successor to the resigned or removed Commodore is Commodore.
- (5) Subject to section 23 of the Act, the General Committee shall consist of:
 - (a) the officers of the Association: and
 - (b) five ordinary members - each of whom (including the officers) shall be elected at the annual general meeting of the Association in each year, and
 - (c) the Immediate Past Commodore.
- (6) The provisions of Rule 17 (1) so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in Rules 15 (5) (a) (b) and (c).
- (7) Each officer of the Association and each ordinary member of the General Committee shall hold office until the conclusion of the annual general meeting next after the date of his/her election but is eligible for re-election.
- (8) In the event of a casual vacancy occurring in the office of an officer of the Association or in the office of an ordinary member of the General Committee, the General Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his/her appointment.
- (9) In the events of a casual vacancy occurring in the office of Secretary of the Association and the General Committee being unable to discover a suitable member of the Association willing to accept appointment to that office, the General Committee may appoint a non-member to that vacant office and the person so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of his/her appointment unless removed by resolution of the General Committee.
- (10) A non-member Secretary shall not be entitled to vote at any meeting but may by resolution of the General Committee be granted all or some of the privileges of membership of the Association.

16. ELECTION OF GENERAL COMMITTEE

- (1) Nominations of candidates for election as officers of the Association or as ordinary members of the Committee:
 - (a) shall be made in writing, signed by two members of the Association who are entitled to vote at general meetings and accompanied by the written consent of the candidate (which consent may be endorsed on the form of nomination); and
 - (b) shall be delivered to the secretary of the Association not less than 10 days before the date fixed for the holding of the annual general meeting.
- (2) Once submitted, the nomination of a candidate for election as an officer of the Association or as an ordinary member of the General Committee may not be withdrawn other than with the written consent of both the proposer and seconder and in writing by the nominee.

- (3) A candidate may be nominated for election at the same annual general meeting for more than one office but may not be elected to more than one office. In the event of the same candidate having been nominated for election for more than one office ballots shall be held in the order of for Commodore, for Vice-Commodore, for Rear-Commodore, for Secretary, for Treasurer, for ordinary member of the General Committee, and on a candidate being elected to an office his/her nomination for election to any office not as then yet voted upon shall become invalid.
- (4) If insufficient nominations are received to fill all vacancies on the General Committee, the candidates nominated shall be deemed to be elected, and the vacancies remaining shall be deemed to be casual vacancies.
- (5) If the number of nominations received is equal to the number of vacancies to be filled, the candidates nominated shall be deemed to be elected.
- (6) If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held.
- (7) A secret ballot for the election of officers and ordinary members of the General Committee shall be conducted at the annual general meeting in such usual and proper manner as the General Committee may direct.
- (8) There shall be provision made for members of the Association to vote by post in respect to the election of officers and ordinary members of the General Committee.
- (9) A member of the Association wishing to vote by post as provided in Rule 16(8) shall apply in writing for postal ballot papers to the Secretary such that the Secretary receives the application not less than seven days before the date set for the annual general meeting; and the completed ballot papers to be valid shall reach the Secretary not later than last post on the day before the date set for the annual general meeting.

17. VACANCY OF GENERAL COMMITTEE MEMBERSHIP

- (1) For the purposes of these rules, the office of an officer of the Association or of any other member of the General Committee becomes vacant if the officer or other member:
 - (a) ceases to be a member of the Association;
 - (b) becomes an insolvent under administration within the meaning of the Companies (Victoria) Code; or
 - (c) resigns his/her office by notice in writing given to the secretary.

18. PROCEDURE OF GENERAL COMMITTEE/SUB-COMMITTEES

- (1) The General Committee shall meet at least 9 times in each financial year such that the period between any two consecutive meetings be not more than 50 days at such place and such times as the General Committee may determine.
- (2) Special meetings of the General Committee may be convened by the Commodore or by any 3 of the members of the General Committee.
- (3) Notice shall be given to members of the General 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.
- (4) Any five members of the General Committee constitute a quorum for the transaction of the business of a meeting of the General Committee.

- (5) 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- (6) At meetings of the General Committee:
 - (a) the Commodore or in his/her absence or if he/she is unwilling to preside the Vice-Commodore or in his/her absence or if he/she is unwilling to preside, the Rear-Commodore, shall preside; or
 - (b) if no Flag Officer be present and willing to preside, such one of the remaining members of the General Committee as may be chosen by the members present shall preside as Chairman.
- (7) Questions arising at a meeting of the General Committee or of any sub-committee appointed by the General Committee shall be determined on show of hands unless it be a question which under these Rules is to be otherwise determined or, if demanded by a member, by a poll, in which case a poll shall be taken in such manner as the person presiding at the meeting may determine.
- (8) Each member present at a meeting of the General Committee or of any sub-committee appointed by the General Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (9) Notice (which may be verbal) of each General Committee meeting or of any committee or sub-committee appointed by the General Committee shall be given each member of such committees at a reasonable time before the meeting and may be given by sending it by pre-paid post addressed to him/her at his/her address as appearing in the register of members or last known place of abode.
- (10) Subject to there being a quorum present the General Committee may act notwithstanding any vacancy on the General Committee.

19. REMOVAL OF GENERAL COMMITTEE MEMBER

- (1) The Association in general meeting may by resolution remove any member of the General Committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the removed member excepting that if the immediate Past Commodore is removed the position of immediate past Commodore shall remain vacant until the provisions of Rule 15 (4) become effective.
- (2) Where the member to whom a proposed resolution referred to in Rule 19 (1) refers makes representations in writing (not exceeding a reasonable length) to the Secretary or Commodore of the Association and requests that they be notified to the members of the Association, the Secretary or Commodore may send a copy of the representations to each member of the Association entitled to vote at general meetings or, if they are not so sent, the member may require that they be read out at the meeting and in any case the member shall be given opportunity to be heard at the meeting.

20. DUTIES OF SECRETARY

- (1) The Secretary of the Association shall:
 - (a) keep minutes of the proceedings and resolutions of each general meeting and of each General Committee meeting together with a record of the names of persons present at General Committee meetings in books provided for that purpose; and
 - (b) do all such things as required of him/her in accordance with the Act and these Rules; and
 - (c) perform such further related duties as may be directed by the General Committee.

21. DUTIES OF TREASURER

- (1) The Treasurer of the Association:
 - (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and
 - (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
 - (c) shall perform such further related duties as may be directed by the General Committee.
- (2) The accounts and books referred to in Rule 21 (1) shall be available for inspection by members by prior personal arrangement with the Public Officer.

22. CHEQUES ETC.

- (1) There shall be established such bank or other financial institution accounts as the General Committee may by resolution determine and no account may be established except as so sanctioned by the General Committee.
- (2) All payments made shall be by cheque excepting that the General Committee may by resolution give approval for the establishment of petty cash advances which may be operated upon in accordance with directives set down by the General Committee.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by not less than two members of the Association of whom at least one shall be an Officer of the Association excepting that where the establishment of a subsidiary bank or other account is sanctioned by the General Committee there shall be at least three signatories registered in respect to it and of whom at least one shall be an officer of the Association but it shall suffice that any two of those signatories may sign relevant instruments.

23. COMMON SEAL

- (1) The Common Seal of the Association shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the General Committee and the affixing of the Common Seal shall be attested by the signatures either of two Flag Officers of the Association or of one Flag Officer and the Public Officer of the Association.

24. ALTERATION OF RULES AND STATEMENT OF PURPOSES

- (1) These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

25. NOTICES

- (1) A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his/her address shown in the Register of Members provided however that notices of general meetings as set out in Rule 15 shall be sufficiently given if published in a periodical journal delivered to members.
- (2) Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

26. DELEGATION OF GENERAL COMMITTEE POWERS, COMMITTEES, SUB-COMMITTEES, INDIVIDUAL APPOINTMENTS

- (1) The General Committee may by resolution:
 - (a) appoint committees, sub-committees, or individual functionaries.
 - (b) delegate any of its powers to such committees, sub-committees, or individual functionaries.
 - (c) determine the financial delegation to the committees, sub-committees, or individual functionaries provided always that if it makes a financial delegation it shall specify:
 - (i) The purpose for which the money may be used; and
 - (ii) The total amount of the delegation; and
 - (iii) The limit that may be spent upon any one exercise of the delegation; and
 - (iv) The procedure, if any, for requesting any additional financial delegation.
 - (d) Recall or revoke any delegation or appointment made under Rule 26 (1).
- (2) The General Committee shall define the powers and duties of committees, sub-committees, and individual functionaries appointed under Rule 26 (1) (a).
- (3) The term of office of all persons appointed under Rule 26 (1) (a) expires at the conclusion of the annual general meeting next after the appointment was made but appointees are, subject to these rules, eligible for re-appointment,
- (4) The Flag Officers of the Association shall ex-officio be members of all committees and sub-committees.
- (5) Committees, sub-committees, and individual functionaries are answerable to the General Committee.
- (6) In respect to committee and sub-committee meetings:
 - (a) Any half of the members appointed constitute a quorum for the transaction of business; and
 - (b) The intent of Rules 17 and 18, with the necessary modifications made, apply.

27. RESTRICTION ON POWERS OF GENERAL COMMITTEE

- (1) The General Committee shall not except with the sanction of a resolution passed at a general meeting of members of the Association:
 - (a) Mortgage, sell, demise, underlet, exchange or otherwise, dispose of any of the real property or chattels real of the Association (other than that the General Committee may make available to the public as it may from time to time determine any facilities of the Association); or
 - (b) Undertake any single project or purchase the total cost of which may be expected to exceed \$4,000.

- (c) Borrow, or negotiate an overdraft or advance account for, an amount in excess of \$4,000.
- (d) Lend, or give credit to any person or body corporate of an amount in excess of \$15,000 except to a registered Australian bank.

28. DISPOSAL OF ASSETS

- (1) The income and property of the Association shall be used and applied solely in promotion of its purposes and the exercise of its powers as set out in the Statement of Purposes and no proportion thereof shall be distributed paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Association provided that nothing herein contained shall prevent the payment in good faith of interest to any such member in respect of moneys advanced by him/her to the Association or otherwise owing by the Association to him/her or of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association provided further that nothing herein contained shall be construed so as to prevent the payment or repayment to any member of out of pocket expenses, money lent, reasonable or proper charges for goods hired by the Association or reasonable and proper rent for premises demised or let to the Association or the provision of services to a member to which he/she would be entitled in accordance with the purposes if he/she were not a member.
- (2) If the Association shall be wound up in accordance with the provisions of the Associations Incorporation Act 1981, and there remains, after satisfaction of all its debts and liabilities, any property, whatsoever, the same shall be given or transferred to some other institution or institutions having purposes similar to the purposes of the Association, and which prohibits the distribution of its other income and property amongst its or their members to an extent at least as great as is imposed on the Association under or by virtue of this rule such institution or institutions to be determined in accordance with a special resolution of the members of the Association or in the absence of a special resolution of the members by the Registrar.

29. SOURCES OF FUNDS

- (1) The funds of the Association shall be derived from joining fees, annual subscriptions, donations and such other sources as the General Committee determines.

30. GUESTS AND VISITORS

- (1) Members may invite private Guests or visitors to premises of the Association but guests or visitors may not use overnight accommodation facilities on Association premises unless the express approval of a Flag Officer be first given; and
- (2) A Flag Officer who gives an approval in accordance with Rule 30 (1) shall notify the General Committee of the fact at its next meeting following the giving of the approval.
- (3) Members shall be responsible for the conduct while on Association premises of their private guests or visitors and for ensuring that relevant fees (if any) as may be set by the General Committee from time to time are paid.
- (4) The General Committee and or the Commodore may invite persons as official guests of the Association to premises of the Association and expenses involved in hosting official guests may be an expense of the Association.

- (5) No guest or visitor may come on Association premises on more than five one-day-occasions in the same financial year excepting that the General Committee may grant to a visitor who is a financial member of another yachting or similar association an extension to the number of visits he/she may make.
- (6) All guests and visitors over the age of 14 years are required to have their name and address entered in a visitors book provided for the purpose and the hosting or introducing member is to sign his/her name against the entry.

31. INDEMNITY

- (1) Every member of the General Committee as hereinbefore defined and every other member of the Association or other person acting with the authority or on the instructions of the General Committee shall be indemnified by the Association against, and it shall be the duty of the General Committee out of the funds of the Association to pay, all costs, losses and expenses which any persons aforementioned in this Rule may incur or become liable to by reason of any contract entered into or act or thing done by him/her in discharge or purported discharge of his/her duties.
- (2) No member of the General Committee as hereinbefore defined and no other member of the Association or other person acting with the authority or on the instructions of the General Committee shall be liable for the acts receipts, neglect or defaults of any other of the persons aforementioned in this Rule or for joining in any receipt or other act for conformity or for any loss or expense happening to the Association through the insufficiency or deficiency of title to any property acquired by order of the General Committee for or on behalf of the Association or for the insufficiency or deficiency of any security in or upon which any of the moneys of the Association shall be invested or from any loss or damage arising from the bankruptcy or tortious act of any person owing moneys to the Association or with whom any moneys securities or effects shall be deposited or for any loss occasioned by any error of judgement or oversight on his/her part or for any other loss, damage or misfortune whatever which shall happen in the execution of his/her allotted or purportedly allotted duties or in relation thereto unless the same happen through his/her own dishonesty.
- (3) All those taking part in any activity whatsoever conducted by or on behalf of Bendigo Yacht Club Incorporated do so entirely at their own risk and responsibility.
- (4) All those taking part in any race or sailing event conducted by Bendigo Yacht Club Incorporated do so entirely at their own risk and responsibility.
- (5) The Bendigo Yacht Club Incorporated is not responsible for the seaworthiness of a yacht whose entry is accepted or the sufficiency or adequacy of its equipment.
- (6) It shall be the sole responsibility of each yacht to decide whether or not to start or to continue to race.
- (7) The Bendigo Yacht Club Incorporated reserves the right to refuse an entry.

32. CONDUCT OF RACES

- (1) All races shall be conducted under the current Racing Rules of the International Sailing Federation (ISAF), the current Requirements of the Australian Yachting Federation (AYF) the current Safety Regulations of the Australian Yachting Federation (AYF), the current prescriptions of the Victorian Yachting Council (VYC) and the current rules of the relevant Class Association, all as modified by Sailing Instructions to be issued by the Association in respect to each series, regatta or race as the case may be.

33. THE ASSOCIATION FLAGS

- (1) The Association burgee shall be a triangular shape gold centre with dark blue border and with the letters BeYC in the same blue within the gold triangle on one side only.
- (2) Any member may fly the Association burgee on his/her boat provided that the boat is not being used as a working boat or let for hire.
- (3) The Commodore's Flag shall be the Association burgee swallow-tailed.
- (4) The Vice-Commodore's Flag shall be the Association burgee swallow-tailed and with one white disc within the upper head quarter.
- (5) The Rear-Commodore's Flag shall be the Association burgee swallow-tailed and with two white discs within the upper head quarter.
- (6) A Flag Officer's flag may be flown on any boat which such officer is aboard or intends to return aboard before sunset on the same day except that where two or more Flag Officers are aboard the same boat the flag of the Senior Flag Officer only shall be displayed.

34. BY-LAWS

- (1) The General Committee shall have power to from time to time make alter and repeal such by-laws being not inconsistent with the Act, the Regulations, the Statement of Purposes or these Rules as the General Committee may deem necessary expedient or convenient for the proper administration conduct management and regulation of the Association.

35. BOAT REGISTER

- (1) The General Committee shall appoint a member of the Association to keep and maintain a Boat Register in which shall be entered, in respect to boats owned by (or under the control of) members of the Association, the owner's name/s residential address/es and telephone number/s, the class of boat, boat sail number, boat name, and any other information which the General Committee may from time to time direct be recorded therein.

36. CUSTODY OF BOOKS

- (1) Except as otherwise provided in these Rules the secretary shall keep in his/her custody or under his/her control all books, documents and securities of the Association.

37. QUESTIONS OF PROCEDURE

- (1) Where at any general meeting of the Association or of the General Committee a question of order, procedure or interpretation arises, the ruling of the Chairman shall be final unless a dissent motion be moved immediately after the ruling is given.

38. HEADINGS NOT TO FORM PART OF RULES

- (1) The catchwords or headings to these Rules shall not be taken as part thereof or in any manner affect the interpretation or construction of the same.

BENDIGO YACHT CLUB (Inc) APPLICATION FOR MEMBERSHIP

Applicants Surname:							
Applicants Given Names:							
Date of birth if under 21 years of age:							
Full residential address:							
Postal address if different from above:							
Phone Private:				Phone Business:			
Fax:				Email:			
I apply for the following categories of membership. Place an X in the box under the category(s)							
Ordinary 18 yrs plus	Family Under 14 yrs	Junior 14 yrs to under 18yrs	Intermediate 18 yrs to under 21 yrs	Veteran 65 yrs plus	Social/Non- sailing 18 yrs plus	Special	Short Term
Family Information	Surname		Given Names			Date of birth (If under 21 years of age)	
Spouse or Bona-fide partner							
Children or guardians under 18 years of age							
If applicable yacht class owned:					Sail No:		
If applicable crew member for:					Yacht name:		
Former yacht clubs where you held membership:							
On gaining admission as a member(s), I/we agree to be bound by the Rules of the Association.							
Signature of applicant:						Date: / /	
<p>PROPOSER I, who have been a voting member of the Association for not less than one year, nominate the applicant(s) who is/are known to me, for membership of the Association, and am prepared to support the nomination either in writing or orally if called upon to do so by the General Committee.</p> <p>..... (Signature of Proposer) Date: / /</p>							
<p>SECONDER I, who have been a voting member of the Association for not less than one year, second the nomination of the applicant/s, who is/are known to me, for membership of the Association, and am prepared to support the nomination either in writing or orally if called upon to do so by the General Committee.</p> <p>..... (Signature of Seconder) Date / /</p>							
FOR OFFICE USE ONLY							
Date application received:					/ /		
Date of decision of General Committee:					/ /		
Date applicant notified in accordance with Rule 3(6):					/ /		
Date subscriptions received:					/ /		
Date recorded as a member(s):					/ /		