



BENDIGO YACHT CLUB Inc
Incorporation Number A2316

RULES

History: These Rules were adopted by the Association at a General Meeting on 5th June 2022, replacing earlier Rules.

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RULES OF

BENDIGO YACHT CLUB INCORPORATED A2316

PART 1 - PRELIMINARY

1. Name

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

2. 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 wellbeing, comfort, entertainment, social contact, and accommodation of its members, guests and visitors.

3. Interpretation

- (1) In these rules, unless the contrary intention appears:

"disciplinary appeal meeting" means a meeting of the members of the Association convened under rule 19(3);

"disciplinary meeting" means a meeting of the Committee convened for the purposes of rule 18;

"disciplinary subcommittee" means the subcommittee appointed under rule 16;

"General Committee" means the Committee of Management of the Association;

"financial year" means the year ending on 30 April;

"General Meeting" means a General Meeting of members convened in accordance with Rule 28;

"member" means a member of the Association;

"Ordinary Member of the General Committee" means a member of the General Committee who is not an officer of the Association under Rule 34;

"the Act" means the Associations Incorporation Reform Act 2012 as amended from time to time and includes any regulations made under that Act;

"annual subscription" shall mean the amount determined pursuant to Rule 10(1);

the Registrar means the Registrar of Incorporated Associations.

- (2) In these Rules, a reference to the Secretary of the 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 Commodore.
- (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 as amended from time to time, and within the context used the masculine gender shall be deemed gender neutral.

PART 2 – POWERS OF ASSOCIATION

4. Powers of Association

- (1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.

- (2) Without limiting Rule 4(1), the Association may—
- (a) acquire, hold and dispose of real or personal property;
 - (b) open and operate accounts with financial institutions;
 - (c) invest its money in any security in which trust monies may lawfully be invested;
 - (d) raise and borrow money on any terms and in any manner as it thinks fit;
 - (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (f) appoint agents to transact business on its behalf;
 - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

5. Not for profit organisation

- (1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.
- (2) Rule 5(1) does not prevent the Association from paying a member —
- (a) reimbursement for expenses properly incurred by the member;
- or
- (b) for goods or services provided by the member
- if this is done in good faith on terms no more favourable than if the member was not a member.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

6. Membership

- (1) A natural person who is nominated and seconded for membership, and provided that the relevant joining fee and subscription payable under these rules accompanies the nomination, is eligible to be considered for membership of the Association.
- (2) A person is admitted to membership:
- (a) if he/she is nominated as provided in Rule 6(3) and his/her admission as a member is approved by the General Committee; or
 - (b) if he/she is a family member by virtue of Rule 7(1) or Rule 7(2), with the full details of such members being provided by their associated sailing family.
- (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.
- (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) 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 in that event. If rejected, any annual subscription fees paid shall be refunded to the rejected nominee/s.
 - (b) Ensure that no restriction be imposed on any person by virtue of Division 6 of the Equal Opportunity Act 2010 as amended from time to time. The 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.
- (7) The Secretary shall then enter the nominee's name in the register of members kept by him/her.

- (8) 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.

7. Categories of Membership

The categories of membership shall be:

(1) Ordinary Sailing Member

Sailing members are members in one of the following classifications:

- (a) Sailing Member –being a person 26 years of age or older as at the first day of the financial year concerned. Sailing members shall pay 100% of the annual subscription fee and shall enjoy the full privileges of the Association including voting rights.
- (b) Concessional Sailing Members – being a person aged 26 years of age or older as at the first day of the financial year concerned and holds a current Pensioner Concession Card issued by the Commonwealth of Australia. Concessional Sailing Members shall pay 50% of the annual subscription fee and shall enjoy the full privileges of the Association including voting rights.
- (c) Youth Member – being a person aged 18 to 25 inclusive as at the first day of the financial year. Youths shall pay 50% of the annual subscription fee and shall enjoy the full privileges of the Association including voting rights.
- (d) Junior Member – being a person aged 7 to 17 years of age at the first day of the financial year. A junior member shall have full privileges of the Association other than voting rights and rights to a powered caravan site. Junior members shall pay 25% of the annual subscription fee. There is no joining fee for junior members.
- (e) Family Sailing Member – A Family is defined as a family unit in a valid relationship all principally residing at a single address and consisting of at least one Principal Adult 18 years or over, as at the first day of the financial year concerned. The family unit may include a Second Adult 18 years or over, and/or all dependent children under the age of 21 years as at the first day of the financial year concerned. Family membership will be 150% of the annual subscription fee. Family members shall enjoy full privileges of the Association including, voting rights for each family member over 18 years of age as at the first day of the financial year concerned.

(2) Social (Non-Sailing) Member

- (a) A Social Member is a member of the Association who is not active in the sailing activities of the Association.
- (b) Social Members shall pay 50% of the annual subscription fee.
- (c) Social Members:
 - (i) Must be 18 years or older at the first day of the financial year,
 - (ii) Shall be entitled to voting rights,
 - (iii) Shall not be entitled to store a boat or caravan at the premises of the Association,
 - (iv) Shall not have rights to participate in organised sailing events conducted at the club, except as a visitor, but shall have full access to the club facilities and social events;
 - (v) Shall not pay a joining fee.

(3) 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 may notwithstanding anything contained in these Rules 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.

(4) Sailability Member

- (a) Sailability Members are members of the Association in order to facilitate their individual support of the Sailability program. They shall have full access to the club facilities but shall not be entitled to store a boat or caravan at the premises of the Association, nor shall they have voting rights. They shall not have rights to participate in organised sailing events other than Sailability events. There

shall be no joining fee or annual subscription for Sailability Members but their on-going membership of the Association shall be subject to annual confirmation of their volunteer role by Sailability Bendigo.'

(5) 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.
- (c) Absentee members shall pay 25% of the annual subscription and shall not have voting rights.

(6) 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, or other date if specified by the General Committee when the Honorary Member is elected, 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 vote.

(7) 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 downgraded 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 including voting rights.

8. Change of Membership Category

- (1) A member may apply in writing to the General Committee for his/her membership category or classification to be changed and the General Committee shall determine the matter by vote.
- (2) 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 or classification.

9. Joining Fee

- (1) The General Committee from time to time may determine the joining fee of the Association.
- (2) 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.

10. Annual Subscriptions

- (1) At each annual general meeting, the Association must determine the amount of the annual subscription (if any) for the following financial year.
- (2) The subscription payable by persons approved for membership after the 30 September is to be set by the General Committee.
- (3) Any member whose annual subscription is not paid as at the 1st day of September in any financial year is deemed to be not financial.
- (4) 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.
- (5) The General Committee may by resolution, discount the Annual Subscription fee by an agreed amount up to 10%, if payment is received within a specified time of notification.
- (6) In specific cases of need the General Committee may by resolution, develop a payment plan for the payment of Annual Subscription fees due. The plan must include full payment within that financial year and may include other Association fees due.
- (7) The General Committee may by resolution impose upon any member whose annual subscription is overdue a penalty subscription of up to 5% 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 not financial

11. General rights of members

A member of the Association who is entitled to vote has the right—

- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- (b) to submit items of business for consideration at a general meeting; and
- (c) to attend and be heard at general meetings; and
- (d) to vote at a general meeting; and
- (e) to have access to the minutes of general meetings and other documents of the Association as provided in these Rules; and
- (f) to inspect the register of members.

12. Monies Due by a Member to the Association

- (1) Except in the case of a payment plan being established, 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 have relinquished their right to the associated service.
- (2) The General Committee may by resolution terminate the membership of any member who has been not financial 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.

13. Register of Members

- (1) The Secretary must keep and maintain a register of members that includes—
 - (a) for each current member—
 - (i) the member's name;
 - (ii) the address for notice last given by the member, and may also include an email address;
 - (iii) the date of becoming a member;
 - (iv) any other information determined by the General Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect the register of members.

14. 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 month's 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 14(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.

Division 2—Disciplinary action

15. Grounds for taking disciplinary action

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

- (a) has failed to comply with these Rules or the By-Laws of the Association or any relevant membership protection policy or code of conduct of Australian Sailing or Yachting Victoria; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

16. Disciplinary subcommittee

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

17. Notice to member

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—
 - (a) stating that the Association proposes to take disciplinary action against the member; and
 - (b) stating the grounds for the proposed disciplinary action; and
 - (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
 - (d) advising the member that he or she may do one or both of the following—
 - (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
 - (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and
 - (e) setting out the member's appeal rights under rule 19.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

18. Decision of subcommittee

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with Rule 18(1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to Rule 18(3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

19. Appeal rights

- (1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 18 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- (2) The notice must be in writing and given—
 - (a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (b) to the Secretary not later than 48 hours after the vote.

- (3) If a person has given notice under Rule 19(2), a disciplinary appeal meeting must be convened by the General Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
- (4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must —
 - (a) specify the date, time and place of the meeting; and
 - (b) state
 - (i) the name of the person against whom the disciplinary action has been taken; and
 - (ii) the grounds for taking that action; and
 - (iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

20. Conduct of disciplinary appeal meeting

- (1) At a disciplinary appeal meeting —
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the General Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with Rule 20(1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than two thirds of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

21. Application

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

22. Parties must attempt to resolve the dispute

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

23. Appointment of mediator

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 22, the parties must within 10 days —
 - (a) notify the General Committee of the dispute; and
 - (b) agree to or request the appointment of a mediator; and
 - (c) attempt in good faith to settle the dispute by mediation.
- (2) The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
 - (i) if the dispute is between a member and another member—a person appointed by the General Committee; or
 - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the General Committee may be a member or former member of the Association but in any case must not be a person who —
 - (a) has a personal interest in the dispute; or
 - (b) is biased in favour of or against any party.

24. Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
 - (a) give each party every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

25. Failure to resolve dispute by mediation

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

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

26. 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.
- (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 and consider—
 - (i) the annual report of the General Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to elect officers of the Association and the ordinary members of the General Committee;
 - (d) to set the annual subscription to be applicable retrospectively as from the first day of the financial year after considering a recommendation from 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.

27. 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.

28. Convening of General Meetings

- (1) The Secretary must give to each member of the Association—
 - (a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
 - (b) at least 15 days' notice of a general meeting in any other case.
- (2) The notice must—
 - (a) specify the date, time and place of the meeting; and
 - (b) indicate the general nature of each item of business to be considered at the meeting; and
 - (c) if a special resolution is to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution; and
- (3) A notice, which is sent to a member, shall be deemed to have also been sent to any member who is a family member to that member.
- (4) 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.
- (5) 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 cannot 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.

29. Procedure of General 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 26(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 29(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.

30. Voting

- (1) Upon any question arising at a general meeting of the Association, a member entitled to vote has one vote only.
- (2) All votes shall be given by being personally present, except as provided for at Rule 35(8).
- (3) 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.
- (4) If at a meeting a poll (where votes are cast in writing) on any question is demanded by ten 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.
- (5) Notwithstanding Rule 30(4) if at a meeting a poll is demanded by any member on a special resolution, 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, Sailability Members and Non-Sailing Members 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 not financiality or other reason entitled to vote at any general meeting.
- (8) There shall be no voting by proxy.

31. Special resolutions

- (1) A special resolution is required to change the Rules of the Association, change the name of the Association, remove a member of the General Committee, wind up the Association or as otherwise may be required by the Act.
- (2) A special resolution is passed if not less than three quarters of the members voting at a general meeting vote in favour of the resolution.

32. Other Resolutions

- (1) All resolutions other than special resolutions or resolutions pursuant to Rules 7(6)(c) or 20(4) are ordinary resolutions, and ordinary resolutions apply to both ordinary and special business.
- (2) An ordinary resolution is carried where there are more votes in favour of a resolution than against it.

33. Minutes of general meeting

- (1) The General Committee must ensure that minutes are taken and kept of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must include—
 - (a) the names of the members attending the meeting; and
 - (b) the financial statements submitted to the members; and

- (c) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
- (d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—GENERAL COMMITTEE

34. General Committee

- (1) The affairs of the Association shall be managed by a General Committee constituted as provided in Rule 34 (4). 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;
 - (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; and
 - (d) may, subject to these rules, make such by-laws or other internal operating rules for the running and functioning of the Association.

The officers of the Association shall be:

- (i) A Commodore;
- (ii) A Vice-Commodore;
- (iii) A Rear-Commodore;

each of whom shall be designated as a Flag Officer, and

- (iv) A Treasurer, and
- (v) A Secretary.

- (2) Except as provided in Rule 34(6), 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.
- (3) Subject to the Act, the General Committee shall consist of:
 - (e) the officers of the Association: and
 - (f) three ordinary members, each of whom (including the officers) shall be elected at the annual general meeting of the Association in each year.
- (4) 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.
- (5) 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.
- (6) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises.

- (7) In the event 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.
- (8) 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.

35. 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 35(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.

36. 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 (see section 38 of the Interpretation of Legislation Act 1984 for the definition);
 - (c) resigns his/her office by notice in writing given to the secretary.;
 - (d) becomes a represented person within the meaning of the Guardianship and Administration Act 1986; or

- (e) is otherwise removed from office.

37. 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 shall 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) A general committee or sub-committee member who is not physically present at such meeting may participate in the meeting, with the approval of the Chairman of the meeting, by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other. A member participating in such a meeting by the use of such technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) Subject to there being a quorum present the General Committee may act notwithstanding any vacancy on the General Committee.

38. Removal of General Committee Member

- (1) The Association in general meeting may by special 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.
- (2) Where the member to whom a proposed resolution referred to in Rule 38(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.

39. General Duties

- (1) As soon as practicable after being elected or appointed to the General Committee, each committee member must become familiar with these Rules and the Act.

- (2) The General Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) General Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) General Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) General Committee members and former committee members must not make improper use of —
 - (a) their position; or
 - (b) information acquired by virtue of holding their position — so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

40. Duties of Secretary

- (1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.
- (2) The Secretary must—
 - (a) maintain the register of members in accordance with rule 13;
 - (b) keep custody of the common seal of the Association, if one exists, and, except for the financial records referred to in rule 48(3), all books, documents and securities of the Association in accordance with rules 58 and 61;
 - (c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents;
 - (d) perform any other duty or function imposed on the Secretary by these Rules.
- (3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

41. Duties of Treasurer

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

42. Delegation of General Committee Powers, Committees, Subcommittees

- (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:
 - (vi) The purpose for which the money may be used; and
 - (vii) The total amount of the delegation; and
 - (viii) The limit that may be spent upon any one exercise of the delegation; and
 - (ix) The procedure, if any, for requesting any additional financial delegation.
 - (d) Recall or revoke any delegation or appointment made under Rule 42(1).
- (2) The General Committee shall define the powers and duties of committees, subcommittees, and individual functionaries appointed under Rule 42(1)(a).
 - (3) The term of office of all persons appointed under Rule 42(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 may be ex-officio 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 36 and 37, with the necessary modifications made, apply.

43. 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 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 sell any chattels or purchase anything the total cost of which may be expected to exceed \$10,000 except for any essential maintenance; or
 - (c) Borrow, or negotiate an overdraft or advance account.

44. Conflict of interest

- (1) A General Committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the General Committee.
- (2) The member—
 - (a) must not be present while the matter is being considered at the meeting; and
 - (b) must not vote on the matter.
- (3) This rule does not apply to a material personal interest—
 - (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

45. Minutes of meeting

- (1) The General Committee must ensure that minutes are taken and kept of each General Committee meeting.
- (2) The minutes must record the following—
 - (a) the names of the members in attendance at the meeting;
 - (b) the business considered at the meeting;
 - (c) any resolution on which a vote is taken and the result of the vote;
 - (d) any material personal interest disclosed under rule 44(1).

PART 6 – FINANCIAL MATTERS

46. Sources of Funds

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

47. Accounts etc.

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.

48. Financial Records

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

49. Financial Statements

- (1) For each financial year, the General Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting Rule 49(1), those requirements include—
 - (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the General Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

50. Disposal of Assets

Any income derived from the disposal of assets shall form part of the funds of the Association.

PART 7 – GENERAL MATTERS

51. 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 51(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 or a member of the family or a carer of a current participant of the sailing school 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.
- (7) A visitor to the club must not be supplied with liquor in the club premises unless the visitor is:
 - (a) a guest in the company of a member of the club; or
 - (b) an authorised gaming visitor admitted in accordance with the rules of the club

52. 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 a race entry.

53. Conduct of Races

All races shall be conducted under the current Racing Rules of the International Sailing Federation (ISAF), the current Requirements of Australian Sailing (AS), the current Safety Regulations of AS, the current prescriptions of Yachting Victoria (YV) 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.

54. 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.

55. By-Laws

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.

56. Boat Register

The General Committee may appoint a member of the Association to keep and maintain a Boat Register in a form specified by the General Committee.

57. Questions of Procedure

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.

58. Common Seal

- (1) The Common Seal of the Association, if one exists, 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 Secretary.

59. Registered address

The registered address of the Association is—

- (1) the address determined from time to time by resolution of the Committee; or
- (2) if the Committee has not determined an address to be the registered address—the postal address of the Secretary.

60. Notices

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—
 - (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by email or facsimile transmission.
- (2) Rule 60(1) does not apply to verbal notice given under rule 37(10).
- (3) Any notice required to be given to the Association or the General Committee may be given—
 - (a) by handing the notice to a member of the General Committee; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the General Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Association or the Secretary; or
 - (ii) by facsimile transmission to the facsimile number of the Association.

- (4) Where a document is sent by the Secretary and 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.

61. Custody and inspection of books and records

- (1) Members may on request inspect free of charge —
- (a) the register of members;
 - (b) the minutes of general meetings;
 - (c) subject to Rule 61(2), the financial records, books, securities and any other relevant document of the Association, including minutes of General Committee meetings.
- (2) The General Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.
- (3) The General Committee must on request make copies of these rules available to members and applicants for membership free of charge.
- (4) Subject to Rule 61(2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.
- (5) For purposes of this rule — **relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—
- (a) its membership records;
 - (b) its financial statements;
 - (c) its financial records;
 - (d) records and documents relating to transactions, dealings, business or property of the Association.

62. Winding up and cancellation

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

63. Alteration of Rules

These Rules may only be altered in accordance with the Act. Accordingly, a special resolution of a general meeting of the Association is required.