



ARTICLES OF CONSTITUTION

**As Adopted by Special Resolution at a
Special General Meeting of the Association
held on
Sunday 21st February 2016**

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1. Name of Association

The name of the Association is “The Cruising Yacht Club of Western Australia (Incorporated).”

2. Definitions

In these rules, unless the contrary intention appears, the following definitions apply:

Absent	A member who is not present at a meeting and having offered no apology or been granted leave of absence
Act	The Associations Incorporation Act of Western Australia as existing and current at the time
Annual General Meeting	The meeting convened under Clause 22
Apology	Notification either written or verbal, either communicated directly or through another member of Committee, to the effect that a member is unable to attend the current meeting
Association	The Association referred to in Clause 1
Chairperson	In relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with Clauses 13 and 16
Club Manager	A person who is employed by the Association for the purposes as outlined in the Rules of the Association
Club Premises	The premises and facilities located at 2 Val Street, Rockingham, Western Australia 6168
Commissioner	The Commissioner for Consumer Protection exercising powers under the Act
Committee	The Committee of Management of the Association referred to in Clause 13
Committee Meeting	A meeting referred to in Clause 13
Committee Member	A person referred to in Clauses 13 and 15
Convene	To call together for a formal meeting
Department	The government department with responsibility for administering the Associations Incorporation Act (WA) as existing and current at the time
Financial Member	Any Member participating in an Annual Subscription and Fee Payment Plan as referred to in the By-laws
Financial Year	The period commencing 1 April and ending on 31 March in the following year
Flag Officer	The officers identified in Clause 14
General Meeting	A meeting to which all members are invited
Leave of Absence	Permission given by the Committee allowing a Committee Member to be absent from subsequent meeting(s)

Liquor Act	The Liquor Control Act (WA) as existing and current at the time
Member	Any member of the Association
Ordinary Resolution	Resolution other than a special resolution
Patron	A person chosen by the Association to represent and support the association
Poll	Voting conducted in written form (as opposed to a show of hands)
Retiring Commodore	An ex officio member for a period not exceeding 12 months from the term of the previous office
Secretary	The Secretary referred to in Clause 17
Special General Meeting	A general meeting other than the annual general meeting
Special Resolution	The meaning given by section 24 of the Act, that is: <ul style="list-style-type: none"> ▪ A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the association who are entitled under the rules of the association to vote and vote in person, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules. ▪ At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the association present in person. ▪ If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.
Suspended member	A member without the privileges of membership as outlined in Schedule 2
Treasurer	The Treasurer referred to in Clause 18
Vessel	Shall include any boat or yacht whether propelled by sail or power or both. <ul style="list-style-type: none"> ▪ Where it is necessary to distinguish between types of boats or yacht, a prefix such as sailing or power maybe used as appropriate
Vice-Chairperson	The Vice-Chairperson referred to in Clause 16

3. Objects of Association

3.1 The objects of the Association are:

- 3.1.1. To establish, maintain and conduct an Association devoted to sailing, boating and other aquatic recreation plus social, sporting and cultural pursuits;
- 3.1.2. To provide facilities for literary, scientific, athletic, professional and any other lawful purpose of providing benefits and enjoyment for the members of the Association;
- 3.1.3. The encouragement of the provisions of facilities for those engaged in the racing of sailing boats in ocean, offshore and closed water events;
- 3.1.4. The holding and arrangement of matches, races, regattas and competitions in yachting and other sports, pastimes and games and the offering and granting of contributions towards the provision of prizes, awards and distinctions;
- 3.1.5. The encouragement of amateur yacht sailing and building;
- 3.1.6. The encouragement of the study of yacht sailing, seamanship, pilotage and navigation and the improvement in design of cruising and racing yachts;
- 3.1.7. The promotion of social activities between members of the Association, their family members, their friends and the provision of accommodation with all the usual privileges and advantages of an Association for the purposes aforesaid;
- 3.1.8. The provision and accommodation for members and their guests upon premises of which the Association is the bona fide occupier and not for the purpose of making profits divisible amongst the members or any object other than the accommodation of the members and their guests;
- 3.1.9. Affiliation with other kindred associations;

3.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4. Powers of Association

4.1 The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may:

- 4.1.1. Acquire, hold, deal with, and dispose of any real or personal property;
- 4.1.2. Open and operate bank accounts;
- 4.1.3. Invest its money:
 - 4.1.3.1 In any security in which trust monies may lawfully be invested; or
 - 4.1.3.2 In any other manner authorised by the rules of the Association;
- 4.1.4. Borrow money upon such terms and conditions as the Association thinks fit;
- 4.1.5. Give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- 4.1.6. Apply for and obtain and renew a club license under the Liquor Act;
- 4.1.7. Appoint agents to transact any business of the Association on its behalf;
- 4.1.8. Enter into any other contract it considers necessary or desirable;

- 4.1.9. Apply for any income taxation concessions available under Commonwealth Taxation law;
- 4.1.10. Amalgamate, cooperate or affiliate with any other Association or Society having objects wholly or in part similar to those of the Association;
- 4.1.11. Provide accommodation for members and their guest(s) upon premises of which the Association is the bona fide occupier and not for the purpose of making profits divisible amongst the members or any of them or in support of any object other than the accommodation of the members or the members and their guest(s); and
- 4.1.12. May act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

5. Qualifications for Membership of Association

5.1 Membership of the Association is divided into the following categories:

5.1.1. **Voting members** – comprised of the following sub-categories:

- (i) Full members;
- (ii) Parent/Family – with Sailing children
- (iii) Parent/Family – with non-Sailing children
- (iv) Life members;
- (v) Country members;
- (vi) Corporate members;
- (vii) Senior members.

5.1.2. **Ordinary members** – comprised of the following sub-categories:

- (i) Recreational/Social members;
- (ii) Student members;
- (iii) Crewing members;
- (iv) Parent/Family – with Sailing Children
- (v) Parent/Family – with non-Sailing children
- (vi) Retiree members;
- (vii) Junior members.

5.1.3. **Associate members** – comprised of the following sub-categories:

- Associate members;
- Corporate Umbrella members;
- Honorary members;
- Reciprocal members;
- Temporary members;
- Restricted members.

5.2 The qualifications for the sub-categories of membership referred to in Clause 5.1 are outlined in Schedule 1.

- 5.3 A person who wishes to become a member must be proposed and seconded by a Voting Member of the Association on the printed form supplied by the Association on which shall be stated the full given names and surnames, address, postal address and contact information of the candidate.
- 5.4 The proposal shall be forwarded to the Association and the name of the candidate to be posted prominently on the Club premises for at least 7 days.
- 5.5 The Committee may approve candidates, whose names have been submitted in accordance with the procedure in Clause 5.4 after a minimum period of 7 days from the date of nomination.
- 5.6 Any member may place before the Committee an objection to a proposed member in accordance with the following procedure:
- 5.6.1 An objection must be in writing and supported by written reasons;
 - 5.6.2 The Committee must consider all objections received in accordance with Clause 5.6 at the next available Committee Meeting; and
 - 5.6.3 Notification of the Committee's resolution of the objection must be supplied to the member opposing the membership within 10 days of the resolution being made.
- 5.7 The following persons must not, without the leave of the Commissioner, accept an appointment or act as a member of the Association:
- 5.7.1 A person who is, according to section 13D of the Interpretation Act 1984 (WA), as amended, a bankrupt person or a person whose affairs are under insolvency laws;
 - 5.7.2 A person who has been convicted, within or outside the state of Western Australia, of:
 - (i) An indictable offence in relation to the promotion, formation or management of a body corporate; or
 - (ii) An offence involving fraud or dishonesty punishable by imprisonment for a period of not less than 3 months; or
 - (iii) An offence under Division 3 or Section 127 of the Act.
- 5.8 The Committee must consider each application made under Clause 5.2 at a Committee Meeting and must at the Committee Meeting or the next Committee Meeting accept or reject that application.

6. General privileges of members

- 6.1 The general privileges of members are set out in Schedule 2.

7. Register of members of Association

- 7.1 The Association must comply with section 27 of the Act by:
- 7.1.1 Keeping and maintaining in an up to date condition a register of the members of the Association;
 - 7.1.2 Maintaining the contact details of members, in accordance with Clause 8.1.1; and
 - 7.1.3 Upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of

or take an extract from the register in accordance with Clause 8.2 but shall have no right to remove the register for that purpose.

- 7.2 The register must be so kept and maintained at the Association or at such other place as the members at a general meeting decide.
- 7.3 The Association must cause the name of a person who dies or who ceases to be a member under Clause 12 to be deleted from the register of members.
- 7.4 The register will be available at all times for inspection by authorised Government officials.

8. Privacy of Members

- 8.1 The details of the members of the Association shall be kept in a register in accordance with Clause 7, subject to the following qualifications:
 - 8.1.1. A member need only provide enough information to the register to enable contact with them;
 - 8.1.2. A person must not use or disclose information in the register except for a purpose that is connected with the affairs of the Association or that is related to the administration of the Act; and
 - 8.1.3. The details of the register must not be used for advertising purposes.
- 8.2 A member who wishes to copy the register of members must provide a statutory declaration setting out the purposes for which the application is made.

9. Subscriptions of Members of Association

- 9.1 All Members shall, subject to this Constitution, pay such nomination fees and subscriptions to the Association as shall be provided for by the By-laws of the Association.
- 9.2 The Committee has the power to refund any nomination fee or subscription or any part thereof provided that the amount of any subscription shall not be less than the minimum prescribed by the Liquor Act.
- 9.3 Any Junior or Student member who attains the maximum age of his or her Membership classification will not be required to pay any increase in subscription until the following Financial Year in which they have attained the maximum age.
- 9.4 Subject to Clause 9.2, a member whose subscription has not been paid within 3 months after the relevant date fixed by or under Clause 9.1 ceases on the expiry of that period to be a member, unless the Committee decides otherwise.
- 9.5 A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under Clauses 9.1 or 9.2 or within 3 months thereafter.

10. Termination of Membership of the Association

- 10.1 Membership of the Association may be terminated upon:
 - 10.1.1. Receipt by the Association of a notice in writing from a member of his or her resignation from the Association. Such person remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination; or

- 10.1.2. Non-payment by a member of his or her subscription, or any other money due to the Association, provided that:
 - (i) The member has been notified in writing of non-payment 14 days after the due date of payment; and
 - (ii) The amount due has remained unpaid not less than 14 days after such notice has been provided; or
- 10.1.3. Expulsion of a member in accordance with Clause 12.
- 10.2 The Committee may refund, or extend the time allowed for payment for any amount due under Clause 10.1.2 if:
 - 10.2.1. It is satisfied that the member is unable to pay the amount due by reason of being absent from Western Australia; or
 - 10.2.2. For any sufficient reason the Committee may think proper.
- 10.3 Any member whose membership has been terminated for non-payment of subscriptions or other monies due under Clause 9.1 shall be denied the privileges of a member or be a guest of the Association until a period of 6 months has elapsed and a new membership application has been approved by the Committee.

11. Disputes and Mediation

- 11.1 The rule operates subject to the Committee's discretion under Clause 12.
- 11.2 The grievance procedure set out in this rule applies to disputes under these rules between:
 - 11.2.1. A member and another member; or
 - 11.2.2. A member and the Association; or
 - 11.2.3. if the association provides services to non-members, those non-members who receive services from the Association; and the Association.
- 11.3 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.
- 11.4 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 11.5 The mediator must be:
 - 11.5.1. A person chosen by agreement between the parties; or
 - 11.5.2. In the absence of agreement:
 - (i) In the case of a dispute between a member and another member, a person appointed by the Committee;
 - (ii) In the case of a dispute between a member or relevant non-member (as defined by sub-rule (2) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 11.6 A member of the Association can be a mediator.
- 11.7 The mediator cannot be a member who is a party to the dispute.
- 11.8 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 11.9 The mediator, in conducting the mediation, must:
 - 11.9.1. Give the parties to the mediation process every opportunity to be heard;

- 11.9.2. Allow due consideration by all parties of any written statement submitted by any party; and
- 11.9.3. Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 11.10 The mediator must not determine the dispute.
- 11.11 The mediation must be confidential and without prejudice.
- 11.12 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Rules of Association, the Act or otherwise at law.

12. Suspension, Expulsion or Discipline of Members of the Association

- 12.1 If the Committee or the Club Manager receives a complaint from the Approved Manager or Approved Bar Staff, of a Member's behaviour which is considered a serious breach of the Liquor Act or any other legislation pertaining to occupational health and safety, or where police involvement is required, then they may suspend the Member for a period of time until a hearing can be established in accordance with Clause 12.3.
- 12.2 If the Committee considers that a member's conduct may be:
 - 12.2.1. Detrimental to the interests of the Association; or
 - 12.2.2. Offensive to Members of the Association; or
 - 12.2.3. Contrary to the Association's Constitution and By-laws
 it may appoint a Tribunal to hear the matter or it may hear the matter itself in accordance with the Association's Constitution and by-laws.
- 12.3 The Tribunal will:
 - 12.3.1. Be open to participation from any Voting or Ordinary member of the Association, with a minimum of 5 expressions of interest in writing to the Committee necessary to form a Tribunal;
 - 12.3.2. Be comprised of 3 Voting or Ordinary members, who have each expressed an interest in participation in accordance with Clause 12.3.1; and
 - 12.3.3. Make a recommendation to the Committee upon reaching a decision.
- 12.4 The Committee or the Tribunal appointed under Clauses 12.2 and 12.3 must:
 - 12.4.1. Make arrangements for a hearing of the matter, giving consideration to the availability of interested parties;
 - 12.4.2. Communicate to the member whose conduct is in question, either orally or in writing, at least 7 days prior to the hearing;
 - 12.4.3. The particulars from the matter to be heard; and
 - 12.4.4. The time, date and venue of the hearing;
 - 12.4.5. Hear submissions from any interested parties, complainants or witnesses relevant to the matter being heard;
 - 12.4.6. Allow the Member whose conduct is being questioned the opportunity to address any prejudicial statements made during the hearing; and
 - 12.4.7. Make a determination on the matter based on the findings of the hearing and any submissions made by the member whose conduct is in question.

- 12.5 Should the Committee or Tribunal make a determination that the members conduct is unsatisfactory, it may recommend or implement directly subject to rule 12.7 any, or a combination of the following –
- (i) A reprimand;
 - (ii) A fine;
 - (iii) Suspension of Association membership for a maximum period not exceeding 12 months;
 - (iv) Expulsion from the Association.
- 12.6 Members suspended as a result of a hearing under Clause 12 will remain liable for all Association subscriptions, fees, and levies.
- 12.7 Any Member subject to disciplinary measures as a result of a hearing conducted in accordance with Clause 12 of this Constitution shall be given written notice of the findings and conclusions of the hearing.

13. Committee of Management

- 13.1 The affairs of the Association will be managed exclusively by the Committee of Management consisting of:
- 13.1.1. The Flag Officers, Secretary and Treasurer; and
 - 13.1.2. Not less than four (4) and not more than eight (8) other persons, all of who must be Voting members of the Association and be eligible to stand for Association office in accordance with the Rules of the Association.
- 13.2 A Committee member's term will be from his or her election at an annual general meeting until the election at the following year's annual general meeting, subject to any other relevant Rules of the Association.
- 13.3 Except for nominees under Clause 13.7, a person is not eligible for election to membership of the Committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by:
- 13.3.1. The nominator; and
 - 13.3.2. The nominee to signify his or her willingness to stand for election, to the Association not less than 7 days before the day on which the annual general meeting concerned is to be held.
- 13.4 A person who is eligible for election or re-election under this rule may:
- 13.4.1. Propose or second himself or herself for election; and
 - 13.4.2. Vote for himself or herself.
- 13.5 If the number of persons nominated in accordance with Clause 13.1 for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled:
- 13.5.1. The Manager (Returning Officer) must report accordingly to the annual general meeting and the Chairperson; and
 - 13.5.2. The Manager (Returning Officer) must declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.

- 13.6 If vacancies remain on the Committee after the declaration under Clause 13.5, additional nominations of Committee members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.
- 13.7 If a vacancy remains on the Committee after the application of Clause 13.3, or when a casual vacancy within the meaning of Clause 20 occurs in the membership of the Committee:
- 13.7.1. The Committee may appoint a member to fill that vacancy; and
- 13.7.2. A member appointed under this Clause will:
- (i) Hold office until the election referred to in Clause 13.3; and
- (ii) Be eligible for re-election to membership of the Committee, at the next following annual general meeting.
- 13.8 The Committee may appoint sub-committees with or without members of the Committee except that the Commodore shall be, ex officio, a member of each sub-committee
- 13.9 The Committee may delegate, in writing, to one or more sub-committees (consisting of such member or members of the association as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than:
- 13.9.1. The power of delegation; and
- 13.9.2. A function which is a duty imposed on the Committee by the Act or any other law.
- 13.10 Any delegation under Clause 13.9 may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.
- 13.11 The Committee may, in writing, revoke wholly or in part any delegation under Clause 13.9.
- 13.12 A member elected to serve on the Committee who does not attend three consecutive Committee meetings without:
- 13.12.1. Giving notice to the Committee for their absence; or
- 13.12.2. Where the reasons for their absence are not reasonable in the opinion of the Committee may be subject to disciplinary procedures in accordance with the rules of the Association.

14. Officers of the Association

- 14.1 The Officers of the Association shall consist of:
- 14.1.1. A Commodore;
- 14.1.2. A Vice-Commodore;
- 14.1.3. Rear Commodore Sail;
- 14.1.4. Rear Commodore Power and Fishing;
- 14.1.5. Rear Commodore Juniors;
- 14.1.6. Executive Officer;
- 14.1.7. The Treasurer; and
- 14.1.8. The Secretary.

- 14.2 The Commodore, Vice-Commodore, Rear Commodores and Executive Officer shall be known as Flag Officers.
- 14.3 All candidates for Flag Officers shall be the owner or part owner of a vessel on the Club Register.
- 14.4 A Flag Officer, who ceases to be the owner of a vessel on the Club Register during a term of office, shall not be disqualified from continuing in their position for the remainder of the term of office.

15. Election of Committee Members

- 15.1 All Committee members will:
 - 15.1.1. Be elected at each annual general meeting.
 - 15.1.2. Hold office until the following year's annual general meeting, subject to the rules of the Association; and
 - 15.1.3. Be eligible for re-election, subject to Clause 15.2.
- 15.2 Flag Officers are not eligible for re-election in the same capacity if they have held the same position for 3 consecutive terms immediately prior to the current election.
- 15.3 Where any of the positions of Flag Officer do not attract at least one nomination for that position by the deadline as set out in Clause 13, nominations for that position will be called again from the floor of the annual general meeting and Clause 15.2 will not apply.
- 15.4 Where the number of candidates does not exceed the number of the respective position(s) to be filled, the nominated candidate(s) shall be declared elected.
- 15.5 Where the number of candidates does exceed the number of respective position(s) to be filled, the position(s) for which this situation exists shall be determined by ballot in the following order:
 - 1. Commodore
 - 2. Vice-Commodore
 - 3. Rear Commodore Sail;
 - 4. Rear Commodore Power and Fishing;
 - 5. Rear Commodore Juniors;
 - 6. Executive Officer;
 - 7. Treasurer;
 - 8. Secretary
- 15.6 The election of Committee members will be by ballot and taken in the following manner:
 - 15.6.1. The names of the nominated candidates shall be printed on ballot forms for the position;
 - 15.6.2. Each member present at the annual general meeting, who is eligible to vote, shall be given a ballot form and will indicate their decision by marking the name(s) of the candidate(s) whom they wish to vote for, leaving the same number of name(s) as there are vacancies for the position being voted on;
 - 15.6.3. Where there are positions where more than one vacancy is to be filled, those candidates with the highest vote tally shall be declared elected;
 - 15.6.4. Informal ballot papers will be invalid; and
 - 15.6.5. Eligible members pursuant to Clause 25 who are physically present at the annual general meeting may vote; and

- 15.6.6. Members' eligible to vote who are unable to attend the meeting may apply to the Manager (returning Officer) to lodge an absentee vote in regard to Notices of Motion and the election of Officers.
 - 15.6.6.1. An application for an absentee vote shall be in writing and lodged with the Manager (Returning Officer) not later than 10.00 hours on the last working day prior to the date of the meeting.
 - 15.6.6.2. Upon being satisfied that the applicant is a financial member eligible to vote the Manager (Returning Officer) shall authorise the issuing of a set of voting papers by post, electronically or by collection at the club office.
 - 15.6.6.3. All absentee voting papers shall have a counterfoil which is numbered and include the name and membership number of the applicant member and this information shall be recorded in the absentee voting register.
 - 15.6.6.4. Absentee voting papers shall be returned to the Manager (returning Officer).
 - 15.6.6.5. An absentee voting paper being returned electronically, shall be in the designated electronic mailbox no later than 17.00 hours on the last working day prior to the meeting.
 - 15.6.6.6. An absentee voting paper being returned by post shall be in the Club's post office box for collection on the morning of the last working day prior to the meeting.
 - 15.6.6.7. An absentee voting paper returned by hand shall be received at the Club office before 17.00 hours on the last working day prior to the meeting or placed in the ballot box provided at the meeting.
 - 15.6.6.8. The Manager (Returning Officer) shall check the names on the absentee voting papers to the meeting register.
 - 15.6.6.9. An absentee vote will be invalid and not counted if it is not on the official voting paper, has been altered in any way or is not signed by the voting member.
- 15.7 Where the number of candidates for the Committee positions under Clause 13.1 exceeds the number of respective position(s) to be filled, they shall be determined by ballot following the ballot order in Clause 15.5.

16. Chairperson and Vice-Chairperson

- 16.1 Subject to this rule, the Chairperson must preside at all general meetings and Committee meetings.
- 16.2 In the event of the absence from a General meeting of:
 - 16.2.1. The Chairperson, the Vice-Chairperson; or
 - 16.2.2. Both the Chairperson and the Vice-Chairperson, a member elected by the other members present at the general meeting,must preside at the general meeting.
- 16.3 In the event of the absence from a Committee meeting of:
 - 16.3.1. The Chairperson, the Vice-Chairperson; or
 - 16.3.2. Both the Chairperson and the Vice-Chairperson, a Committee member elected by the other Committee members present at the Committee meeting,

must preside at the Committee meeting.

17. Secretary

- 17.1 The Secretary or a nominee of the Secretary shall ensure that the following duties are carried out:
- 17.1.1. Co-ordinate the correspondence of the Association;
 - 17.1.2. Ensure full and correct minutes of the proceedings of the Committee and of the Association are kept;
 - 17.1.3. Comply on behalf of the Association with:
 - (i) Section 27 of the Act with respect to the register of members of the Association, as referred to in Clause 7;
 - (ii) Section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of a member of the Association, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
 - (iii) Section 29 of the Act by maintaining a record of:
The names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under Clause 29.
 - 17.1.4. And the Secretary must, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;
 - 17.1.5. All books, documents, records and registers of the Association, are to be maintained and secured at the Association; and
 - 17.1.6. Perform such other duties as are imposed by this Constitution and By-laws on the Secretary.

18. Treasurer

- 18.1 The Treasurer or a nominee of the Treasurer shall ensure that the following duties are carried out:
- 18.1.1. Receipt all moneys paid to or received by, or by him or her on behalf of, the Association and must issue receipts for those moneys in the name of the Association;
 - 18.1.2. Pay all moneys referred to in Clause 18.1.1 into such account or accounts of the Association as the Committee may from time to time direct;
 - 18.1.3. Make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Committee member, or by any two others as are authorised by the Committee;
 - 18.1.4. Comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by:
 - (i) Keeping such accounting records that correctly record and explain the financial transactions and financial position of the Association;

- (ii) Keeping its accounting records in such manner as will enable true and fair accounts of the association to be prepared from time to time.
 - (iii) Keeping its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited.
 - (iv) Submitting to members at each annual general meeting of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year.
- 18.1.5. Whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
- 18.1.6. Perform such other duties as are imposed by this Constitution and Bylaws on the Treasurer.
- 18.2 After providing for all expenses and payments considered by the Committee to be necessary or desirable, the balance of the funds of the Association may be utilised or dealt with in such manner as the Committee determines for the furtherance of the objects of the Association.

19. Club Manager

- 19.1 It will be the duty of the Club Manager to:
- 19.1.1. Exercise the day-to-day management of the Association premises and property, and leased areas, and to control the staff employed by the Association;
 - 19.1.2. Be in attendance, with speaking but not voting rights, at all general meetings and Committee meetings;
 - 19.1.3. Ensure that all liquor licensing requirements and regulations are observed and that any documentation and renewal of registration and licenses required for any Association activity is in compliance with the relevant government authorities and legislation.
 - 19.1.4. Ensure the Club is open for the sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Act.
- 19.2 These duties are in addition to such duties as the Committee specifies and those duties contained in the By-laws of the Association.

20. Casual Vacancies in Membership of the Committee

- 20.1 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member;
- 20.1.1. Dies;
 - 20.1.2. Resigns by notice in writing delivered to the Chairperson or, if the Committee member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Committee;
 - 20.1.3. Is convicted of an offence under the Act or any other Act;
 - 20.1.4. Is permanently incapacitated by mental or physical ill-health;
 - 20.1.5. Is absent from more than:
 - (i) 3 consecutive Committee meetings, or
 - (ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;

of which meetings the member received notice, and the Committee has resolved to declare the office vacant; or

20.1.6. Ceases to be a member of the Association; or

20.1.7. Is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

21. Proceedings of the Committee

21.1 The Committee shall meet at least once in every calendar month.

21.2 Each Committee member has a deliberative vote.

21.3 A question arising at a Committee meeting must be decided by a majority of votes, but if there is no majority, the Chairperson will have a casting vote in addition to his or her deliberative vote.

21.4 At a Committee meeting six (6) Committee members constitute a quorum.

21.5 In the absence of a quorum at a Committee meeting, the most senior member present shall postpone the meeting, then a replacement meeting must take place not more than 7 days from the date of the postponed meeting.

21.6 At Committee meetings the Chair shall be taken by the most senior member present, which will be determined with reference to Clause 21.7.

21.7 The order of seniority for members of the Committee shall be as follows:

1. Commodore;
2. Vice Commodore;
3. Rear Commodore Sail;
4. Rear Commodore Power;
5. Rear Commodore Juniors;
6. Executive Officer
7. Treasurer; and
8. Secretary; and
9. The remaining Committee members by surname, in alphabetical order.

21.8 Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.

21.9 As required under sections 21 and 22 of the Act, a Committee member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must:

21.9.1. As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and

21.9.2. Not take part in any deliberations or decision of the Committee with respect to that contract.

21.10 Clause 21.9.1 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.

- 21.11 The Secretary must cause every disclosure made under Clause 21.9.1 by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.
- 21.12 The minutes of each Committee meeting shall be recorded by the Secretary or his or her nominee and shall be recorded in accordance with the rules of the Association.
- 21.13 Unless otherwise approved by the Chairperson or his or her designate or any other person specified by the Committee, all outgoing correspondence must be tabled at the Committee meeting prior to its release.

22. General Meetings

- 22.1 All members of the Association are entitled to attend general meetings.
- 22.2 The Committee:
 - 22.2.1. May at any time convene a special general meeting, subject to Clause 23;
 - 22.2.2. Must convene annual general meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner;
 - 22.2.3. Must, within 30 days of receiving a request in writing to do so from not less than 25 Voting Members, or by authority of the Committee, convene a special general meeting for the purpose specified in that request;
- 22.3 The members making a request referred to in Clause 22.2 must:
 - 22.3.1. State in that request the purpose for which the special general meeting concerned is required; and
 - 22.3.2. Sign that request.
- 22.4 If a special general meeting is not convened within the relevant period of 30 days referred to, the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
- 22.5 When a special general meeting is convened under Clause 22.4 the Association must pay the reasonable expenses of convening and holding the special general meeting.
- 22.6 Subject to Clause 22.2, the Secretary must give to all members not less than 14 days' notice of a special general meeting and that notice must specify:
 - 22.6.1. When and where the general meeting concerned is to be held; and
 - 22.6.2. Particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- 22.7 Subject to Clause 22.2, the Secretary must give to all members not less than 21 days' notice of an annual general meeting and that notice must specify:
 - 22.7.1. When and where the annual general meeting is to be held;
 - (i) Unless otherwise specified, the annual general meeting is to be held on Club premises.
 - 22.7.2. The particulars and order in which business is to be transacted, as follows:
 - (i) First, the consideration of the accounts and reports of the Committee up to the 31st March in each year;
 - (ii) Second, any other business requiring consideration by the Association at the general meeting.

- (iii) Third, the election of Committee members to replace outgoing members;
and
- 22.8 A special resolution may be moved either at a special general meeting or at an annual general meeting; however the Secretary must give to all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in Clause 22.2, as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- 22.9 The Secretary must ensure that a notice is given under Clause 22.2, 22.3 or 22.5 by:
 - 22.9.1. Serving it on a member personally; or
 - 22.9.2. Sending it by post to a member at the address of the member appearing in the register of members kept and maintained under Clause 7.
 - 22.9.3. Posting it on the Association Notice Board, where it will remain until the conclusion of the meeting.
- 22.10 When a notice is sent by post under Clause 22.9.2, sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.
- 22.11 Accidental omission to post the notice on the Association Notice Board or to send or delay in sending any notice or non-receipt of any notice will not invalidate any meeting, nomination, resolution or election. Any notice removed from the Association Notice Board must be replaced with a copy thereof by the Secretary after discovery of removal by the Secretary.
- 22.12 A half yearly general meeting may be held in the months of November or December in each year and shall be convened and conducted in a manner provided herein for the convening and conducting of annual general meetings.

23. Quorum and Proceedings at General Meetings

- 23.1 At a general meeting 25 Voting members present in person constitute a quorum.
- 23.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under Clause 22.2, a quorum is not present, the general meeting stands adjourned to such time, date and place as the senior Flag Officer present, or if no Flag Officer, the most senior member of the Committee, shall deem fit.
- 23.3 If within 30 minutes of the time appointed by Clause 22.2 for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting from time to time and from place to place.
- 23.4 The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 23.5 There must not be transacted at an adjourned meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 23.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under Clause 22 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 23.7 At a general meeting:

- 23.7.1. An ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to Clause 23.9; and
- 23.7.2. A special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in Clause 2, and, if a poll is demanded, in accordance with Clause 23.9 and 23.11.
- 23.8 A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with Clause 23.9.
- 23.9 At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or and, if so demanded, must be taken in such manner as the Chairperson directs.
- 23.10 If a poll is demanded and taken under Clause 23.9 in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.
- 23.11 A poll demanded under Clause 23.9 must be taken immediately on that demand being made.
- 23.12 At general meetings the Senior Flag Officer present shall take the chair, or if no Flag Officer is present, by a Voting member chosen by the meeting via an ordinary resolution.
- 23.13 Every question, subject to Clause 23.7.2 and 23.9, shall be decided by an ordinary resolution. Every Voting member present at the meeting shall have one vote and, in case of equality of votes, the Chairperson shall have a second or casting vote.
- 23.14 On a vote any two Voting members may call for a division, when the Chairman shall divide the meeting.
- 23.15 The quorum for special general meetings shall be 25 Voting members.
- 23.16 If within 15 minutes after the time specified in a request or notice referred to in Clause 22.2 or as a result of action taken under Clause 22.2 a quorum is not present, the special general meeting lapses.

24. Minutes of Meetings of Association

- 24.1 The Secretary must ensure proper minutes of all proceedings of all general meetings and Committee meetings be taken and then be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute file kept for that purpose.
- 24.2 The Chairperson must ensure that the minutes taken of a general meeting or Committee meeting are checked and signed as correct by the Chairperson of the general meeting or Committee meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Committee meeting, as the case requires.
- 24.3 When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:
 - 24.3.1. The general meeting or Committee meeting to which they relate (in this Clause called "the meeting") was duly convened and held;
 - 24.3.2. All proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

24.3.3. All appointments or elections purporting to have been made at the meeting have been validly made.

24.4 The minutes of all meetings will include the following:

24.4.1. The names of those Committee members present, absent, given apology or away by way of leave of absence;

24.4.2. The names of any individual in attendance, but not members of the Committee;

24.4.3. The confirmation of minutes of any previous Committee meeting not already having confirmed minutes;

24.4.4. Listing of all correspondence in and out;

24.4.5. Listing of all applications for new membership, change of status, leave of absence and resignations;

24.4.6. Sub-committee reports; and

24.4.7. All motions moved and all decisions taken by consensus.

25. Voting rights of Members of Association

25.1 Subject to these Rules of Association only Voting Members shall be entitled to vote at general meetings, but any accidental breach of this article will not invalidate any election or resolution.

26. Proxies of Members of Association

26.1 The Association does not allow for eligible members to appoint a proxy to vote on his or her behalf but does allow absentee voting, in accordance with the process outlined at Clause 15.6.6

27. Rules of Association

27.1 The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in Sections 17, 18 and 19 of the Act, which is as follows:

27.1.1. Subject to Clause 27.1.4, the Association may alter its rules by special resolution but not otherwise;

27.1.2. As soon as practicable after the making of any proposal for a change to the rules of the association, the association shall provide to the Director of Liquor Licensing the proposed changes. No effect will be given to the changes without the prior approval of the Director.

27.1.3. Within one month after the making of any amendment or addition to the changes without the prior approval of the Director.

27.1.4. Within one month after the making of any amendment or addition to the rules of the Association, passed by special resolution, the Committee shall send or deliver a certified copy of the amendment or alteration to the Consumer Protection Division of the Department of Commerce. No effect will be given to the amendments without the approval of this Department, in addition, all amendments passed as a special resolution must be noticed to the Director of Liquor Licensing.

28. By-laws of the Association

- 28.1 The Committee shall have the power to make, alter and rescind any by-law that it considers necessary for the effective administration of the association, provided that no by-law may be inconsistent with the rules of the association.
- 28.2 Any amendments to the by-laws must be communicated to the members of the association at each annual general meeting.

29. Common Seal of Association

- 29.1 The Association shall have a common seal, which shall be kept in the custody of the Secretary and shall not be affixed to any document except by the authority of the Committee of Management and in the presence of one member of the Committee. Any document to which the seal is affixed shall be countersigned by the Secretary or an officer appointment by the Committee of Management for that purpose.

30. Inspection of Records of Association

- 30.1 Any member may at any reasonable time inspect without charge the books, documents, records and securities of the Association, in accordance with the rules of the Association.

31. Distribution of Surplus Property on Winding Up of Association

- 31.1 On application made in writing to the Committee by fifty effective Members signifying their desire that the Association should be dissolved, a special general meeting shall be called to consider the question. At such meeting votes by absentee will be received and the votes of at least seventy-five (75) percent of the Members voting in person or by absentee will be necessary to carry the proposition for dissolution.
- 31.2 If upon winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred:
 - 31.2.1. To another club or association incorporated under the Associations Incorporations Act (WA) as existing and current at the time; or
 - 31.2.2. For charitable purposes;
- 31.3 This incorporated association or purposes, as the case requires shall be determined by the resolution of the members when authorising and directing the Committee under section 33(3) of The Act to prepare a distribution plan of the surplus property of The Association.

32. General Code of Conduct for Members of the Association

- 32.1 All members of the Association must adopt the following general standard codes:
 - 32.1.1. Respect the dignity, rights and worth of fellow members;
 - 32.1.2. Be fair, considerate, and honest in all dealings with members;
 - 32.1.3. Be professional in, and responsible for, actions and activities while on Club premises, when representing the Association or in the course of conducting or participating in Association events and competitions;
 - 32.1.4. Refrain from using the Association's assets or property for personal gain

- 32.2 Further standards relative to elected officers, Committee members and the Club Manager:
- 32.2.1. Shall respect, in accordance with Clause 8 and the Act, the confidentiality of members and employee information and not use any such information for personal gain or benefit;
 - 32.2.2. Shall disclose to the Association any actual or perceived conflicts of interest of a direct or indirect nature that could compromise them as a member, the performance of the Association or its reputation;
 - 32.2.3. Shall declare any direct or indirect pecuniary interest in any proposal, contract or proposed contract being contemplated by the Association or its officials;
 - 32.2.4. Shall maintain the principle of accuracy in the preparation and prompt distribution of all relevant Association information to members of the association;
 - 32.2.5. Shall exercise due diligence while on Association premises and property at all times;
 - 32.2.6. Shall not participate in any unwarranted activity that may cause damage to the reputation, standing or integrity of the Association or its members;
 - 32.2.7. Shall not accept personally, any gift or other incentive that may be perceived as a conflict of interest to their position.
- 32.3 The Association may take disciplinary action, pursuant to Clause 12, against any member, Flag Officer or Committee member.

33. Transitional Arrangements

- 33.1 Notwithstanding any other rule of this Constitution the transitional arrangements set out in this rule shall apply from the date of adoption of this Constitution.
- 33.2 The Members and Officers of the Committee (by whatever name it is called) of the Association in place immediately prior to approval of this Constitution under the Act shall continue in those positions until the next annual general meeting following such approval, and thereafter the positions of Commodore, Flag Officers and Committee Members shall be filled, vacated and otherwise dealt with in accordance with this Constitution.
- 33.3 All clauses, rules, By-Laws and regulations of the Association in force at the date of the approval of this Constitution in so far as such clauses, rules, By-Laws and regulations are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be By-Laws under this rule of the Association.
- 33.4 All individuals who are, prior to the approval of this Constitution, Members of the Association shall be deemed Members of the Association from the time of approval of this Constitution under the Act. All such Members shall continue to enjoy the same status and privileges that applied to them prior to the approval of this Constitution.

Schedule 1 – General Qualifications of Sub-Categories of Membership

Membership Category	Membership Sub-category	Qualifications
Voting Member	(1) Full	Any person- (a) over the age of 18 years; (b) who may be approved by the Committee.
	(2) Parent/Family – with Sailing children	Any person who has a child or children enrolled in a sailing training course in the Association.
	(3) Parent/Family – with non-Sailing children	
	(4) Life	Any person- (a) over the age of 18 years; (b) who has in the opinion of the Committee to have rendered special services to the Association; and (c) has been recommended for Life Membership by a resolution passed at a Committee meeting and approved by a simple majority at a general meeting; and (d) there shall be no more than 2 such Life Members elected in one Financial Year.
	(5) Country	Any person- (a) over the age of 18 years; (b) whose place of residence is more than 100km from the Club premises; (c) who is approved by the Committee.
	(6)Corporate	(a) A member which is a body corporate may appoint in writing a natural person, whether or not he or she is a current member, to- (i) represent it at a particular general meeting or at all general meetings; and (ii) assume all other responsibilities and privileges of corporate membership. (b) An appointment made under (a) must be made by a resolution of the board or other governing body of the body corporate concerned- (i) Which resolution is authenticated under the common seal of that body corporate; and (ii) A copy of which resolution is lodged with the Secretary. (c) A person appointed under (a) to represent a member which is a body corporate is deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting. (d) The body corporate must have been accepted by the Committee for Corporate membership and must pay the appropriate nomination and yearly membership fee. (e) The maximum number of persons who may be admitted under Corporate membership shall not exceed 10 percent of the total membership of the Association.
	(7)Senior Member	Any person who has been a Voting member for the immediately previous period of five years, for whom the sum given by adding their age in years to the number of years immediately prior for which they are a Voting Member equals or exceeds 80 and who may be elected by the Committee.

Membership Category	Membership Sub-category	Qualifications
Ordinary Member	(1)Recreational/ Social	Any person- (a) over the age of 18 years; (b) who may be approved by the Committee.
	(2)Student	Any person that- (a) Has been a junior member for the 3 subscription years immediately prior to them attaining the age of 18; and (b) Participates in the Club's sailing activities and is a full time student; and (c) Is not over the age of 25.
	(3)Crewing	
	(4)Parent/Family – with Sailing children	Any person who has a child or children enrolled in a sailing training course in the Association.
	(5)Parent/Family – with non-Sailing children	
	(6)Retiree	Any person who is a bona fide Aged or Invalid Pensioner who may be approved by the General Committee;
	(7)Junior	Any Person- (a) Whose age does not exceed 18 years (b) Who may be approved by the Committee
Associate Member	(1)Associate	Any person- (a) over the age of 18 years (b) who is the spouse/partner or the surviving spouse/partner of a Full, Life, Senior, Country or Retiree Member. (c) who may be approved by the Committee.
	(2)Corporate Umbrella	Any person who has an interest in the organisation to whom the corporate membership belongs. There can be no more than 5 corporate umbrella members for each organisation's corporate membership
	(3)Honorary	Any such persons who are eligible in accordance with the By-Laws
	(4)Reciprocal	Any person over the age of 18 years who are Members of any yacht club affiliated with a Yachting Association of any state and whose Membership in such club is of a rank or status equal to that of a Full or Life Member of that club;
	(5)Temporary	Pursuant to section 48(5) of the Liquor Act, the Association may grant Temporary Membership, with the permission of a Flag Officer, to a person who is visiting the Association as a member or an official of, or a person assisting, a team that is to contest a prearranged event in that sport on that day or at the invitation of a member to engage in that sport on that day, may be taken to be a person who is afforded temporary membership on that day.
	(6)Restricted	(a) Over the age of 18 years (b) who wishes to participate in selected Association sailing recreational or social events as defined in the By-Laws of the Association from time to time (c) who may be approved by the Committee of Management

Schedule 2 – General Privileges of Members

Voting Members	Ordinary Members					Associate Members				Restricted
	Student	Recreational /Social Parent/ Family	Crewing	Retiree	Junior	Associate	Reciprocal	Corporate Umbrella /Honorary	Temporary	
Attend all General Meetings										
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Vote at all General Meetings										
✓										
Nominate for any office of the Association										
✓										
Propose or second any Member for any class of membership of the Association										
✓										
Propose or second any eligible Member for any office of the Association										
✓										
To use any facilities of the Association unless otherwise restricted by the Constitution, By-laws or legal obligations of the Association										
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
To place a boat on the Club Register										
✓	✓			✓	✓					
To launch, retrieve, helm, crew or be the person in charge of a boat at any Association annex, marina, or event unless otherwise restricted by the Constitution, By-laws or legal obligations of the Association.										
✓	✓	✓	✓	✓	✓	✓			✓	
Nominate for Committee of Management position unless otherwise restricted by the Constitution, By-laws or legal obligations of the Association.										
✓										