

HERVEY BAY BOAT CLUB INC. YACHT SQUADRON

CONSTITUTION AND RULES – SEPTEMBER 2002

UPDATE 3/8/2017

1. The name of the club shall be “**Hervey Bay Boat Club Inc. Yacht Squadron**”.

2. OBJECTS

The objects of the club shall be to foster and encourage yachting, social and charitable activities amongst members.

3. INTERPRETATION

The words importing male gender shall include the female gender.

4. MEMBERSHIP

4.1 Applicants for membership must -

- (a) be members of the Hervey Bay Boat Club Inc.,
- (b) be willing to abide by all the rules laid down in this constitution,
- (c) complete an application form for membership, be proposed and seconded by two financial members of the Yacht Squadron and pay the prescribed subscription.

4.2 Applications for membership shall be considered by the Management Committee who may recommend acceptance to the next General or Committee Meeting. (Amended 3/8/2017)

4.3 Life Members may be elected at any Annual or Special Meeting of the club. Any member of the club who has rendered outstanding service to the club may be nominated by the Management Committee for election of Life Membership. Upon election, the Life Member shall have all the rights and privileges of ordinary members without payment of subscriptions or any other membership fees. Nominations for life membership must be submitted and comply with the conditions on the current 'HBBC YS Life Membership Guideline and Nomination Form'. (Amended 3/8/2017)

5. MANAGEMENT

5.1 The conduct and affairs of the club shall be under the management and control of a **Management Committee** (hereinafter called the **Committee**), which shall be elected for a year or until the next Annual General Meeting.

“To invest and deal with the money of the club not immediately required, in such a manner as may from time to time be thought fit.”

5.2 All offices shall be honorary and elective.

5.3 The Committee shall consist of a Commodore, Vice-Commodore, Secretary, Treasurer, Boat Captain, Handicapper and four Committee Members. In the case of the same member being elected Secretary/Treasurer an Assistant Secretary will be elected to the Committee.

5.4 The composition of the Committee shall be approved by the parent club's Board of Directors.

- 5.5** The Commodore may hold the office for a maximum of three consecutive years; thereafter, may stand for re-election after a one-year break.

6. ELECTION OF OFFICE BEARERS

- 6.1** All nominations for office shall be on the prescribed form, must bear the written consent of the candidate, and be signed by the proposer and seconder who are financial members of the Yacht Squadron. Office bearers shall be elected at the Annual General Meeting.
- 6.2** Nomination forms shall be available from the Secretary at least twenty-one days prior to the Annual General Meeting and completed nomination forms are to be in the hands of the Secretary not less than ten days prior to the date of the Annual General Meeting when nomination shall close.
- 6.3** The Secretary shall prepare a list showing all nominations which have been prepared and delivered in accordance with the rules laid down and shall display such list on the noticeboard seven clear days prior to the Annual General Meeting.
- 6.4** Any position for which no nomination has been received prior to the closing date may be filled by nomination and election from the floor of the Annual General Meeting.

7. DUTIES OF OFFICE BEARERS

- 7.1 The Commodore** shall chair all meetings when present and shall generally supervise the activities of the club.
- 7.2 The Vice Commodore** is second in charge and shall render assistance to the Commodore as required and chair meetings in the absence of the Commodore.
- 7.3 The Secretary** is responsible for the safe custody of all papers, books, documents and records of the club except those financial records that are the responsibility of the Treasurer.

The Secretary shall -

- (a) prepare an agenda for and attend all meetings of the club and be responsible for the recording of full and complete minutes of each meeting;
- (b) issue notices of meetings when required and attend to the correspondence of the club;
- (c) have authority to receive and disburse monies on behalf of the club as approved by the Treasurer or the Management Committee;
- (d) have available suitable application forms for membership and for nomination of office bearers;
- (e) be advanced such a sum of money, as the Committee shall decide from time to time, as petty cash on the imprest system;
- (f) maintain a current register of membership of the club in conjunction with the Treasurer.

7.4 The Assistant Secretary shall -

- (g) assist the Secretary as required and assume the Secretary's duties in the absence of the Secretary;
- (h) assist the Secretary in maintaining the register of membership of the club in conjunction with the Treasurer.

7.5

7.5.1 The Treasurer shall -

- (i) have custody of the funds of the club and shall bank all monies to the credit of the club at the club's bank;
- (j) report the financial position to meetings and present an audited balance sheet and statement of receipts and expenditure to the Annual General Meeting, the audit to be carried out by the auditor appointed to audit the financial statements of the Hervey Bay Boat Club Inc.,
- (k) in conjunction with the Secretary or Assistant Secretary, maintain a record of the membership of the club and report to the Committee any member whose subscription is over three months overdue. Funds of the club shall be banked in the name of the club at such bank as the Committee may from time to time direct.
- (l) maintain current registers of assets, receipt books and any other financial registers as required by the club auditors.

7.5.2 Signatories to the bank account must consist of at least two nominated Hervey Bay Boat Club Yacht Squadron office bearers. (Amended 3/8/2017)

7.5.3 Cheques are to be signed by any two of the clubs bank account signatories. All payments of accounts are to be approved at the Committee Meeting and amounts over \$50.00 should be paid by cheque crossed "Not Negotiable". (Amended 3/8/2017)

7.5.4 Electronic payments are to be authorised by any two of the clubs bank account signatories. (Amended 3/8/2017)

7.6 The Boat Captain is responsible for the maintenance (either by handling of this himself or by nominating members or specialists, if needed) of the Yacht Squadron's Start Boat or other associated buoys, boats and equipment, and having same available on the days required.

7.7 The Handicapper shall strive to inform him/herself of each boat's performance and in so doing issue a fair and reasonable handicap.

8. MEETINGS

8.1 The Annual General Meeting shall be held as soon as practicable after the close of the financial year and not later than two calendar months thereafter. Business at the Annual General Meeting shall include -

- (a) reading and confirmation of the minutes of the previous Annual General Meeting,
- (b) receiving and adopting the Treasurer's Report and audited financial statements,
- (c) presentation of the Commodore's Annual Report,
- (d) the election of all office bearers for the ensuing year,
- (e) any general business that may be accepted by the Chairman.

At the Annual General Meeting, ten financial members present shall constitute a quorum.

8.2 Committee and General Meetings shall be held as far as practicable every month to present reports to the Committee and members, to receive recommendations from the Committee and members, and to deal with correspondence and other general business as necessary. At Committee and General Meetings, four Committee Members present shall constitute a quorum.

8.3 Special Meetings may be called by the Secretary under instruction from the Committee or upon request in writing of not less than ten financial members of the club. Such written request shall state the objects for which the Special Meeting is required and the Special Meeting shall be called by the Committee within two calendar months from the date of receipt

by the Secretary of the written request. Notice of such meeting shall be determined by the Committee by posting on the noticeboard and club website at least ten days before the meeting is to be held. Discussion at this Special Meeting shall be confined to the matters for which the meeting was called and only then if a quorum of ten financial members is present. (Amended 3/8/2017)

9. ALL MEETING PROCEDURE

Unless otherwise provided by this constitution, at every meeting of the club, -

- (a) the Commodore shall be the Chairman and in his/her absence the Vice Commodore. In the absence of both the Commodore and the Vice Commodore, a chairman shall be elected by resolution of the majority of the financial members present at the meeting;
- (b) the Chairman shall maintain order and conduct the meeting in a proper and orderly manner;
- (c) every question, matter or resolution shall be decided by a majority of votes of financial members present;
- (d) every financial member present shall be entitled to one vote and in the case of an equality of votes the Chairman shall have a second or casting vote;
- (e) voting shall be by show of hands or division of members unless the chairman considers a secret ballot is necessary or such secret ballot is demanded by not less than five financial members present at the meeting. The Chairman may appoint two or three members to conduct the ballot in such a manner as he may determine, and the results of the ballot, as decided by the Chairman, shall be deemed to be the resolution of the meeting;
- (f) members eligible to vote at any meeting of the club shall be those members who are financial. Members eligible to vote at any meeting must be financial as at the last committee meeting and new members as per the minutes of the last committee meeting.

10. FINANCIAL MEMBERS

A financial member at any material time is a member who is not then indebted to the club in respect of any subscription or other payment whatsoever.

11. SUBSCRIPTIONS

The **Application Fee** and **Annual Subscription**, shall be determined by the Management Committee no later than two months prior to the end of the financial year.

- (a) The membership year shall commence on the first day of July each year and end on the thirtieth day of June in the following year.
- (b) Annual Subscriptions shall become due in advance from the first day of July in each year.
- (c) All new members joining the club after the thirtieth day of April of each year shall be a financial member for the ensuing financial year.
- (d) Any member whose subscriptions are in arrears for a period of three months after the thirtieth of June shall be deemed to have resigned from the club but on appeal to the Committee, such member may be reinstated on payment of amount in arrears.

12. FINANCIAL YEAR

The financial year of the club shall coincide with the financial year of the Hervey Bay Boat Club Inc.

13. AMENDMENTS TO THE CONSTITUTION

- 13.1** This constitution may be added to or amended only at an Annual General Meeting or a Special Meeting called for that purpose. Any such amendment or addition must be carried by at least a two-thirds' majority of financial members present and entitled to vote.
- 13.2** Notification of any proposed amendment or additions shall be given to the Secretary at least twenty-one days prior to the meeting and the Secretary shall display such notice of proposed addition or amendment on the club noticeboard and club website at least ten days prior to the meeting. (Amended 3/8/2017)
- 13.3** Proposed changes to the constitution shall be approved by the parents club' Board of Directors.

14. BY-LAWS

The Committee shall have the power to make, amend or repeal by-laws not inconsistent with this constitution for the internal management of the club. These by-laws may be repealed by a majority vote at any General Meeting.

15. TERMINATION OF MEMBERSHIP

A member may resign at any time by giving notice in writing to the Secretary. A member may be suspended or expelled from the club if the Committee be of the opinion that -

- (a) the alleged conduct of the member be detrimental to the welfare of the club, or
- (b) the member has committed a breach of the constitution, rules or by-laws of the club whereby the club will be or may be prejudiced in any way, or
- (c) the member joined the club by misrepresentation of personal particulars on the application for membership. Such member shall be informed of the matter alleged against him and afforded the opportunity of being heard by the Committee. If in the opinion of not less than two-thirds of the Committee members present at the meeting duly convened, the explanation of the member is unsatisfactory then such member shall be suspended or expelled as the case may be, by resolution of the Committee. Such member is to be notified of the Committee's decision within twenty-four hours of the said meeting by written notice posted or delivered to the last known address as recorded in the club records.
- (d) Any member who has been expelled, resigned or becomes un-financial from the Hervey Bay Boat Club Inc.

16. DISSOLUTION

The club shall be dissolved -

- (a) if the membership is less than three persons, or
- (b) if a resolution to that effect is carried by a three-fourths' majority of financial members present at a Special Meeting convened to consider the question of dissolution. The property and other assets of the club remaining after the payment of all debts and other liabilities shall be handed over to the Hervey Bay Boat Club Inc.

17. Y.Q. MEMBERSHIP

In addition to the annual subscription payable by members of the club, each shall be liable for the per capita fee payable to Yachting Queensland Ltd for the club's affiliation with Yachting Queensland Ltd. (Amended 3/8/2017)

HERVEY BAY BOAT CLUB INC. YACHT SQUADRON

BY-LAWS

BY-LAW A (1)

Any person under the age of 18 years, provided they are accompanied by a parent or guardian who is a member of the Hervey Bay Boat Club Yacht Squadron, may participate in squadron events but must abide by the rules set down by the Hervey Bay Boat Club Inc. Yacht Squadron Committee. (Amended 3/8/2017)

BY-LAW 05-06-2008

The HBBCYS management committee shall select up to four financial members to act as a 'Race Committee'. The Commodore will be ex-officio to the race committee. The race committee's role is to administer and manage all HBBCYS racing events.

The race committee is responsible for, but not restricted to, the following tasks:

1. Prepare biannual sailing calendars for racing and cruising events.
2. Administer race policies and procedures in accordance with AS standards.
3. Prepare Sailing Instructions and Race Notices for HBBCYS regattas.
4. Make applications to the relevant authorities to conduct Aquatic Events.
5. Appoint an 'Officer of the Day' to take charge over each sailing event.
6. Determine the course to be sailed at each event.
7. Conduct a briefing for race entrants immediately prior to each event.
8. Ensure race results are presented to the Handicapper in a timely manner.
9. Appoint a Protest Committee as required. (Amended 3/8/2017)

By-Law 06-07-2006

The Official Starters shall receive twelve months honorary membership.
They shall be provided with a current Blue Book for use at the Start Line.

By-Law 01-09-2005

Two Divisions are to be established for racing if necessary. Division 1 starts at the defined start time with Division 2 starting thirty minutes later.
All yachts must sail the same course and elapsed time recorded for all Yachts.

By-Law 07-07-2005

An addendum to the Starting procedure states that, after the starting signals have been given, all Yachts have 15 minutes to start, after which they will be recorded as DNS. They may continue to sail but will not be included in the Official Fleet.

By-Law 05-08-2004

The Rob Bachelor Around Woody Is. Race Trophy is to become a perpetual one and the Club supply 1st, 2nd & 3rd prizes. (Amended 7/8/2014)

By-Law 6-11-2003

All participating Yachts in a Club fixture must have Third Party Insurance and a copy given with the Membership form before they can race. The Insurance cover must be a minimum liability of \$10,000,000. (Amended 3/11/2011)

By-Law 01-05-2003

Awards are to be given to Crew who are Club members on the winning Yacht in the Racing Series. (Amended 3/11/2011)

By-Law 03-10-2002

Notice of Regattas is to be issued at least 1 month before the Regatta Date.

By-Law 06-06-2002

One of the Around Woody Is. races to be designated as the Rob Bachelor Memorial Race with an individual trophy given and a Perpetual Trophy maintained by the Club.

By-Law 01-11-2001

A Minimum of 4 boats are required to constitute a Race. (Amended 3/8/2017)

By-Law 02-05-1996

Races may be cancelled or postponed if a Strong Wind Warning is current for Hervey Bay Waters and issued by B.O.M. at the discretion of the Officer of the day in consultation with the race committee. (Amended 3/11/2011)

By-Law 07-03-1996

An Encouragement Award is to be provided for Club champion Series.

By-Law 01-02-1996

Awards are to be given for all Class divisions. (Amended 3/11/2011)

By-Law 03-08-1995

The Race Committee must appoint a Race Officer of the Day for all events to make all event decisions. (Amended 3/11/2011)