

# **THE MOTOR YACHT CLUB OF TASMANIA (Inc.)**



**SEPTEMBER 2010**

## **RULES**

**PLEASE NOTE THAT THESE RULES SHOULD BE READ IN  
CONJUNCTION WITH THE MYCT BY-LAWS WHICH ARE  
PROVIDED SEPARATELY.**

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## **1) NAME**

- 1) The name of the association shall be The Motor Yacht Club of Tasmania Inc. (in these rules called "the Club").

## **2) INTERPRETATIONS**

- 1) In these rules, unless the context otherwise requires -
  - a) "Board" means the Board of Management of the Club referred to in rule 34. References to the male or female gender shall be interpreted as meaning either;
  - b) "General Meeting" means an Annual General Meeting or a Special General Meeting;
  - c) "Director" means a member of the Board to whom paragraph (b) of sub-rule (1) of Rule 38 applies;
  - d) "the Act" means the Associations Incorporation Act 1964, as amended;
  - e) "Special Resolution" means a resolution carried by at least a two thirds majority of those present who are eligible to vote.
- 2) In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.
- 3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act as in force on the date on which these rules are adopted by the Club.

## **3) CLUB'S OFFICE**

- 1) The office of the Club shall be at 1 Ford Parade, LINDISFARNE TAS 7015 or such other place as the Board may, from time to time, determine.

## **4) OBJECTS**

- 1) The basic objects and purposes of the Club are:
  - a) to promote and encourage boating activities, including social and competitive activities
  - b) to represent and protect the interests of boat owners and operators.
  - c) to promote social activities
  - d) to manage and maintain the marina
  - e) to conduct a business of a licenced Club (including gaming)
  - f) formulate rules and govern races
  - g) promote and encourage the building, restoration, and maintenance of watercraft
- 2) In addition to the basic objects of the Club, the objects and purposes of the Club shall be deemed to include:
  - a) the purchase, taking on lease or in exchange, hire or other acquisition of any real or personal property necessary or convenient for any of the objects or purposes of the Club;
  - b) the purchase, sale or supply of, or other dealing in, goods;
  - c) the construction, maintenance or alteration of any building or works necessary or convenient for any of the objects or purposes of the Club;
  - d) the accepting of any gift, whether subject to special trust or not, for any one or more of the objects or purposes of the Club;

- e) the taking of any step the Board or the members of the Club at a general meeting determine expedient for the purpose of procuring contributions to the funds of the Club, whether by way of donations, subscription, or otherwise;
- f) the printing and publication of any newspaper, periodical, book, leaflet, or other document the Board or the members of the Club at a general meeting determine desirable for the promotion of any of the objects and purposes of the Club;
- g) the borrowing and raising of money in any manner and on terms as the Board thinks fit or approved or directed by resolution passed at a general meeting;
- h) subject to the provisions of the *Trustee Act 1898*, the investment, in any manner the Board determines, of any money of the Club not immediately required for any of the objects or purposes of the Club;
- i) the making of a gift, subscription, or donation to any of the funds, authorities or institutions to which *section 78A of the Income Tax Assessment Act 1936* of the Commonwealth relates,;
- j) The establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes and conveniences calculated to benefit servants or past servants of the Club and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the Club and their dependants, and the making of payment towards insurance in relation to any of those purposes,;
- k) the establishment and support, or aiding in the establishment and support, of any other association formed for any of the basic objects of the Club,
- l) the purchase, or acquisition, and undertaking of all or any part of the property, assets, liabilities, and engagements of any association with which the Club is amalgamated in accordance with the provisions of the act and the rules of the Club; and
- m) the doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Club.
- n) To join in association with any other Club or Association with similar objects and purposes for mutual advantage.

## 5) CLUB LIQUOR LICENCE

- 1) The Board shall nominate a suitable person to act as licensee under the *Liquor Licensing Act 1990*.
- 2) The licensee shall at all times conform to the *Liquor Licensing Act 1990*, subsequent amendments and other relevant laws and requirements.

## 6) MEMBERSHIP CATEGORIES

- 1) The members of the Club shall consist of -
  - a) Full Club Members (Voting)
  - b) Honorary Life Members (Voting)
  - c) Cash Life Members (Voting)
  - d) Country Full Club Members (Voting)
  - e) Honorary Members
  - f) Junior Members
  - g) Patron
  - h) Associate Members
  - i) Corporate Members
  - j) Family Members
  - k) Social Member

- 2) The word “member”, or “members” whenever appearing in these rules shall be taken to mean members of the Club under (a), (b), (c) and (d) of sub- Rule (1) of this Rule unless the context reveals a clear contrary intention.
- 3) A Full Club Member is an adult person who wishes to have access to all the rights and privileges of membership of the Club. A Full Club Member may, subject to these Rules, become an office bearer of the Club and enjoy all the rights and privileges which can attach to membership of the Club. It is mandatory that all registered boat owners be Full Club Members. A servant of the Club shall not be eligible to hold office other than in the position of General Manager
- 4) An Honorary Life Member is a person elected to that category of membership under the provisions of Rule 11.
- 5) A Cash Life Member is a person who has purchased that category of membership under the provisions of Rule 14.
- 6) A Country Full Club Member is an adult person who, subject entirely to the discretion of the Board, would otherwise be a Full Club Member, and who permanently resides outside a nominal radius of 40 kilometres from the Hobart GPO, and who enjoys all the privileges afforded to a Full Club Member.
- 7) An Honorary Club Member is a person who has been granted that category of membership pursuant to the provisions of Rule 12.
- 8) A Junior Club Member is a person under the age of 18 years (or such other minimum age as the Board may from time to time determine). A Junior Club Member may not hold office nor vote in matters affecting the affairs of the Club. A Junior Club Member may not invite visitors into the Clubhouse.
- 9) An Associate Member is an adult person who is the spouse or partner of a Full Club Member or such other person as the Board shall admit. An Associate Member may not be the owner or part-owner of a craft on the Club’s Register of Vessels unless he or she is the spouse or partner of a Full Club Member who is also a part-owner of that craft. An Associate Member may not hold office nor vote in matters affecting the affairs of the Club.
- 10) Corporate Membership may be extended to corporate entities that contribute in excess of \$2,000 in cash or kind. The rights and privileges of such membership shall be as for a Social Associate Member or as determined by the Board.
- 11) The Patron is a person of distinguished status and attainments who has been elected to that office by the Annual General Meeting.
- 12) All servants of the Club shall, on engagement, be deemed to be a Social Associate / Associate Member with all the privileges of that membership and shall not be required to pay annual subscriptions for such membership.
- 13) All members, of any category, shall be provided with an appropriate membership card in each financial year which provides evidence of their financial membership of the Club and category of membership.
- 14) A Social Member is an adult person who is not the owner or part owner of a craft on the Club’s register of Vessels, but who wishes to participate in the Club’s activities. A Social Member may not hold office nor vote in matters affecting the affairs of the Club.
- 15) The Board is authorised to amend or cancel any of these membership categories and regulate them as it thinks fit.
- 16) A Family member constitute up to two adult members and up to two children under the age of sixteen or who are students

## **7) APPLICATIONS FOR MEMBERSHIP**

- 1) Except as is otherwise provided in these Rules, every candidate for membership of any category shall be nominated by any two members in writing. All persons joining the Club shall

be held to consent and be bound by the Rules of the Club and the nomination form shall contain a clear undertaking to that effect. The nomination form shall be fully completed and signed by the candidate and delivered to the General Manager with the prescribed entrance fee (if any) and the candidate's first annual subscription, or proportional annual subscription as defined in Rule 13, not less than 14 days before election.

- 2) Upon receiving a nomination form, the General Manager shall post in a conspicuous position in the Club premises a Notice of Nomination giving particulars of the candidate's name, address and occupation and the names of the nominators, and such notice shall be kept so posted up to the date of election. The election shall be by ballot of members of the Board at a meeting duly convened for that purpose, one adverse vote in four to exclude.
- 3) As soon as practicable after the receipt of a nomination, the General Manager shall refer the nomination to the Board.
- 4) Upon a nomination being approved by the Board the General Manager shall, with as little delay as possible, notify the nominee in writing that they have been approved for membership of the Club and shall enter the nominee's name and details in the register of members to be kept by the General Manager whereupon the nominee becomes a member of the Club in the category approved by the Board.
- 5) All successful applicants for membership of the Club under this Rule shall be furnished with a copy of the Rules on notification of such acceptance. All members shall be notified of any alteration or amendments to the Rules.

#### **8) RESIGNATION FROM CLUB**

- 1) A member of the Club of any category may, at any time, resign from the Club by delivering or sending by post to the General Manager, a written notice of resignation, but no such resignation shall relieve any member from the payment of any subscriptions or other moneys due and payable by the member at the time of such resignation.
- 2) Upon receipt of a notice under sub-rule (1) of this rule, the General Manager shall, after confirmation by the Board, remove the name of the member by whom the notice was given from the register of members, whereupon that member ceases to be a member of the Club.

#### **9) MEMBERSHIP RIGHTS**

- 1) A right, privilege, or obligation of a person by virtue of their membership of the Club:-
  - a) Is not capable of being transferred or transmitted to another person, and
  - b) Terminates upon the cessation of their membership whether by death, resignation, or otherwise.

#### **10) LIABILITY OF MEMBERS**

- 1) In the event of the Club being wound up: -
  - a) Every member of the Club, and
  - b) Every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a member of the Club, is liable to contribute to the assets of the Club for payment of the debts or liabilities of the Club and for the costs, charges, and expenses of the winding up and for the adjustment of the rights of the contributors among themselves such sum, not exceeding one year's subscription as may be required. A former member is not liable so to contribute in respect to any debt contracted after he ceased to be a member.

## **11) HONORARY LIFE MEMBERS**

- 1) As a mark of highest honour, Honorary Life Members, not exceeding one in any year, may be elected for outstanding and meritorious service rendered to the Club. Such members must be of at least fifteen years standing.
- 2) Any five members may nominate any member for election as Honorary Life Member. Every such nomination shall be in writing signed by the nominators and shall be forwarded to the Board at least four weeks before the Annual General Meeting.
- 3) The Board may, from the members so nominated, recommend one of such members for election as an Honorary Life Member at such Annual General Meeting. A Member elected as an Honorary Life Member shall, notwithstanding any other provision in these Rules, be entitled to all the privileges of membership for life without the payment of any further subscription, unless he shall cease to be a member under the provisions of Rule 8.

## **12) HONORARY MEMBERS**

- 1) Their Excellencies the Governor-General of Australia and the Governor of the State, or the Administrator of the Government and their personal staff, shall, ipso facto, be Honorary Members of the Club. Officers and ratings of His Majesty's Army, Navy or Air Force (doing duty in the State) may be Honorary Members, on invitation of the Board, without payment of any entrance Fee or Subscription, provided that all persons becoming Honorary Members under the Rule shall, upon ceasing to do duty in the State, as such Officers and Ratings, ipso facto, cease to be such members.
- 2) Officers and Ratings of the Royal Australian Navy visiting Hobart may be admitted as Honorary Members upon the invitation of the Board without payment of any entrance Fee or Subscription.
- 3) Persons of distinguished position or attainments and Officers and Ratings of the Navies, Armies and Air Forces of Foreign Nations, when visiting Hobart may be admitted as Honorary Members for a period not exceeding one month without payment of any Entrance Fee or Subscription, upon the invitation of the Board.
- 4) As a courtesy to interstate and intrastate visitors and, in such other circumstances as may be otherwise authorised by the Board, a person over the age of eighteen years may be admitted as an Honorary Member. Such admission shall usually be upon the authority of the ranking Flag Officer, or the General Manager, or two Ordinary Board Members for periods not exceeding 30 days. Such admission as Honorary Member shall be subject to any Clubhouse By-Laws which may relate thereto and in every case shall be recorded in a register kept in the Clubhouse for that purpose. An Honorary Member admitted in accordance with this sub-Rule shall be issued with a "visitor's card" which clearly details the terms of such Honorary Membership.
- 5) If any Honorary Member wilfully infringes any of the Rules of the Club, or the By-Laws or other regulations as may be properly made from time to time, or in the opinion of the Board be guilty of conduct prejudicial to the interest of the Club, they shall be required to withdraw from the Club, and their privileges as an Honorary Member shall cease forthwith.
- 6) An Honorary Member shall not be permitted to hold any office in, or attend, or vote at any meeting or election of members of the Club, and shall not be permitted to invite any visitors into the Clubhouse.
- 7) The provisions of this Rule shall not apply to Honorary Life Members, who shall be entitled to all the privileges of full membership for their respective lives without payment of any fees or subscriptions.



### **13) ANNUAL SUBSCRIPTIONS AND ENTRANCE FEES**

- 1) Every member other than Honorary Members, Associate Members, Social Associate Members, Junior Members, Student Members and Corporate Members, on joining the Club shall pay such entrance fee as may be determined by the Board under these Rules and, except where otherwise provided in these Rules, every member shall pay an annual subscription. The Annual Subscription for each category of membership shall be such amount as is determined by the Board for that category for each financial year of the Club, and shall be promulgated by means of a "Subscriptions and other Charges By-Law" immediately following determination.
- 2) Membership subscriptions shall be set having consideration for the level of membership and the Club's financial standing provided that:-
  - a) Once determined, a subscription for any one year shall not be altered and the subscription shall not in any such financial year be increased by more than 10% over that of the preceding year for any category without the prior approval of a majority of members voting at a General Meeting of the Club.
  - b) The subscription for any category of member shall not exceed that of a Full Club Member as defined in Rule 6.(1)(a).
  - c) There shall be no subscription for Life or Honorary members.
- 3) A member of any category, having paid an annual subscription for a particular category of membership, will remain a member of that category for the remainder of the Club financial year unless a personal application for a change is submitted or the member is suspended or expelled under these Rules.
- 4) A member of any category who wishes to effect a change in category of membership shall make formal application to the Board for such change.
- 5) Subscriptions for new members who join during the year will be proportional on the basis of complete months.
- 6) Every Full Club Member who has attained the age of 65 years and who has been a member of the Club for a continuous period of not less than 20 years shall be required to pay 50% of the annual subscription applicable to a Full Club Member, whilst retaining all the rights and privileges of that category.
- 7) The payment of a family subscription equal to 120% of the annual subscription for a Full Club Member as defined in Rule 6.(1)(a) shall entitle membership of the Club to a family of one Full Club Member, one Associate Member and Junior Members and/or Student Members.
- 8) The payment of a family subscription equal to 140% of the annual subscription for a Full Club Member as defined in Rule 6.(1)(a) shall entitle membership of the Club to a family of two Full Club Members and Junior Members and/or Student Members.
- 9) Family subscribers shall be subject to the proportional subscription arrangements detailed in sub-rule 5 of this Rule.
- 10) The Board may, in extraordinary circumstances, grant waiver of all or part of the annual subscription and or/other charges.

### **14) CASH LIFE MEMBERSHIP**

- 1) Any Full Club Member may become a Cash Life Member of the Club on payment of a sum equal to 10 times the current subscription and shall thereafter be exempt from further subscriptions but not levies imposed under Rule 18 which shall apply at the amounts specified for Full Club Members. Cash Life Membership shall be limited to 10% of Full Club Members.

### **15) RE-ELECTION TO MEMBERSHIP**

- 1) Any member of any category who has at any time resigned from the Club under the provisions of Rule 8 may, upon sufficient explanation of cause of their resignation to the satisfaction of

the Board, be re-elected a member by ballot of the Board without payment of an entrance fee and their name be replaced on the register subject to the payment of all levies which may have been imposed during their period of retirement.

#### **16) FINANCIAL YEAR**

- 1) The financial year of the Club is the period of 1st July in each year and ending on 30th June next following.

#### **17) UNFINANCIAL MEMBERS**

- 1) If a member of any Category fails to pay on or before 31st July, their annual subscription due on June 1st preceding, or if a member of any category fails to pay any levy imposed under the provisions of Rule 18 within the prescribed time, such member will become unfinancial and shall cease to be a member of the Club. The General Manager shall advise, in writing, the person involved. However, should such person make sufficient explanation to the Board, together with the full payment of all moneys outstanding, the Board shall have power to replace such person's name upon the books subject to payment of such fine as the Board may determine, provided that nothing in this rule relieves an unfinancial member of any obligation arising out of rule 8.

#### **18) LEVIES**

- 1) The Board shall have power from time to time to impose a levy on members of any Category for the purposes of the Club and to prescribe the time within which such levy shall be paid. A member of any category so levied who fails to pay such levy within the prescribed time shall be deemed to be unfinancial and liable to be treated in accordance with the provisions of Rule 17 for the cessation of membership of the Club.
- 2) The total amount of levies made on any member of any category in any one year shall not exceed the annual subscription for that category.

#### **19) INCOME AND PROPERTY OF CLUB**

- 1) The income and property of the Club, however derived, is to be applied solely towards the promotion of the objects and purposes of the Club.
- 2) No portion of the income or property of the Club is to be paid or transferred to any member of the Club unless the payment or transfer is made in accordance with this rule.
- 3) The Club may -
  - a) pay a member or servant of the Club -
    - (i) remuneration in return for services rendered to the Club, or for goods supplied to the Club, in the ordinary course of business of the servant or member; or
    - (ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the servant or member for any of the objects or purposes of the Club; or
    - (iii) interest at a rate not exceeding 7.25% on money lent to the Association by the servant or member; or
    - (iv) a reasonable amount by way of rent for premises, or a part of premises, let to the Club by the servant or member; and
  - b) pay a member of the Board remuneration in return for carrying out the functions of a member of the Board; and
  - c) pay a member of a subcommittee remuneration in return for carrying out the functions of a member of the subcommittee; and

- d) if so requested by or on behalf of any other Club, organisation or body, appoint or nominate a member of the Club to an office in that other club, organisation or body.
- 4) Despite sub rule (3)(a),(b) and (c), the Club is not to pay a person any amount under that sub rule unless the Club or Board has first approved that payment.
- 5) Despite sub rule (3)(d), the Club is not to appoint or nominate a member of the Club under that sub rule to an office in respect of which remuneration is payable unless the Club or Board has first approved –
- a) that appointment or nomination; and
  - b) the receipt of that remuneration by the member.

## **20) ACCOUNTS OF RECEIPTS AND EXPENDITURE.**

- 1) True accounts are to be kept of the following:
  - a) each receipt or payment of money by the Club and the matter in respect of which the money was received or paid;
  - b) each asset or liability of the Club.
- 2) The accounts are to be open for inspection by the members of the Club at any reasonable time, and in any reasonable manner, determined by the Board.
- 3) The General Manager of the Club is to keep all accounting books, general records, and records of receipts and payments connected with the business of the Club in the form and manner the Board determines.
- 4) The accounts, books and records are to be kept at the Club's office or at such other place the Board determines.

## **21) BANKING AND FINANCE**

- 1) The General Manager of the Club shall, on behalf of the Club, receive all moneys paid to the Club and forthwith, after the receipt thereof, issue official receipts.
- 2) The Board shall cause to be opened with such bank as the Board selects, a banking account in the name of the Club into which all moneys received shall be paid by the General Manager as soon as possible after receipt thereof.
- 3) The Board may receive from the Club's bank or bankers for the time being, the cheques drawn by the Club on any of its accounts with the bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Club.
- 4) Except with the authority of the Board, no payment of a sum exceeding \$100 (one hundred dollars) shall be made from the funds of the Club otherwise than by cheque drawn on the Club's bank account or by Electronic Fund Transfer. However, the Board may provide the General Manager with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Board may impose.
- 5) No cheques shall be drawn on the Club's bank account except for payments that are authorised by the Board.
- 6) Subject to sub section (7), any purchase or disposal of real estate, the major alteration or development of any real estate, property or other facility of the Club, or the mortgage of or the use otherwise of Club property as security for any loan shall only be authorised by resolution of a General Meeting of members.
- 7) Notwithstanding sub section (6), the Board is empowered to arrange appropriate financing facilities to facilitate the prudent and efficient management of the Club. Provided that such facilities shall not exceed in any year the total income derived from member subscriptions and joining fees received by the Club in the previous financial year.

- 8) All cheques, Electronic Fund Transfers and other negotiable instruments shall be signed by any two of the Bank signatories approved by the Board.

## **22) AUDITOR**

- 1) At each annual general meeting, the members of the Club present at the meeting are to appoint a person as the auditor of the Club.
- 2) If an auditor is not appointed at an annual general meeting under sub rule 1), the Board is to appoint a person as the auditor of the Club as soon as practicable after the annual general meeting.
- 3) A person so appointed shall hold office until the annual general meeting next after that at which he is appointed, and is eligible for reappointment.
- 4) The auditor may only be removed from office by special resolution of a general meeting.
- 5) If a casual vacancy occurs in the office of auditor, the Board is to appoint a person to fill the vacancy until the next annual general meeting.

## **23) AUDIT OF ACCOUNTS**

- 1) At least once in each financial year the accounts of the Club shall be examined by the auditor.
- 2) The auditor shall certify as to the correctness of the accounts of the Club and shall provide a written report to the members present at the annual general meeting
- 3) In this report, and in certifying to the account, the auditor is to -
  - a) specify the information, if any, that he or she has required under sub rule (5) (b) and obtained; and
  - b) State whether, in their opinion, the accounts exhibit a true and correct view of the financial position of the Club according to the information at their disposal; and
  - c) State whether the rules relating to the administration of the Club have been observed.
- 4) The General Manager of the Club is to deliver to the auditor a list of all the accounting records, books, and accounts of the Club.
- 5) The auditor may -
  - a) have access to the accounting records, books and accounts of the Club; and
  - b) require from the servant of the Club any information the auditor considers necessary for the performance of their duties; and
  - c) employ any person to assist in auditing the financial affairs of the Club; and
  - d) examine any member of the Board, or any servant of the Club, in relation to the accounting books, books and accounts of the Club.

## **24) ANNUAL GENERAL MEETING**

- 1) The Club is to hold an annual general meeting each year.
- 2) An annual general meeting is to be held on any day (being not later than three months after the end of the financial year of the Club) the Board determines.
- 3) An annual general meeting is to be addition to any other general meeting that may be held in the same year.
- 4) The notice convening an annual general meeting is to specify the purpose of the meeting..
- 5) The ordinary business of the annual general meeting is to be as follows:
  - a) to confirm the minutes of the last preceding annual general meeting and of any general meetings held since that meeting;
  - b) to receive from the Board, auditor and servants of the Club reports on the transactions of the Club during the last preceding financial year of the Club;
  - c) to elect the Flag Officers and Directors of the Club; and
  - d) to appoint the auditor and determine their remuneration.

## **25) SPECIAL GENERAL MEETINGS**

- 1) The Board may convene a special general meeting of the Club at any time.
- 2) The Board, on the requisition in writing of at least 10% of the members entitled to vote, is to convene a special general meeting of the Club.
- 3) A requisition for a special general meeting is to state the objects of the meeting and is to be signed by the requisitionists and deposited at the office of the Club. The requisition may consist of several documents each signed by one or more of the requisitionists.
- 4) If the Board does not cause a special general meeting to be held within thirty days after the day on which a requisition is deposited at the office of the Club, any one or more of the requisitionists may convene the meeting within three months after the day of the deposit of the requisition.
- 5) A special general meeting convened by requisitionists is to be convened in the same manner, as nearly as practicable, as the manner in which a special general meeting would be convened by the Board.
- 6) All reasonable expenses incurred requisitionists in convening a special general meeting are to be refunded by the Club to the persons incurring them.

## **26) NOTICES OF GENERAL MEETINGS**

- 1) At least 14 days before the day on which a general meeting of the Club is to be held, the General Manager of the Club is to cause to be advertised either, by letter mailed to each member entitled to vote thereat, or in a newspaper published in the South of the State, or both, a meeting notice specifying -
  - (a) the place, day and time at which the meeting is to be held; and
  - (b) the nature of the business that is to be transacted at the meeting.
- 2) Where a ballot is required in accordance with the provisions of Rule 40, the notice of annual general meeting must be sent by mail to all members eligible to vote.

## **27) BUSINESS AND QUORUM AT GENERAL MEETINGS**

- 1) All business transacted at a general meeting, other than the ordinary business of an annual general meeting, is special business.
- 2) Business is not to be transacted at a general meeting unless a quorum of members of the Club entitled to vote is present at the time the meeting considers that item.
- 3) A quorum for the transaction of business of a general meeting is 20 members of the Club entitled to vote.
- 4) If a quorum is not present within an hour after the time appointed for the commencement of a general meeting, the meeting –
  - (a) if convened on the requisition of members of the Club, is dissolved; or
  - (b) if convened by the committee, is to be adjourned to the same day in the next week at the same time and –
- 5) If at an adjourned general meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting is dissolved. Provided that if in the opinion of the chairman of the meeting it is impractical to reconvene on the same day in the following week, the meeting may reconvene at a time and date determined by the chairman not later than 21 days from the adjourned meeting and all members eligible to vote shall be advised in writing as soon as practicable following the adjournment.

## **28) COMMODORE TO PRESIDE AT GENERAL MEETINGS**

- 1) The Commodore, or in their absence, the Vice Commodore, or in the absence of both the Commodore and the Vice Commodore, the Rear Commodore, shall preside as chairman at every general meeting of the Club.
- 2) If the Commodore and both Vice Commodore and Rear Commodore are absent from a general meeting the members present shall elect one of their number to preside as chairman thereat.

## **29) ADJOURNMENT OF GENERAL MEETINGS**

- 1) The chairman of a general meeting at which a quorum is present may adjourn the meeting with the consent of the members of the Club who are present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 2) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.
- 3) If the meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

## **30) DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS**

- 1) A question arising at a general meeting of the Club shall be determined on a show of hands.
- 2) A declaration by the chairperson that a resolution has, on a show of hands, been lost or carried, or carried unanimously, or carried by a particular majority, together with an entry to that effect in the minute book of the Club is evidence of that fact, unless a poll is demanded on or before the declaration.

## **31) VOTING**

- 1) On any question arising at a general meeting of the Club, a member of the Club (including the chairperson) has one vote only.
- 2) All votes shall be given personally or by proxy nominated in writing and lodged with the General Manager prior to the commencement of the meeting.
- 3) Despite sub rule 1, in the case of an equality of votes, the chairperson of the meeting has a second or casting vote.

## **32) TAKING A POLL**

- 1) If, at a general meeting, a poll on any question is demanded –
  - (a) the poll is to be taken at that meeting in the manner the chairperson determines; and
  - (b) the result of the poll is taken to be the resolution of the meeting on that question.

## **33) WHEN POLL TO BE TAKEN**

- 1) A poll that is demanded on the election of a chairman, or on a question of adjournment, is to be taken immediately.
- 2) A poll that is demanded on any other question is to be taken at such time before the close of the meeting as the chairperson determines.

## **34) AFFAIRS OF CLUB TO BE MANAGED BY A BOARD**

- 1) The affairs of the Club shall be managed by a Board of Directors constituted as provided in rule 39.
- 2) The Board, subject to these Rules: -

- a) is to control and manage the business and affairs of the Club; and.
  - b) may exercise all the powers and perform all the functions of the Club, other than those powers and functions that are required by these rules to be exercised and performed by members of the Club at a general meeting; and
  - c) has power to do anything that appears to the Board to be essential for the proper management of the business and affairs of the Club.
- 3) A decision of the Board may only be overruled by Special Resolution of a general meeting.

### **35) FLAG OFFICERS.**

- 1) The Flag Officers of the Club shall be:
  - a) Commodore;
  - b) Vice Commodore; and
  - c) Rear Commodore.
- 2) The Commodore and Vice Commodore shall be registered boat owners as defined by these Rules.
- 3) The provisions of sub-rules (2), (3) and (4) of Rule 40, so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-rule (1) of this Rule.
- 4) Each Flag Officer of the Club is to hold office until the next annual general meeting after that at which he or she is elected and is eligible for re-election. Where such Flag officer is re-elected for a successive term or terms, the successive terms shall be for a period of two years.
- 5) If a casual vacancy in any office referred to in sub-rule (1) occurs, the Board may appoint one of its members to fill the vacancy until the annual general meeting after the appointment.

### **36) DUTY OF FLAG OFFICERS**

- 1) The Commodore shall be the recognised head of the Club and shall be responsible to ensure that the Club affairs are conducted according to the letter and spirit of these Rules, the obligations imposed by law and in pursuance generally of the objects of the Club. The Commodore shall be the public spokesman for the Club and shall be an ex-officio member of all committees and sub-committees in the Club.
- 2) The Vice Commodore and Rear Commodore shall be responsible for designated areas of Club operations as determined by the Board, taking into account the individual's particular interests, skills and experience, together with the requirements of the Club.

### **37) GENERAL MANAGER'S RESPONSIBILITIES.**

- 1) The Board shall have full authority to appoint a General Manager, who shall be responsible for the discharge of the functions for that office provided in these rules. Such office may be filled on a full, part-time or honorary capacity and may be paid such honorarium and expenses reimbursement, salary and/or other emoluments as the Board may from time to time determine. The Board may dismiss or suspend at pleasure such General Manager.
- 2) A non-member, as well as a member of the Club, but not a member of the Board, may be appointed General Manager
- 3) The General Manager shall not be entitled to vote at any meeting of the Board or any Sub-Committee.
- 4) Unless otherwise determined by the Board, the General Manager shall be the Public Officer of the Club.
- 5) The General Manager, in addition to duties prescribed elsewhere, and those which may be directed by the Board from time to time, shall, subject to the directions and control of the Board, have control and be responsible for the day to day management of the Club, including human resources and compliance with all statutory and regulatory requirements. The



General Manager shall issue notices, arrange meetings and keep minutes of meetings as required by the Board. The General Manager shall issue directions on behalf of the Board and all such lawful directions shall be binding on members.

### **38) CONSTITUTION OF THE BOARD OF DIRECTORS**

- 1) The Board shall consist of:-
  - a) The Flag Officers of the Club, and
  - b) Five other members, at least three of whom shall be registered boat owners and who shall be elected in accordance with these Rules.
  - c) The retiring Commodore for the year following their term of office.
  - d) A representative of members engaged in power boat racing, ex officio, with voice and vote.
  - e) The General Manager, ex officio, with voice but no vote.
  - f) Such other persons, ex officio, as may be provided in these Rules.
- 2) The Board shall, from amongst the Directors, make appointments to facilitate the effective operation of the Club.
- 3) Persons appointed pursuant to subsection (2) shall also chair any specialist committees appointed to support such activities.
- 4) The Commodore, or in their absence, the Vice-Commodore, or in the absence of both the Commodore and the Vice-Commodore, the Rear Commodore, shall preside at all meetings of the Board. Where none of the Flag Officers are present, one of the remaining Board Members may be chosen by the members present to preside.
- 5) The Board shall have the power to co-opt any person or persons, not exceeding two in number at any one meeting, for assistance in matters pertaining to their particular skills or expertise.
- 6) The Flag Officers and the General Manager (ex officio, with voice but no vote), constitute an Executive Committee which may issue instructions relating to the management of the affairs of the Club in matters of urgency relating thereto during the intervals between meetings of the Board. Where any such instructions are issued the Executive Committee shall report thereon to the next meeting of the Board.
- 7) Each Director shall, subject to these rules, hold office until the Annual General Meeting in two years next after the date of their election, but is eligible for re-election.
- 8) In the event of a casual vacancy occurring in any office other than that of a Flag Officer, the Board may appoint a member of the Club 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 appointment. Failure to accept a position on the Board within six weeks of the annual general meeting, or of the invitation being extended, whichever is the latter, shall constitute a casual vacancy.
- 9) In the event of any member or ex officio member of the Board failing to attend three consecutive meetings and not furnishing a satisfactory explanation in writing, the Board shall declare the office vacant.
- 10) Any officer of the Club may be removed from office by a vote of two thirds of the members present at a special general meeting called for the purpose. Such a vote to be by secret ballot.

### **39) ELECTION OF FLAG OFFICERS AND BOARD**

- 1) Nominations of candidates for election as Flag Officers and Directors of the Club shall -
  - a) Be made in writing signed by two full members of the Club and be accompanied by the written consent of the candidate (which may be endorsed on the form for nomination), and



- b) Be delivered to the General Manager of the Club at least fourteen days before the date fixed for the holding of the annual general meeting.
- c) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected and further nominations shall be received and determined at the annual general meeting. In the event that there are still insufficient nominations to fill all vacancies the Board shall, in its wisdom, fill such vacancies at its next ordinary meeting.
- d) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- e) If the nominations exceed the number of vacancies to be filled, a secret ballot shall be held.
- f) Where a secret ballot is required, in accordance with sub-Rule (4) of this Rule, for the position of Commodore, the Board may, by special resolution endorse a candidate, or candidates, as it sees fit, for recommendation to the members for their support at such secret ballot.

#### **40) CONDUCT OF BALLOT**

- 1) Should a ballot be required under the preceding Rule, the General Manager shall notify the dates of such ballot in the notice to members calling the annual general meeting of the Club and shall give eligible members at least 7 clear days in which to cast their vote prior to the annual general meeting.
- 2) Ballot papers shall be prepared showing the names of each candidate in alphabetical order for each of the offices concerned, and the number of vacancies of such offices to be elected, together with an envelope for enclosing the voting paper and a larger envelope addressed to the tellers, care of the General Manager. Such ballot papers shall be available from the General Manager or their nominee during office hours over at least 5 full working days prior to closure and at such other times as the Board may determine. Alternatively, Ballot Papers may be forwarded by post to all members eligible to vote. The General Manager shall ensure that the ballot is conducted at all times in such a way as to preserve the secrecy and integrity of the ballot. Each member voting must vote for the full number to be elected and place their voting paper in the smaller envelope. This, after being closed up, is to be placed in the larger envelope which is to be signed by the member and shall be deposited into a locked, secure ballot box, placed for that purpose in the Clubhouse, in the custody of the General Manager, or be forwarded by post or otherwise for deposit, unopened, into the locked ballot box. The Poll shall close twenty four hours before the time fixed for the annual general meeting to commence and the locked ballot box with all envelopes containing the voting papers received by the General Manager up to that time shall be handed unopened to the tellers (who shall be persons who are not candidates in the election who have been appointed by the Board). They shall satisfy themselves as to the validity of the signatures on the outer envelopes prior to opening, then separate the outer and inner envelopes into separate piles, then open all inner envelopes and count the votes cast on a simple "first past the post" non-preferential basis, doing all things necessary to protect the integrity and secrecy of the ballot. The result of the election shall be announced at the annual general meeting. In the event of an equality of votes, the election shall, if all affected parties agree, be determined by the drawing of lots. In the absence of agreement, there shall be another ballot involving only the candidates so tied.
- 3) Should a member eligible to vote be unable to vote in person, he may apply to the General Manager for a postal vote which shall be mailed to him on the day following the close of nominations or immediately after such an application, whichever occurs later, provided always that the General manager is satisfied that such an application is bona fide. The General Manager may receive such postal votes from eligible members up to the close of

voting or until the commencement of actual count if it is clear that the paper was posted before the close of voting.

- 4) To facilitate continuity of purpose, it is the intention of these rules that at least two, but not more than three board positions (excluding Flag Officers and other appointed positions) be open for election at each annual general meeting. If this does not occur as a matter of course, either one or two members as is necessary to preserve this balance shall, notwithstanding anything contained elsewhere in these rules, be elected for a period of one year. Such declaration shall be on the basis of the individual or individuals gaining the least number of votes in the election.

#### **41) VACATION OF OFFICE**

- 1) For the purposes of these rules, the office of a Flag Officer or a Director of the Club becomes vacant if the Flag Officer or Director:-
  - a) dies; or
  - b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with their creditors or makes an assignment of their remuneration or estate for their benefit; or
  - c) becomes a represented person within the meaning of the *Guardianship and Administration Act 1995*; or
  - d) resigns office in writing addressed to the Board: or
  - e) ceases to be ordinarily resident in Tasmania; or
  - f) if absent from 3 consecutive meetings of the Board without the permission of the other members of the Board; or
  - g) ceases to be a member of the Club; or
  - h) fails to pay all arrears of subscription 14 days after receiving a notice in writing signed by the General Manager of the Club stating that the officer or Board member has ceased to be a financial member of the Club; or
  - i) ceases to be a registered boat owner in accordance with the provisions of Rule 45 and the qualifications for such office, as specified in Rule 35(2) require the office to be filled by a registered boat owner; or
  - j) Is convicted of a crime or an offence which is punishable by imprisonment for six months or upwards.

#### **42) MEETINGS OF THE BOARD**

- 1) The Board is to meet at least once in each month at such place and at such times as the Board may determine.
- 2) A meeting of the Board, other than a meeting referred to in sub rule (1), may be convened by the Commodore or any 4 of the members of the Board.
- 3) Written notice of any special Board meeting is to be served on members of the Board and is to specify the general nature of the business to be transacted and no other business may be transacted at such meeting.
- 4) A quorum for the transaction of the business of a meeting of the Board is 5 members of the Board..
- 5) Business is not to be transacted at a meeting of the Board unless a quorum is present.
- 6) If a quorum is not present within half an hour after the time appointed for the commencement of –
  - (a) a meeting of the Board (other than a special Board meeting), the meeting is to be adjourned to the same day in the next week at the same time and at the same place; or
  - (b) a special Board meeting, the meeting is dissolved.

- 7) Questions arising at meetings of the Board or any subcommittee appointed by the Board shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 8) Each member present at a meeting of the Board or of any subcommittee appointed by the Board (including the person presiding at the meeting) is entitled to one vote, except in the event of an equality of votes on any question; the person presiding may exercise a second or casting vote.

#### **43) DISCLOSURE OF PECUNIARY INTEREST**

- 1) A member of the Board who has pecuniary interest in any contract or arrangement made or proposed to be made with the Club shall disclose that interest at the first meeting of the Club at which the contract or arrangement is first taken into consideration, if their interest then exists or, in any other case, at the first meeting of the Board after the acquisition of their interest.
- 2) If a member of the Board becomes interested in a contract or arrangement after it is made or entered into he shall disclose their interest at the first meeting of the Board after he becomes so interested.
- 3) If, at a meeting of the Board or subcommittee, a member of the Board or subcommittee votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote is not to be counted.

#### **44) SUB-COMMITTEES**

- 1) The Board may at any time appoint such sub-committees they deem necessary for the efficient running of the Club and shall prescribe the powers and functions thereof. Such sub-committees may be drawn from:-
  - The Board; and
  - Members of the Club; and
  - Persons, who are not members of the Club, having special skills relevant to the purpose for which the sub-committee is appointed. A person so co-opted shall not be entitled to vote at meetings of the sub-committee.Half the appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.

#### **45) REGISTER OF VESSELS**

- 1) Every vessel belonging to, or on loan to, or on charter to a member or members shall be registered in the manner required by the Board and such register shall be kept by the General Manager and shall be entered upon payment of such a registration fee, if any, that the Board may determine from time to time. Owners of vessels shall furnish the General Manager with said particulars. All vessels shall be required to be appropriately registered under this Rule before participation in any aquatic event organised by the Club, unless otherwise specifically determined by the Board.

#### **46) CLUB BURGEE**

- 1) The Club Burgee shall be yellow with a navy blue St George's Cross, having a white three bladed propeller in the centre of the cross, one blade shall point towards the third canton, another towards the fourth canton, and the remaining blade shall lie vertically along the upper post of the cross. Any member may fly the Club's Burgee on their own boat which has been registered with the Club in accordance with Rule 45. The Burgee shall be flown in accordance with any Flag Etiquette By-Laws determined by the Board.
- 2) The Commodore's Flag shall be the Club Burgee with a swallow tail, Vice Commodore's Flag shall be a similar flag with a blue ball in the first canton, and the Rear Commodore's Flag shall

be a similar flag with a blue ball in each of the first and third cantons. A Past Commodore's Flag shall be similar to the Commodore's with the letter "R" in navy blue in the third canton. The Immediate Past Commodore's Flag shall be rectangular in form with a red ball in each of the first and third cantons. The Patron's flag shall be similar to the Commodore's but shall have the Club Crest centrally in the first canton.

- 3) Flag Officers shall display their flag when aboard their boats. No Flag Officer's flag shall be displayed on any boat unless such Flag Officer is aboard. The Flag Officer's flag must be taken down and the Club Burgee run up in its place as soon as the Flag Officer departs their boat, unless it is their intention to return before sunset of the same day.

#### **47) CLUB BADGE AND CREST**

- 1) The Club badge shall consist of a replica of the Club Burgee. The Club Crest shall be the "Staples" emblem, first adopted in 1926 upon the naming of the Club, and now appearing on the cover sheet of these Rules.

#### **48) CLUB UNIFORM**

- 1) The Club shall have a uniform policy.

#### **49) BY-LAWS**

- 1) The Board shall make and maintain By-Laws pertaining to Annual Subscriptions and Entrance Fees, Racing, and the regulation of the operation and use of the Clubhouse, the jetties and other marine facilities and the slipways. The Board shall have the power, from time to time, when and as it deems appropriate, to make such other By-Laws as are required for the regulation of the affairs of the Club. All such By-Laws shall be consistent with the provisions of these Rules and the Act, and shall be clearly posted in the Clubhouse and shall be binding upon all members of any category.

#### **50) PRIVILEGE OF INVITING GUESTS**

- 1) Except where otherwise provided in Rules 6 and 12, an adult member of any category shall have the privilege of inviting guests into the Clubhouse, not exceeding 10 at any one time, subject to such By-Laws as may be made under these Rules and in strict accordance with the requirements of Liquor Licensing laws as they apply from time to time.

#### **51) RECIPROCAL RIGHTS**

- 1) The Board may enter into reciprocal arrangements with any other club whether established inside or outside the State of Tasmania as to the mutual privileges to be granted to the members.

#### **52) CODE OF CONDUCT AND HOUSE POLICY**

- 1) The Club shall have a House Policy, Board Code of Conduct, and a Staff Code of Conduct

#### **53) COMPLAINTS AND SUGGESTIONS**

- 1) All complaints or suggestions shall be made to the General Manager by letter, or entered and signed by the member complaining or making the suggestion, in a book kept for that purpose by the General Manager. Such complaints and suggestions shall be laid before the Board with as little delay as possible, and an answer sent in writing to the member by the General Manager at the Board's direction.

#### **54) IMPROPER USE OF CLUB PREMISES**

- 1) No member of any category shall give or use the address, or use the fact that he is a member of the Club in any advertisement or enterprise, sporting or otherwise, or use the Club's address for business purposes or to canvass for business purposes, except where the express authority of the Board, in writing, has been prior sought and granted.

#### **55) DAMAGE TO CLUB PROPERTY**

- 1) No member of any category shall take away from the Club, or deface, tear or injure any newspaper, book, pamphlet or other item, which is the property of the Club. Members of any category injuring any item, which is the property of the Club, shall pay restitution for the same at a price fixed by the Board.

#### **56) NO LIABILITY FOR LOSS**

- 1) Neither the Club nor any servant or official of the Club shall be responsible for any loss or damage to any article brought by members of any category or guests on to the Club premises, or for any loss or damage suffered by any such member or guest, or in consequence of the use of the property of the Club or otherwise.

#### **57) NOTICES, PAPERS AND PLACARDS**

- 1) Every notice, paper and/or placard exhibited in or on the Club's premises must be properly authorised by the General Manager or a Flag Officer.

#### **58) PAYMENT OF BILLS ETC.**

- 1) All members of any Category are to pay their bills at once for every expense they incur in the Club. Members introducing Honorary Members or other visitors shall be personally responsible for the due payment by them of their bills and/or any fines or other charges whatsoever which may be imposed upon them.

#### **59) DISSOLUTION OF CLUB**

- 1) On application in writing made to the Board by twenty Members signifying their desire that the Club should be dissolved, a special general meeting shall be called to consider the question. Such special general meeting and its objects shall be advertised in the Clubhouse at least one month prior to the meeting and a copy thereof sent to every member forthwith. At the meeting votes by proxy will be received and the votes of at least two thirds of the members shall be necessary to carry the proposal for dissolution. The quorum at such meeting shall consist of fifty-one percent of the members in person.
- 2) In the event of the Club being dissolved, the amount which remains after such dissolution and satisfaction of all debts and liabilities, shall be paid and applied by the Committee in accordance with their powers to any fund, institution or authority which is a non-profit organisation.
- 3) Any amount in the nature of a repayment, shall, on dissolution, constitute a debt duly owed by the Club to the person who had made the prepayment or the current leaseholder as the case may be.

#### **60) MISCONDUCT OF MEMBER**

- 1) A member of any category who fails to abide by any or all of the provisions of these Rules, or any or all of the By-Laws made under these Rules, or whose conduct in or out of the Club is injurious to the interests or good name of the Club, shall be guilty of an offence and may be dealt with in accordance with the provisions of this Rule.

- 2) Upon the application or complaint of a member, in writing, to the Board, or by motion of the Board, wherein it is alleged that a member of any category has failed to abide by any or all of the provisions of these Rules, or any or all of the By Laws made under these Rules, or, that the conduct or action of any member, of any category, whether in or out of the Club, appears to it to be, or is likely to be, injurious to the interests or good name of the Club, or is unbecoming to a member of the Club, the Board shall appoint a Disciplinary Committee of three members to hear a charge against such a member in respect of any alleged offence or misconduct prescribed therein. A member so charged shall be notified, in writing, of the charge or charges, and also be advised, in writing that the charge or charges will be heard by a Disciplinary Committee. The member will be provided with at least 7 clear days warning of the date of such hearing and will be afforded written notice of the opportunity to reply to the charge in writing and to appear before the Disciplinary Committee at the hearing.
- 3) The Disciplinary Committee shall have the power to fine, reprimand, or suspend members of any category from the privileges of membership of the Club or to impose any other restrictions on members of any category who have been found guilty of an offence under these Rules or the By-Laws made pursuant to those Rules.
- 4) The Disciplinary Committee may also impose similar penalties upon a member of any category found guilty of conduct unbecoming a member of the Club whilst on Club property, participating in Club events or representing the Club in any Capacity whatsoever.
- 5) Any fine imposed under this Rule shall not exceed the sum of two hundred and fifty dollars (\$250) and any suspension shall not exceed two years.
- 6) A member of any category fined under this Rule shall forfeit all privileges of membership until such fine is paid. If such fine remains unpaid for three months the member shall be struck off the membership register.
- 7) A member of any category charged under these Rules shall be notified in writing of the result of the Disciplinary Committee's decision in respect of the matter within 7 days of the determination of the Disciplinary Committee's findings. Should a member of any category be found guilty of an offence, the notification under this sub-rule will clearly detail the penalty imposed.
- 8) Where the Disciplinary Committee finds that a member of any category is guilty of a most serious offence, or that, taking into account the previously proven misconduct of a member under these Rules, the offence merits such action; the Disciplinary Committee shall have the power to expel such member from the Club.
- 9) A member of any category fined or disciplined (other than expelled) under this Rule shall have right of appeal to the Board, by instrument in writing, within seven days of the notification of the decision of the Disciplinary Committee. The Board shall hear such an appeal at a special meeting of the Board held within 14 days of receipt of an appeal and may uphold the decision of the Disciplinary Committee or vary such decision as it sees fit and the decision of the Board shall be final.
- 10) A member of any category expelled under this Rule may, within 14 days of the receipt of the notice of expulsion, give notice of appeal to the Board, in writing. Thereupon, the Board shall convene a special general meeting of members. At such meeting the member expelled shall be permitted to offer an explanation of their conduct, either verbally, or in writing, and the meeting will be provided with a report from the Disciplinary Committee on the matter. If two thirds of the members eligible to vote and present at that meeting vote to uphold the member's appeal, then the expulsion shall be set aside and the member's name will be restored to the register of members. Otherwise the expulsion shall stand. Voting at such special general meeting shall be by secret ballot.
- 11) Should a member of any category make use of the facilities of the Club while suspended in accordance with this Rule, the Board is empowered to erase their name from the list of



members forthwith and they shall thereupon cease to be a member of the Club. The ex-member shall be informed accordingly.

- 12) No member of any category shall make frivolous or otherwise vexatious application or complaint under the provisions of sub-Rule (2) of this Rule. Where a Disciplinary Committee finds an application or complaint made under sub-Rule (2) of this Rule to be frivolous or otherwise vexatious, the Disciplinary Committee shall have the power to forthwith determine the matter as though a formal complaint to that effect had been made to the Board in accordance with the provisions of sub-Rule (2) of this Rule.

#### **61) DISPUTES**

- 1) Subject to this rule, a dispute between a member of any category, in their capacity as a member, and the Club shall be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- 2) This rule does not affect the operation of Rule 62.

#### **62) STANDING ORDERS OF DEBATE**

- 1) The following rules of debate shall be observed at all meetings held in connection with the Club, whether general meeting, Committee meetings, Racing Committee or other sub-Committee meetings.
  - a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the Chair. The right of speaking on any subject shall belong to them who first rise to address the Chair. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall be held to have spoken. When two or more members rise together the Chairperson shall call upon the member who in their opinion rose first. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
  - b) No member, when speaking, shall be interrupted unless called to order, when they shall sit down and the member calling to order shall be heard in support of their point, and the Chairperson may either hear further discussion or decide at that stage, but such point shall be decided before the debate is resumed.
  - c) Any motion or amendment not seconded shall not be further debated, but shall lapse.
  - d) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be moved and discussed before the mover of the motion replies. The amendments shall then be put to the meeting in the order in which they were moved.
  - e) No amendment shall be received by the Chair which shall be a direct negative to a motion, or which does not preserve the substance of such motion.
  - f) As soon as a debate on a question is concluded the Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put shall be resolved in the affirmative or negative by a show of hands, unless a division is demanded by at least five members. A ballot shall be taken if one-third of those present demand it.
  - g) No member shall speak on any motion after the same has been put by the Chairperson.
  - h) When the Chairperson arises during a debate the member then speaking or proposing to speak shall sit down, so that the Chairperson shall be heard without interruption.
  - i) It shall be competent by a two-third majority of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with at that meeting, or for the consideration of urgent business, provided that the suspension shall be for not more than thirty (30) minutes and any motion before

the Chairperson shall be put to the meeting immediately the thirty minutes have elapsed, provided, further, that an extension of time may be granted upon two-thirds of those voting being in favour.

- j) In debates, the mover shall be allowed ten (10) minutes for speaking in support of their motion; subsequent speakers seven (7) minutes each, and the mover seven minutes in reply. The meeting shall have the power by majority vote to extend the time for any speaker.
- k) Any member dissatisfied with the ruling given by the Chairperson may move a motion of dissent. This will normally be in the form; "I move disagreement with the Chairperson's ruling". In such case only the mover shall be permitted to speak to the motion, except the Chairperson, who may state their reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice Chairperson without further discussion. The form of the motion will be; "that the Chairperson's ruling be upheld".
- l) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.
- m) Should any question have occupied the attention of the meeting for a period of one hour, the discussion shall be deemed to be closed, and the Chairperson shall forthwith call on the mover of the original motion to reply, provided that any member may move for the extension of time, which on being carried by a majority of the members voting shall necessitate the discussion being continued for up to the time stated in the motion.
- n) Provided they receive the call from the Chairperson, it shall be competent for any member to move after four speakers have spoken to the question under discussion, "That the question be now put," and in the event of such motion being carried, the question shall be put without further debate, provided that this shall not affect the right of the mover of the original motion to reply, and provided further that any member who has spoken on the question under discussion shall not be permitted to move or second a motion, "That the question be now put."
- o) Provided they receive the call from the Chairperson it shall be competent for any member to move during discussion of any question, "That the meeting proceed to the next business", and in the event of this motion being carried, the meeting shall forthwith proceed to the next business.
- p) No discussion shall be allowed on formal motions, such as "That the discussion be adjourned," or "That the question be now put," or "That the meeting proceed to the next business."
- q) No member shall leave a meeting without permission from the Chairperson. No member shall attend a meeting in an intoxicated state, or interrupt the business.
- r) The Chairperson shall have power to expel a member from the meeting for disorderly conduct and to have the member so expelled dealt with under the provisions of Rule 60.

### **63) CLUB SEAL**

- 1) The seal of the Club is to be in the form of a rubber stamp inscribed with the name of the Club encircling the word "Seal".
- 2) The seal is not to be affixed to any instrument except by authority of the Board, and the affixing thereof shall be attested by the signatures of either two members of the Board or of one member of the Board and of the General Manager of the Club or other such person as the Board may appoint for the purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the Board.



3) The seal shall remain in the custody of the General Manager of the Club.

**64) COMPLIANCE WITH REGULATORY OBLIGATIONS**

1) The Club shall at all times comply with all relevant statutory, regulatory and other requirements. The General Manager shall maintain a readily accessible register of compliance documents.