



Constitution and Rules of the Kettering Yacht Club

As amended 08 August 2023

Revision History

As approved by Special General Meeting of 14th September 2004		
09/08/21		
08/08/23		

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1 NAME OF THE CLUB

The name of the Club shall be the Kettering Yacht Club Inc.

2 INTERPRETATION

Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretations Act, 1931 (Tasmania).

3 CLUB OFFICE

The Office of the Club shall be located at Kettering or such other place as the Committee may, from time to time determine.

4 OBJECTS AND PURPOSES OF THE CLUB

The Objects of the Club shall include:

- 4.1 The encouragement of yachting as an affordable recreation and sport, particularly on the waters of the D'Entrecasteaux Channel.
- 4.2 Instruction and supervision in the activities of yachting.
- 4.3 The promotion of water safety, knowledge of navigation and the International Rules for the Prevention of Collisions at Sea.
- 4.4 To join in Association with any other Club or Association with similar objects and purposes for mutual advantage.
- 4.5 The provision of social events that advance camaraderie and goodwill among all those with an interest in boating.

5 MEMBERSHIP OF THE CLUB

- 5.1 A person who has been nominated and approved for membership as provided in these rules is eligible to be a member of the Club on payment of an entrance fee and annual subscription fixed under these rules.
- 5.2 A nomination of a person for membership of the Club shall be lodged with the Membership Secretary.
- 5.3 As soon as practicable after the receipt of a nomination the Membership Secretary shall refer the nomination to the next meeting of the Committee for consideration.
- 5.4 If the Committee rejects the nomination, it shall return the entrance fee forthwith to the nominee.
- 5.5 Upon a nomination being approved by the Committee, the Membership Secretary shall advise the nominee by letter or email that they have been

approved for membership in the proposed category. On receipt of the sum payable as their pro-rata first year's subscription, the nominee's name shall be entered on the Register of Members to be kept by the Membership Secretary, whereupon the nominee becomes a member of the Club.

- 5.6 Should a nomination be rejected by the Committee and a petition be received by the Secretary signed by not less than 15 members of the Club eligible to vote and seeking for his admission, the Secretary shall within 14 days of the receipt of the same, call a Special General Meeting when the members present will decide the matter, provided that the vote accepting the nomination exceeds two thirds of the members present and who are entitled to vote.
- 5.7 A member of the Club may, at any time, resign from the Club by delivering to the Secretary by post or email a note of resignation and thereupon shall ipso facto cease to be a member of the Club.
No such resignation shall relieve any member from payment of any subscription or any other monies due and payable by him at the time of resignation, nor entitle that member to any refund of subscriptions previously made to the Club.
- 5.8 Upon the receipt of a note of resignation, the Membership Secretary will record the resignation in the Register of Members.
- 5.9 Every member upon payment of his entrance fee and subscription shall become entitled to the benefits and privileges of the Club and such payment will be considered a declaration of his submission to the rules, regulations and by-laws of the Club.
- 5.10 In the event of the Club being wound-up, no member is liable to contribute towards the payment of the debts or liabilities of the Club or the costs charges and expenses of the winding-up.

6 CATEGORIES OF MEMBERSHIP

There shall exist within the Club the following categories of membership:

- 6.1 **FULL MEMBER:** A Full Member is an adult person. A Full Member may become an office bearer of the Club, vote at a General Meeting and have all the rights and privileges of membership of the Club.
- 6.2 **YOUTH MEMBER:** A Youth Member is a person under the age of 18 years. A Youth Member may vote at a General Meeting and shall have all the rights and privileges of membership of the Club, but may not become an office bearer of the Club.
- 6.3 **STUDENT MEMBER:** A Student Member is a person over 18 and under the age of 25 Years who is enrolled in full time study. A Student Member may vote at a General Meeting and shall have all the rights and privileges of membership of the Club.

- 6.4 **FAMILY MEMBER:** The Committee may accept into Family Membership a family which may include not more than two adults and any number of children under the age of 18 years. The adults in a Family Membership may become office bearers of the Club, vote at a General Meeting and have all the rights and privileges of membership of the Club. Family Members under the age of 18 years shall have such rights and privileges of membership as are determined by the Committee from time to time, but may not vote at a General Meeting nor become an office bearer.
- 6.5 **SOCIAL MEMBER:** The Committee may accept a person into Social Membership. A Social Member may have all the rights and privileges of membership of the Club, except that they may not vote at a General Meeting, become a committee member or office bearer of the Club, or participate in more than three Club races in any one year of membership.
- 6.6 **HONORARY MEMBER:** The Committee may admit any person as an Honorary Member of the Club by resolution to that effect. Such Honorary Membership shall not extend past the next Annual General Meeting, when it may be extended by resolution at that time. An Honorary Member may become an office bearer of the Club, vote at a General Meeting and shall have all the rights and privileges of membership of the Club.
- 6.7 **HONORARY LIFE MEMBER:** The Committee may admit any person as an Honorary Life Member of the Club by resolution to that effect, and such membership shall have effect for the life of the member or until they resign. An Honorary Member may become an office bearer of the Club, vote at a General Meeting and shall have all the rights and privileges of membership of the Club.
- 6.8 The Committee is empowered to amend or cancel any of these membership categories and regulate them as it thinks fit.

7 ADDRESSES OF MEMBERS

Members are to communicate their addresses in writing or by email, from time to time, to the Membership Secretary. All notices sent by post or otherwise from the Club to such addresses shall be considered as duly delivered on the day after such postage or delivery and all such notices so sent to members who fail to comply with this rule shall be considered as duly delivered if sent to their last known address.

8 ANNUAL SUBSCRIPTION:

- 8.1 The annual subscription for each category of membership and the entrance fee shall be determined by the Annual General Meeting for that category for the forthcoming membership year.

- 8.2 The membership year shall commence on 1st September each year and conclude on 31st August in the year following.
- 8.3 Subscriptions are payable yearly in advance.
- 8.4 Any member who fails to pay their subscription before 30th September shall receive a notice to that effect from the Membership Secretary and if such member does not make full payment within 30 days of receiving such notice ceases to be a member of the Club.
- 8.5 The Committee may in its discretion grant a reduction of or waive the annual subscription for any member.
- 8.6 The membership fee for a new member in their first year will be a pro-rata proportion of the full year's fee taken from the month of entry onto the Membership Register.

9 DISCIPLINE

- 9.1 The Committee is empowered to expel or suspend a member from membership of the Club.
- 9.2 If a member is found by the Committee to have caused damage to Club property they can be required to make restitution thereof and if restitution is not made within 30 days, to suspend the member until it is made.
- 9.3 If the Committee agrees or receives a complaint from a member that another member has wilfully infringed any of the Rules, Regulations or By-Laws of the Club and allegedly is guilty of conduct prejudicial to the interests of the Club they shall be required by notice in writing to attend before a meeting of the Committee. The member so required shall be given 7 clear days notice of the meeting. If two thirds of the Committee at such meeting finds the members explanation unsatisfactory or insufficient, the Committee may expel the member.
- 9.4 In the event that the Committee determines to expel a member, that member may give the Committee Notice of Appeal in writing and the Committee shall then convene a Special General Meeting of members to hear the appeal. The member expelled shall be permitted to offer an explanation either verbally or in writing to the Special General Meeting and may be represented by another member of his choice. If two thirds of the members present and voting vote in favour of upholding the appeal, the expulsion shall be set aside. Otherwise, the appeal shall be deemed to fail and the expulsion shall stand. The voting at any such Special General Meeting shall be by secret ballot.

10 BANKRUPTCY

If any member shall become bankrupt or take the benefit of any act for the relief of insolvent debtors they shall cease to be eligible to hold any elected office within the Club.

11 INCOME & PROPERTY OF THE CLUB

The Club shall not appoint a person who is a member of the Committee to any office of the Club where the holder of such office is paid any remuneration.

12 ACCOUNTS OF RECEIPTS & EXPENDITURE ETC

12.1 Commencing in 2021, the financial year of the Club shall run from 1st July each year until 30th June in the year following.

12.2 True accounts shall be kept:

12.2.1 of all sums of money received and expended by the Club and the manner in which the receipt of expenditure takes place, and

12.2.2 of the property, credits and liabilities of the Club.

12.3 Accounts shall be open for inspection by members of the Club.

12.4 The Treasurer shall faithfully keep all general records, accounting books and records of receipt and expenditure connected with the operations and business of the Club in such form and manner as the Committee may direct.

12.5 The accounts books and records shall be kept at a place that the Committee may decide.

12.6 The Treasurer shall submit such general records, accounting books and records of receipt and expenditure to the Committee at all times the Committee may deem fit.

13 BANKING & FINANCE

13.1 The Treasurer shall, on behalf of the Club, receive all monies paid to the Club and forthwith issue official receipts therefore.

13.2 The Committee shall cause to be opened with such bank as the Committee selects, a banking account in the name of the Club in which all monies received shall be paid by the Treasurer as soon as practicable after receipt thereof.

13.3 Except with the prior authority of the Committee, no payment of a sum exceeding \$100.00 shall be made from the funds of the Club otherwise than by cheque or electric funds transfer from the Club's bank account, but the Committee may provide the Treasurer with a petty cash sum to meet urgent expenditure.

13.4 All cheques, other negotiable instruments and electronic funds transfers shall be authorised by any two of members drawn from a list determined by the Committee.

14 AUDITOR

- 14.1 At each Annual General Meeting of the Club, the members shall appoint a person as Auditor of the Club. A person so appointed shall hold office until the Annual General Meeting next and is eligible for reappointment.
- 14.2 If an appointment is not made at an Annual General Meeting the Committee shall appoint an Auditor of the Club for the current financial year. In the event of a casual vacancy during the year the Committee may appoint an Auditor to serve out the remainder of that financial year.
- 14.3 The Auditor shall be a registered company auditor within the meaning of the Corporations Law.
- 14.4 At the close of each financial year, on the presentation of the accounts by the Treasurer, the accounts of the Club shall be examined by the Auditor.
- 14.5 The Auditor, on being satisfied as to the correctness of the accounts shall issue a certificate to that effect and such certificate shall be presented to the members at the Annual General Meeting.

15 ANNUAL GENERAL MEETING

- 15.1 The Club shall in each year hold an Annual General Meeting on a day within 3 months of the close of the Club's financial year.
- 15.2 The members of the Club shall have at least 21 days notice of the date, time and place of the calling of the Annual General Meeting. The notice shall include the agenda for the business to be transacted including:
- 15.2.1 to receive reports from the Commodore, Treasurer and Auditor upon the transactions of the Club during the preceding year;
- 15.2.2 to elect the Officers and the Committee of the Club; 15.2.3 to appoint the Auditor.
- 15.3 The Annual General Meeting may transact special business of which due notice has been given by the Secretary.

16 NOTICES OF GENERAL MEETINGS

The Secretary shall, at least 21 days before the date fixed for holding a General Meeting of the Club, cause a notice to be sent to all members specifying the place, day and time for the holding of the meeting and the nature of the business to be discussed. Such notice may be sent by post, email or otherwise to such address as has been provided by the member.

17 SPECIAL GENERAL MEETINGS

- 17.1 The Committee may, whenever it wishes, convene a Special General Meeting of the Club.

- 17.2 The Committee shall , on the requisition in writing of not less than 10 of members eligible to vote, convene a Special General Meeting. Such requisition shall state the object of the meeting, be signed by all requisitionists and delivered to the Secretary.
- 17.3 The Committee shall convene a Special General Meeting within 28 days in the receipt of a requisition.
- 17.4 Only the business detailed in a Committee convened Special General Meeting or that business detailed in a requisitioned meeting can be discussed.
- 17.5 A simple majority of members present and voting is necessary to resolve the business, other than a change to these rules.

18 QUORUM AT GENERAL MEETINGS

- 18.1 A quorum of members shall be ten members who have a right to vote personally present in order to constitute a General Meeting in accordance with the provisions of these Rules.
- 18.2 If within one hour of the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting shall be adjourned to the same day and time in the next week and. If at the adjourned meeting, a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting may proceed, or if those present resolve, it may be dissolved in the absence of a quorum.

19 PRESIDING OFFICER AT GENERAL MEETINGS

The Commodore, or in his/her absence, the Vice Commodore, or in his/her absence a person selected by meeting, from the Committee shall preside as Chairman at every General Meeting.

20 ADJOURNMENT OF GENERAL MEETINGS

- 20.1 The Chairman of a General Meeting at which a quorum is present, may with consent of the meeting adjourn the meeting from time to time and place to place, but no business shall be conducted at an adjourned meeting other than the business left unfinished at the first meeting.
- 20.2 An adjournment of a General Meeting shall not be for a period exceeding seven (7) days.

21. VOTING AT GENERAL MEETINGS:

- 21.1 Voting at General Meetings shall be determined on a show of hands and the declaration of the vote announced by the Chairman.

- 21.2 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.
- 21.3 If at a meeting, a poll on any question is demanded, it shall be taken at that meeting in such a manner as the Chairman may direct and the result of a poll shall be deemed to be the resolution of the meeting on that question.
- 21.4 For a poll, two scrutineers shall be appointed by the Chairman where a ballot is taken and it shall be the duty of the scrutineers to report to the Chairman only the result of the ballot and hand to him all the ballot papers.

22 CLUB AFFAIRS TO BE MANAGED BY THE COMMITTEE

- 22.1 The affairs of the Club shall be managed by the Committee.
- 22.2 The Committee may, subject to these Rules, exercise all such powers as may be exercised by General Meetings. It shall hear and determine all disputes and questions arising as to any interpretations of any Rule or By-Law, subject only to any over ruling by a General Meeting to be held within two (2) months of such decisions.

23 OFFICERS OF THE CLUB

- 23.1 The officers of the Club shall be:
- Commodore;
 - Rear Commodore;
 - Vice Commodore;
 - Treasurer;
 - Secretary/Public Officer;
 - Membership Secretary.
- 23.2 Each Officer shall hold office until the following Annual General Meeting after their election but is eligible for re-election.
- 23.3 In the event of a casual vacancy in any Office the Committee may appoint one of its number to fill the vacancy. Such Officer may continue in office until the next Annual General Meeting.
- 23.4 The office of Secretary may be combined with that of the Treasurer.
- 23.5 A Special General Meeting, by resolution to that effect may remove any officer of the Club.

24 CONSTITUTION OF THE COMMITTEE

- 24.1 The Committee shall consist of the Commodore and Officers and two other Committee members.
- 24.2 In the event of a casual vacancy occurring, the Committee may appoint a member of the Club to fill such vacancy.

25 ELECTION OF MEMBERS OF COMMITTEE

- 25.1 Nomination of candidates for election as Officers or Committee members shall be made in writing signed by two members of the Club and include the written consent of the candidate to the nomination.
- 25.2 Nominations shall be delivered to the Secretary at least 14 days before the dated fixed for the holding of the Annual General Meeting.
- 25.3 If insufficient candidates are received to fill all vacancies the candidates nominated shall be deemed to be elected and further nominations shall be called for from the meeting. In the event that vacancies still exist after the Annual General Meeting, the Committee may in its discretion fill such vacancies at its next meeting.
- 25.4 If the number of nominations for the Committee or Officers exceeds the number of vacancies, a ballot shall be held.

26 VACATION OF OFFICE

27 MEETINGS OF THE COMMITTEE

- 27.1 The Committee shall hold not less than four ordinary meetings in each 12 months.
- 27.2 Special meetings may be convened by the Commodore or by any two Committee members.
- 27.3 Any 5 members of the Committee constitute a quorum. No business shall be transacted if a quorum is not present.
- 27.4 At meetings of the Committee the Chairman shall be the Commodore, or in his/her absence the Vice Commodore, or in his/her absence the meeting may choose one of their number to preside.

28 FLAGS

The Committee will, in its discretion, adopt a flag of such design that it deems appropriate.

29 SAILING REGULATIONS & RULES

29.1 The Committee may make such sailing and racing rules and regulations as it considers necessary provided that they are not inconsistent with other rules in effect within the Club.

29.2 All races are to be conducted as prescribed by the Australian Yachting Federation.

30 NOTICES and PLACARDS

Every notice exhibited or advertised by the Club must be signed and sanctioned by the Secretary or by the Commodore.

31 BY-LAWS

The Committee shall have the power from time to time, when and as they see fit, to pass By-Laws for the regulation of the affairs of the Club and to be able to alter or repeal such By-Laws. No By-Law can be effective earlier than 14 days from the date of publication.

32 AMENDMENT TO THESE RULES

In accordance with the Associations Incorporation Act 1964, Section 18(1) these rules may only be altered by a resolution at a Special General Meeting which is passed by a three-quarters majority of those members present in person and entitled to vote.