

RULES FOR AN INCORPORATED ASSOCIATION

YARINGA MARINERS CLUB

1. The name of the incorporated association is Yaringa Mariners Club (in these Rules called "**the Association**").

2. DEFINITIONS

2.1 In these Rules, unless the contrary intention appears:

- (1) "**Act**" means the Associations Incorporation Act 1981;
- (2) "**Committee**" means the committee of management of the Association;
- (3) "**Financial Year**" means the year ending on 30 June;
- (4) "**General Meeting**" means a general meeting of Members convened in accordance with Rule 12.
- (5) "**Member**" means a member of the Association or, where the context permits, a Member of the Committee;
- (6) "**Member of the Committee**" means a member of the Committee and includes the Ordinary Members of the Committee and the Officers;
- (7) "**Officer**" means an officer of the Association under Rule 21;
- (8) "**Ordinary Member of the Committee**" means a Member of the Committee who is not an Officer of the Association under Rule 21;
- (9) "**Person**" means legal person and includes company, body corporate, association, organisation and firm.
- (10) "**Principal Purpose**" means the principal purpose of the Association as provided in the statement of purposes of the Association;
- (11) "**Register**" and "**Register of Members**" means the register of Members kept by the Secretary of the Association in accordance with Rule 5;
- (12) "**Regulations**" means regulations under the Act;
- (13) "**Relevant Documents**" has the same meaning as in the Act.

2.2 In these Rules a reference to the Secretary of an Association is a reference:

- (1) if a person holds office under these Rules as Secretary of the Association, to that person; and
- (2) in any other case, to the public officer of the Association.

3. ALTERATION OF THE RULES

These Rules and the statement of purposes of the Association must not be altered except in accordance with the Act.

4. MEMBERSHIP, ENTRY FEES AND SUBSCRIPTION

- (1) The association shall be formed in two divisions:
 - (a) A sailing division that shall be formed from members who actively participate in organized yacht racing, yacht cruising or other sailing related activities. Sailing division members shall be affiliated to Yachting Victoria.
 - (b) A power boat division that shall be formed from members who actively participate in organized power boat activities such as the fishing club, Internal Combustion Engine (ICE) social club or other power boat related activities. Power boat division members shall be affiliated to Boating Victoria.
- (2) A person who applies and is approved for membership as provided in these Rules is eligible to be a Member of the Association on payment of the relevant entry fee and annual subscription payable under these Rules.
- (3) A person who is not a Member of the Association at the time of the incorporation of the Association (or who was a Member at that time but has ceased to be a Member) will not be admitted to membership unless:

- (a) he or she is nominated for membership by an existing member and that nomination is seconded by one other existing member;
 - (b) the admission as a Member is approved by the Committee; and
 - (c) he or she applies for membership in accordance with Sub-rule (3).
- (4) An application of a person for membership of the Association must:
- (a) be made in writing in the form set out in Appendix 1; and
 - (b) be lodged with the Secretary of the Association.
- (5) As soon as practicable after the receipt of an application, the Secretary must refer the application to the Committee.
- (6) The Committee must determine whether to approve or reject the application.
- (7) If the Committee approves an application for membership, the Secretary must, as soon as practicable:
- (a) notify the applicant in writing of the approval for membership; and
 - (b) request payment within 28 days after receipt of the notification of the total amount payable under these Rules (i.e. annual subscription and entrance fee).
- (8) The Secretary must, within 28 days after receipt of the amounts referred to in Sub-rule (6), enter the applicant's name in the Register of Members.
- (9) An applicant for membership becomes a Member and is entitled to exercise the rights of membership when his or her name is entered in the Register of Members.
- (10) If the Committee rejects an application, the Committee must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- (11) Membership shall be divided into the following classes:
- (a) Senior
Persons over the age of 18 years (male or female) and shall be members of the appropriate division, senior members have full voting rights, are eligible for committee membership and to participate in all Club activities.
 - (b) Family
Husband, wife and children under the age of 14 years, and shall be members of the appropriate division, only one of the adults is entitled to voting rights or Committee membership. The family group may participate in all Club activities.
 - (c) Junior
Persons between the ages of 9 and 18.
 - (d) Associate
Associate membership is available to persons who are not senior or family members but who crew in more than three races or other organized club activities in one financial year and may participate in all club activities and shall be members of the appropriate division. Associate members have no right to Committee membership or to vote.
 - (e) Social
Relatives and friends of members, Social members are only entitled to participate in a maximum of three races or club boating based activities in any one financial year and may participate in all other club activities and shall be members of the appropriate division. Social members have no right to Committee membership or to vote.
 - (f) Honorary
Honorary membership shall be granted at the discretion of the Committee to those persons who have, in the opinion of the committee, contributed greatly to the furtherance of boating at Yaringa or on Western Port. Honorary members have no voting rights but may be co-opted onto a general or subcommittee where their expertise is sought.

- (g) Life membership

Life membership is available on the payment of a one off fee. Life membership may also be granted at the discretion of the committee. Life members shall have the same rights as Senior members.

- (12) A right, privilege, or obligation of a person by reason of membership of the Association:
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon the cessation of membership whether by death, resignation or otherwise.
- (13) The entrance fee is the relevant amount set out in Appendix 4, or such other amount as the Committee may determine from time to time.
- (14) The annual subscription is the relevant amount set out in Appendix 4, or such other amount as the Committee may determine from time to time, and is payable in advance on or before 1 July in each year.
- (15) Whilst there are sailing division senior members in good standing, the club will remain affiliated with Yachting Victoria.
- (16) Whilst there are boating division senior members in good standing, the club will remain affiliated with Boating Victoria.

5. REGISTER OF MEMBERS

- (1) The Secretary must keep and maintain a Register of Members containing:
- (a) the name and address of each Member; and
 - (b) the date on which each Member's name was entered in the Register.
- (2) The Register is available for inspection free of charge by any Member upon request.
- (3) A Member may make a copy of entries in the Register.
- (4) The register of members may also be kept on the Yachting Australia database 'My Club.'

6. CEASING MEMBERSHIP

- (1) A Member of the Association who has paid all money due and payable to the Association may resign from the Association by giving one month's written notice to the Secretary.
- (2) After the expiry of the period referred to in Sub-rule (1):
- (a) the Member ceases to be a Member; and
 - (b) the Secretary must record in the Register of Members the date on which the Member ceased to be a Member.

7. DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

- (1) Subject to these Rules, if the Committee is of the opinion that a Member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a Member or prejudicial to the interests of the Association, the Committee may, by resolution:
- (a) fine that Member an amount not exceeding \$500; or
 - (b) suspend that Member from membership of the Association for a specified period; or
 - (c) expel that Member from the Association.
- (2) A resolution of the Committee under Sub-rule (1) does not take effect unless:
- (a) at a meeting held in accordance with Sub-rule (3), the Committee confirms the resolution; and
 - (b) if the Member exercises a right of appeal to the Association under this Rule, the Association confirms the resolution in accordance with this Rule.
- (3) A meeting of the Committee to confirm or revoke a resolution passed under Sub-rule (1) must be held not earlier than 14 days and not later than 28 days after notice has been given to the Member in accordance with Sub-rule (4).

- (4) For the purposes of giving notice in accordance with Sub-rule (3), the Secretary must, as soon as practicable, cause to be given to the Member a written notice:
- (a) setting out the resolution of the Committee and the grounds on which it is based; and
 - (b) stating that the Member, or his or her representative, may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that Member; and
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the Member that he or she may do one or both of the following:
 - (i) attend that meeting;
 - (ii) give to the Committee before the date of that meeting a written statement seeking the revocation of the resolution;
 - (e) informing the Member that, if at that meeting the Committee confirms the resolution he or she may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- (5) At a meeting of the Committee to confirm or revoke a resolution passed under Sub-rule (1), the Committee must:
- (a) give the Member, or his or her representative, an opportunity to be heard; and
 - (b) give due consideration to any written statement submitted by the Member; and
 - (c) determine by resolution whether to confirm or to revoke the resolution.
- (6) If at the meeting of the Committee, the Committee confirms the resolution, the Member may, not later than 48 hours after that meeting, give the Secretary a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- (7) If the Secretary receives a notice under Sub-rule (6), he or she must notify the Committee and the Committee must convene a General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- (8) At a General Meeting of the Association convened under Sub-rule (7):
- (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - (c) the Member, or his or her representative, must be given an opportunity to be heard; and
 - (d) the Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- (9) A resolution is confirmed if, at the General Meeting, not less than two-thirds of the Members vote in person or by proxy in favour of the resolution. In any other case, the resolution is revoked.

8. DISPUTES AND MEDIATION

- (1) The grievance procedure set out in this Rule applies to disputes under these Rules between:
- (a) a Member and another Member; or
 - (b) a Member and the Association.
- (2) 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.
- (3) 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.
- (4) The mediator must be:
- (a) a person chosen by agreement between the parties; or

- (b) in the absence of agreement:
 - (i) in the case of a dispute between a Member and another Member, a person appointed by the Committee of the Association; or
 - (ii) in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- (5) A Member of the Association can be a mediator.
- (6) The mediator cannot be a Member who is a party to the dispute.
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (8) The mediator, in conducting the mediation, must:
 - (a) give the parties to the mediation process every opportunity to be heard; and
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute.
- (10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

9. ANNUAL GENERAL MEETINGS

- (1) The committee may determine the date, time and place of the annual general meeting of the Association.
- (2) The notice convening the annual General Meeting must specify that the meeting is an annual General Meeting.
- (3) The ordinary business of the annual General Meeting shall be:
 - (a) to confirm the minutes of the previous annual General Meeting and of any General Meeting held since that meeting; and
 - (b) to receive from the Committee reports upon the transactions of the Association during the last preceding financial year; and
 - (c) to elect Officers of the Association and the Ordinary Members of the Committee; and
 - (d) to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.
- (4) The annual General Meeting may conduct any special business of which notice has been given in accordance with these Rules.

10. SPECIAL GENERAL MEETINGS

- (1) In addition to the annual General Meeting, any other General Meetings may be held in the same year.
- (2) All General Meetings other than the annual General Meeting are special General Meetings.
- (3) The Committee may, whenever it thinks fit, convene a special General Meeting of the Association.
- (4) If, but for this Sub-rule, more than 15 months would elapse between annual General Meetings, the Committee must convene a special General Meeting before the expiration of that period.
- (5) The Committee must, on the request in writing of Members representing not less than 5 per cent of the total number of Members, convene a special General Meeting of the Association.
- (6) The request for a special General Meeting must:
 - (a) state the objects of the meeting; and
 - (b) be signed by the Members requesting the meeting; and

(c) be sent to the address of the Secretary.

(7) If the Committee does not cause a special General Meeting to be held within one month after the date on which the request is sent to the address of the Secretary, the Members making the request, or any of them, may convene a special General Meeting to be held not later than 3 months after that date.

(8) If a special General Meeting is convened by Members in accordance with this Rule, it must be convened in the same manner so far as possible as a meeting convened by the Committee and all reasonable expenses incurred in convening the special General Meeting must be refunded by the Association to the persons incurring the expenses.

11. SPECIAL BUSINESS

All business that is conducted at a special General Meeting and all business that is conducted at the annual General Meeting, except for business conducted under the Rules as ordinary business of the annual General Meeting is deemed to be special business.

12. NOTICE OF GENERAL MEETINGS

(1) The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a General Meeting of the Association, must cause to be sent to each Member of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.

(2) Notice may be sent:

(a) by prepaid post to the address appearing in the Register of Members; or

(b) if the Member requests, by facsimile transmission or electronic transmission.

(3) No business other than that set out in the notice convening the meeting may be conducted at the meeting.

(4) A Member intending to bring any business before a meeting may notify in writing, or by electronic transmission, the Secretary of that business, who must include that business in the notice calling the next General Meeting.

13. QUORUM AT GENERAL MEETINGS

(1) No item of business may be conducted at a General Meeting unless a quorum of Members entitled under these Rules to vote is present at the time when the meeting is considering that item.

(2) Five Members personally present (being Members entitled under these Rules to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.

(3) If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present:

(i) in the case of a meeting convened upon the request of Members, the meeting must be dissolved; and

(ii) in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place.

(4) If at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members personally present (being not less than 3) shall be a quorum.

14. PRESIDING AT GENERAL MEETINGS

(1) The Commodore, or in the Commodore's absence, the Vice-Commodore, shall preside as Chairperson at each General Meeting of the Association.

(2) If the Commodore and the Vice-Commodore are absent from a General Meeting, or are unable to preside, the Members present must select one of their number to preside as Chairperson.

15. ADJOURNMENT OF MEETINGS

(1) The person presiding may, with the consent of a majority of Members present at the meeting, adjourn the meeting from time to time and place to place.

(2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.

- (3) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with Rule 12.
- (4) Except as provided in Sub-rule (3), it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

16. **VOTING AT GENERAL MEETINGS**

- (1) Upon any question arising at a General Meeting of the Association, only senior and family members may vote.
- (2) In the case of joint boat ownership by two or more senior members, only one senior member may vote at a General Meeting of the Association. The senior members must decide between themselves which of them will vote.
- (3) In the case of a family membership, only one of the family members may vote at a General Meeting of the Association. The family members must decide between themselves which of them will vote.
- (4) All votes must be given personally or by proxy.
- (5) In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- (6) A Member is not entitled to vote at a General Meeting unless all money due and payable by the Member to the Association has been paid, other than the amount of the annual subscription in respect of the current financial year.

17. **POLL AT GENERAL MEETINGS**

- (1) If at a meeting a poll on any question is demanded by not less than 3 Members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- (2) A poll that is demanded on the election of a Chairperson or on a question of an adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

18. **MANNER OF DETERMINING WHETHER RESOLUTION CARRIED**

If a question arising at a General Meeting of the Association is determined on a show of hands:

- (a) a declaration by the Chairperson that a resolution has been:
 - (i) carried; or
 - (ii) carried unanimously; or
 - (iii) carried by a particular majority; or
 - (iv) lost; and
- (b) an entry to that effect in the minute book of the Association,

is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

19. **PROXIES**

- (1) Each Member is entitled to appoint another Member as a proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy must be -
 - (a) for a meeting of the Association convened under Rule 7(7), in the form set out in Appendix 2; or
 - (b) in any other case, in the form set out in Appendix 3.

20. **COMMITTEE OF MANAGEMENT**

- (1) The affairs of the Association shall be managed by the Committee.
- (2) The Committee:
 - (a) shall control and manage the business and affairs of the Association; and

(b) may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by General Meetings of the Members of the Association; and

(c) subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.

(3) Subject to section 23 of the Act, the Committee shall consist of:

(a) the Officers of the Association; and

(b) four Ordinary Members

all of whom shall be elected at the annual General Meeting of the Association in each year.

21. OFFICE HOLDERS

(1) The Officers of the Association shall be:

(a) A Commodore;

(b) A Vice-Commodore;

(c) A Secretary;

(d) A Treasurer;

(e) A Rear-Commodore (Sailing); and

(f) A Rear-Commodore (Power Boating).

(g) Immediate Past Commodore (ex officio)

(2) The provisions of Rule 23, 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 referred to in Sub-rule (1).

(3) Each Officer of the Association shall hold office until the annual General Meeting next after the date of his or her election but is eligible for re-election.

(4) In the event of a casual vacancy in any office referred to in Sub-rule (1), the Committee may appoint one of its Members to the vacant office and the Member appointed may continue in office up to and including the conclusion of the annual General Meeting next following the date of the appointment.

(5) The above officers shall be drawn equitably, as far as possible, from the two divisions. The positions of Commodore and Vice Commodore shall rotate between the two divisions.

(6) The Rear Commodores shall form appropriate sub committees to administer their relevant activities.

22. ORDINARY MEMBERS OF THE COMMITTEE

(1) Subject to these Rules, each Ordinary Member of the Committee shall hold office until the annual General Meeting next after the date of election but is eligible for re-election.

(2) In the event of a casual vacancy occurring in the office of an Ordinary Member of the Committee, the Committee may appoint a Member of the Association to fill the vacancy and the Member appointed shall hold office, subject to these Rules, until the conclusion of the annual General Meeting next following the date of the appointment.

23. ELECTION OF OFFICERS AND ORDINARY COMMITTEE MEMBERS

(1) Nominations of candidates for election as Officers of the Association or as Ordinary Members of the Committee must be:

(a) made in writing, signed by two Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and

(b) delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the annual General Meeting.

- (2) Only senior and family members can nominate candidates for election to the Committee.
- (3) Only senior and family members can be nominated as candidates for election to the Committee.
- (4) A candidate may only be nominated for one office, or as an Ordinary Member of the Committee, prior to the annual General Meeting.
- (5) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations may be received at the annual General Meeting.
- (6) 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.
- (7) If the number of nominations exceeds the number of vacancies to be filled, a ballot must be held.
- (8) The ballot for the election of Officers and Ordinary Members of the Committee must be conducted at the annual General Meeting in such manner as the Committee may direct.

24. VACANCIES

The office of an Officer of the Association, or of an Ordinary Member of the Committee, becomes vacant if the Officer or Member:

- (a) ceases to be a Member of the Association; or
- (b) becomes an insolvent under administration within the meaning of the Corporations Law; or
- (c) resigns from office by giving written notice to the Secretary.

25. MEETINGS OF THE COMMITTEE

- (1) The Committee must meet at least 3 times in each year at such place and such times as the Committee may determine.
- (2) Special meetings of the Committee may be convened by the Commodore or by any 4 Members of the Committee.

26. NOTICE OF COMMITTEE MEETINGS

- (1) Written notice of each Committee meeting must be given to each Member of the Committee at least 2 business days before the date of the meeting.
- (2) Written notice must be given to Members of the Committee of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.

27. QUORUM FOR COMMITTEE MEETINGS

- (1) Any 4 Members of the Committee constitute a quorum for the conduct of the business of a meeting of the Committee.
- (2) No business may be conducted unless a quorum is present.
- (3) If within half an hour of the time appointed for the meeting a quorum is not present:
 - (i) in the case of a special meeting, the meeting lapses;
 - (ii) in any other case, the meeting shall stand adjourned to the same place and the same time and day in the following week.
- (4) The Committee may act notwithstanding any vacancy on the Committee.

28. PRESIDING AT COMMITTEE MEETINGS

At meetings of the Committee:

- (a) the Commodore or, in the Commodore's absence, the Vice-Commodore presides; or
- (b) if the Commodore and the Vice-Commodore are absent, or are unable to preside, the Members present must choose one of their number to preside.

29. VOTING AT COMMITTEE MEETINGS

- (1) Questions arising at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee, shall be determined on a show of hands or, if a Member requests, by a poll taken in such manner as the person presiding at that meeting may determine.
- (2) Each Member present at a meeting of the Committee, or at a meeting of any sub-committee appointed by the Committee (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

30. REMOVAL OF COMMITTEE MEMBER

- (1) The Association in General Meeting may, by resolution, remove any Member of the Committee before the expiration of the Member's term of office and appoint another Member in his or her place to hold office until the expiration of the term of the first-mentioned Member.
- (2) A Member who is the subject of a proposed resolution referred to in Sub-rule (1) may make representations in writing to the Secretary or Commodore of the Association (not exceeding a reasonable length) and may request that the representations be provided to the Members of the Association.
- (3) The Secretary or the Commodore may give a copy of the representations to each Member of the Association or, if they are not so given, the Member may require that they be read out at the meeting.

31. MINUTES OF MEETINGS

The Secretary of the Association must keep minutes of the resolutions and proceedings of each General Meeting, and each Committee meeting, together with a record of the names of persons present at Committee meetings.

32. FUNDS

- (1) The Treasurer of the Association must:
 - (a) collect and receive all money due to the Association and make all payments authorised by the Association; and
 - (b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two Members of the Committee.
- (3) The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

33. NON-PROFIT CHARACTER

No Officer or Member of the Association shall at any time receive or be entitled to receive any compensation or any pecuniary profit from the operation of the Association (or as a direct or indirect beneficiary of its said non-profit purposes) or upon its liquidation or dissolution, except for reasonable compensation for out of pocket expenses incurred in effecting one or more of the Association's objectives or purposes.

34. SEAL

- (1) The common seal of the Association must be kept in the custody of the Secretary.
- (2) The common seal must not be affixed to any instrument except by the authority of the Committee and the affixing of the common seal must be attested by the signatures either of two Members of the Committee or, of one Member of the Committee and of the public officer of the Association.

35. NOTICE TO MEMBERS

Except for the requirement in Rule 12, any notice that is required to be given to a Member, by or on behalf of the Association, under these Rules may be given by:

- (a) delivering the notice to the Member personally; or
- (b) sending it by prepaid post addressed to the Member at that Member's address shown in the Register of Members; or

- (c) facsimile transmission, if the Member has requested that the notice be given to him or her in this manner; or
- (d) electronic transmission, if the Member has requested that the notice be given to him or her in this manner.

36. WINDING UP

- (1) In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association must be disposed of in accordance with the provisions of the Act.

37. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (1) Except as otherwise provided in these Rules, the Secretary of the Association must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- (2) All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any Member upon request.
- (3) A Member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

Appendix 1

APPLICATION FOR MEMBERSHIP OF YARINGA MARINERS CLUB

Membership Application Form

Yaringa Mariners Club

Are you a member of another Yacht Club Yes / No

Which one: Which year did you join this club?

If so what is your Yachting Australia Membership Number:

Do you want that club to remain your primary YA Club Yes / No

Have you ever been refused membership of another Yacht Club Yes / No

Title: Gender: M / F

First Name:

Surname: Date of Birth: / /
(compulsory if under 18)

Street Address:

Suburb: Postcode:

Mailing Address: (if different to above)

Suburb: Postcode:

Email:

Phone: (H) Phone: (W)

Facsimile: Mobile:

Spouse / Partner Name: Gender: M / F

Street Address: (if different to above)

Suburb Postcode:

Spouse Phone Number: (H)

Phone: (W) Mobile: (W)

Partner's Email:

Is your partner to be part of this membership: Yes / No
(if yes fee is payable, if no for emergency purposes only)_

Is this person to be your next of kin: Yes / No

If 'No', or no partner who is your next of kin:

Next of kin phone number: **Partner date of birth:** / /

Is partner active in boating or to sail more than 3 races per season: Yes / No

Family Youths to be included on this membership

Name	Gender	Date of Birth
1:	M/F	
2:	M/F	
3:	M/F	
4:	M/F	

Division: Keel Boat / Trailable / Off the Beach Dinghy/ OTB Cat / Power Boat / Sailboard

Type of Member: Boat Owner / Crew / Social Member / Volunteer / Life

Major boating / sailing interest Racing / Cruising

Boat Name: **Sail Number:**

Boat Class: **Sub Class:**

Keel Boat Handicap details: **Safety Category**

IRC Only – Certificate no File name Designer Loa Other

Normal Crew for Boat: (if applicable to be completed by owners)

No	YA No	Name	Position
1:			
2:			
3:			
4:			
5:			
6:			
7:			
8:			

Is boat stored at Club: Yes / No

Location:

Details of Insurance Policy

Company:

Policy Number:

Public Liability Insurance Cover \$

Expiry Date:

Payment Details

Cheque attached for \$:

Payable to:

Credit Card: Visa / Mastercard / Bankcard

Credit Card Number:

Expiry Date on card:

Name on card:

For information only (circle as many as applicable)

What other water sports do you do?

diving skiing paddling fishing swimming Life saving

If a new member how were you introduced?

by another member sailing school go sailing day boat show other

If you do not want to receive any communication (please indicate) no email no mail

Conditions of Entry

I _____ of _____ hereby apply for membership Yaringa Mariners Club. In so applying and in consideration of my application for membership being accepted I **acknowledge and agree** that:

- In this membership declaration: "**Club**" for the purposes of this membership application and declaration means and includes the Yaringa Mariners Club Incorporated, its directors, officers, members, servants or agents. "**Claim**" means and includes any action, suit, proceeding, claim, demand, damage, cost or expense however arising including but not limited to negligence **but does not include** a claim in respect of any action, suit etc made by any person entitled to compensation under a relevant Club insurance policy or under any right expressly conferred by the Club constitution or regulation. "**Club Activities**" means performing or participating in any capacity in any authorised or recognised Club activity.
- The Club Constitution** is a contract between me and the Club. I will be bound by it and any By-Laws, regulations or policies made under it. I also agree to abide by the rules and policies of Yachting Australia (copies of which are available from Yachting Australia), and be subject to the jurisdiction of Yachting Australia in relation to the application and enforcement of such rules and policies.
- Warning:** Club Activities can be inherently dangerous. I acknowledge that I am exposed to certain risks during Club Activities including, but not limited to, physical exertion and injury, bodily contact, falls, equipment failure and unpredictable weather conditions. I acknowledge that accidents can and often do happen which may result in me being injured or even killed, or my property being damaged. I have voluntarily read and understood this warning and accept and assume the inherent risks in participating in the Club Activities.
- WARNING UNDER THE FAIR TRADING ACT 1999**

Under the provisions of the **Fair Trading Act 1999** several conditions are implied into contracts for the supply of certain goods and services. These conditions mean that the supplier named on this form is required to ensure that the recreational services it supplies to you are:

- rendered with due care and skill; and
- as fit for the purpose for which they are commonly bought as it is reasonable to expect in the circumstances; and
- reasonably fit for any particular purpose or might reasonably be expected to achieve any result you have made known to the supplier.

Under section 32N of the **Fair Trading Act 1999**, the supplier is entitled to ask you to agree that these conditions do not apply to you. If you sign this form, you will be agreeing that your rights to sue the supplier under the **Fair Trading Act 1999** if you are killed or injured because the services were not rendered with due care and skill or they were not reasonably fit for their purpose, are excluded, restricted or modified in the way set out in this form.

NOTE: The change to your rights, as set out in this form, does not apply if your death or injury is due to gross negligence on the supplier's part. "Gross negligence" is defined in the Fair Trading (Recreational Services) Regulations 2004.

For the purposes of this clause 4, "the Supplier" shall mean and include the Club.

5. **Exclusion of Implied Terms:** I acknowledge that where I am a consumer of recreational services, as defined by any relevant law, certain terms and rights usually implied into a contract for the supply of goods or services may be excluded. I acknowledge that these implied terms and rights and any liability of the Club flowing from them, are expressly excluded to the extent possible by law, by this membership declaration. To the extent of any liability arising, the liability of the Club will, at its discretion be limited to the resupply of the services or payment of the cost of having the services supplied again.

6. **Release and Indemnity:** In consideration of the Club accepting my application for membership I, to the full extent permitted by law:

(a) release and will release the Club from all Claims that I may have or may have had but for this release arising from or in connection with my membership and/or participation in any Club Activity; and

(b) indemnify and will keep indemnified the Club in respect of any Claim by any person arising as a result of or in connection with my membership and/or participation in any Club Activity.

7. **Fitness to Participate:** I declare that I am medically and physically fit and able to participate in any Club Activity. I will immediately notify the Club in writing of any change to my fitness and ability to participate. I understand and accept that Club will continue to rely upon this declaration as evidence of my fitness and ability to participate.

8. **Consent to medical treatment:** If required, YV will arrange medical or hospital treatment (including ambulance transportation) for me. I authorise such actions being taken by YV where my further consent cannot be obtained and agree to meet all costs associated with such action.

9. **Privacy:** I understand that the information I have provided is necessary for the objects of Club. I acknowledge and agree that the information may be disclosed by my Club to Yachting Victoria and will only be used for the objects of the Club, Yachting Victoria and to provide me with membership services. I understand that I will be able to access my information through the Club upon request. If the information is not provided my membership application may be rejected.

10. **Copyright and right to use image:** I acknowledge and consent to photographs being taken of me during my participation in Club Activities and authorise the Club to use such photographs for promotional or other purposes without my further consent being obtained. Further, I consent to the Club using my name, image, likeness and also my performance in any Club Activities, at any time, to promote the Club by any form of media.

11. **Severance:** If any provision of this membership declaration is invalid or unenforceable in any jurisdiction, the phrase or clause is to be read down for the purpose of that jurisdiction, if possible, so as to be valid and enforceable. If the phrase or clause cannot be so read down it will be severed to the extent of the invalidity or unenforceability. Such severance does not affect the remaining provisions of this membership declaration or affect the validity or enforceability of it in any other jurisdiction.

12. **I agree to be bound by the policies of Yachting Australia Inc. and Yachting Victoria Inc as they are published from time to time on their respective websites**

13 I acknowledge that it is my responsibility entirely to ensure my boat complies with the safety prescriptions of Yachting Australia Inc and Yachting Victoria Inc. and that any such safety equipment required under the safety category declared in this application is at all times in proper working order.

I have read, understood, acknowledge and agree to the above declaration including the warning, exclusion of implied terms, release and indemnity. I warrant that all information provided is true and correct. I acknowledge this membership declaration cannot be amended. If I do amend it my application will be null and void **Signed:**

Name:

Date:

Where the applicant is under 18 years of age this form must also be signed by the applicant's parent or legal guardian.

I, _____ am **the parent or guardian** of the applicant. I authorise and consent to the applicant undertaking the Club Activities. In consideration of the applicant's membership of the Club being accepted, I expressly agree to accept in my capacity as parent or guardian, the terms set out in this membership declaration, including the provision by me of a release and indemnity in the terms set out above. In addition, I agree to be bound by and comply with the Club constitution and any By-laws, regulations or policies made under it.

Parent's Signature: (where applicant under 18 y.o)

Name:

Date:

Appendix 2

Form of appointment of proxy for meeting of association convened under Rule 7(7)

I, _____
(name)
of _____
(address)
being a Member of Yaringa Mariners Club
appoint _____
(name of proxy holder)
of _____
(address of proxy holder)
being a Member of that Incorporated Association, as my proxy to vote for me on my behalf at the appeal to the General Meeting of the Association convened under Rule 7(7), to be held on _____ / ____ / ____
(date of meeting)
and at any adjournment of that meeting.
I authorise my proxy to vote on my behalf at their discretion in respect of the following resolution _____

(insert details of resolution passed under Rule 7(1))
Signed _____
Date _____ / ____ / ____

Appendix 3

Form of appointment of proxy

I, _____
(name)
of _____
(address)
being a Member of Yaringa Mariners Club
appoint _____
(name of proxy holder)
of _____
(address of proxy holder)
being a Member of that Incorporated Association, as my proxy to vote for me on my behalf at the annual/special* General Meeting of the Association to be held on _____ / ____ / ____
(date of meeting)
and at any adjournment of that meeting.
My proxy is authorised to vote in favour of/against* the following resolution _____

(insert details of resolution)
Signed _____
Date _____ / ____ / ____

Appendix 4

The following fees are suggested and are very much subject to negotiation – based on HYC 2007 fees

CLASS OF MEMBERSHIP	Entrance Fee^{1, 2}	Annual^{1, 2}
Senior	\$180.00	\$200.00
Family	\$200.00	\$220.00
Associate	N/A	\$90.00
Junior	N/A	\$30.00
Social	\$111.00	\$111.00
Absentee	N/A	\$66.00
Honorary	No entry fee payable	No annual subscription payable
Life	One off payment of \$1500.00	

NOTES:

1. Includes GST where applicable.

2. Those applicants who have competed in two or more Yaringa Series, are members of the cruising division, the fishing club and/or are transferring from Hastings Yacht Club shall pay 50% of the above in their first year of membership.