NAME

1. The name of the incorporated association is Albert Park Yacht Club Incorporated (in these Rules called “the Club”).

INTERPRETATION

2.1 In these Rules, unless the contrary intention appears:

"General Committee" means the Committee of Management of the Club.

"Financial year" means the year ending on 30th June.

"Membership year" means the year ending on 30th September.

"Membership Secretary" means the Secretary or a Member appointed by the Committee to assist the Secretary with record-keeping and operations relating to Membership.

"General Meeting" means any special and Annual General Meetings of Members convened and conducted in accordance with Rules 13 to 21 inclusive.

"Member" means a Member of the Club.

"Ordinary Member of the General Committee" means a Member of the General Committee who is not an officer of the Club under Rule 24.

"The Act" means the Associations Incorporation Reform Act 2012.

"The Regulations" means Regulations under the Act.

2.2 In these Rules, a reference to the Secretary of the Club is a reference:

(a) Where a person holds office under these Rules as Secretary of the Club - to that person; and
(b) In any other case, to the Public Officer of the Club.

2.3 Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time, and within the context used the masculine gender shall be deemed to include the feminine gender.

PURPOSE

3 The Club is a non-profit making organisation whose purpose is to advance the sport of sailing by encouraging people to learn to sail, by giving Members opportunities to develop sailing and yacht racing skills, and by providing Members, their families and friends, with recreational and social facilities and activities associated with sailing.

MEMBERSHIP

4.1 A natural person who is nominated and approved for Membership as provided in these rules is eligible to be a Member of the Club on payment of the Nomination fee and subscription payable under these rules.

4.2 A nomination of person/persons for Membership of the Club:

(a) Shall be made in writing in the form set out in Appendix 1;
(b) Together with the nomination fee and first year's annual subscriptions as set out in Appendix 2; and
(c) Shall be lodged with the Membership Secretary of the Club.

4.3 The Membership Secretary shall, as soon as practicable, refer the nomination to the General Committee.

4 Upon a nomination being referred to the General Committee, the General Committee shall, by ballot, determine by a majority of Committee Members present to approve or reject the nomination, and in the event of rejection no further nomination of the subject nominee/s shall be dealt with until after the expiration of one year.

4.5 Upon a nomination being approved by the General Committee, the Membership Secretary shall, with as little delay as possible, notify the nominee in writing that they are approved for Membership of the Club and shall enter the nominee's name in the register of Members kept by him and, upon the name being so entered; the nominee becomes a Member of The Club.

4.6 Upon refusal of a nomination by the General Committee, the Membership Secretary shall inform the nominee and refund all fees paid by the nominee within one month. Reasons shall not be given for refusal of a nomination.

4.7 A right, privilege, or obligation of people by reason of their Membership of the Club is not capable of being transferred or transmitted to another person, and shall terminate upon the cessation of their Membership whether by death or resignation or otherwise.

CATEGORIES OF MEMBERSHIP

5 There shall be the following categories of Membership:

5.1 SENIOR MEMBERSHIP:

A person not under eighteen years of age as at the first day of the membership year concerned may be a Senior Member.

5.2 STUDENT MEMBER

A full time student of a recognised educational institution or an apprentice not under eighteen years but less than twenty five years of age at the first day of the membership year concerned may be a Student Member.

5.3 JUNIOR MEMBER

A person under eighteen years of age as at the first day of the membership year concerned may be a Junior Member.

5.4 SOCIAL MEMBER

Any person at the discretion of the General Committee may be a Social Member. A Social Member may not participate as a skipper or crew of a Competing yacht in

a race conducted by or on behalf of the Club except with the Express consent of the General Committee.

5.5 FAMILY
is an adult, their partner (if any) and dependents who are eligible to be Student or Junior members.

5.6 WINTER members

Winter Season is the period May through September. Winter members must be financial members of another sailing club. Their membership will be valid for the Winter Season only and they will not be entitled to vote nor to stand for the General Committee. Sub-categories:

(a) WINTER SENIOR MEMBER
A person not under eighteen years of age on May 1st may be a Winter Senior Member.

(b) WINTER STUDENT MEMBER
A full time student of a recognised educational institution or an apprentice not under the eighteen years but less than twenty five years of age on May 1st may be a Student Winter Member.

(c) WINTER JUNIOR MEMBER
A person under eighteen years of age on May 1st may be a Winter Junior Member.

(d) WINTER FAMILY
is an adult, their partner (if any) and dependents who are eligible to be Winter Student or Winter Junior members.

5.7 ABSENTEE MEMBER

(a) Members who anticipate being unable to avail themselves of the privileges of the Club for a continuous period of not less than one year may apply to The General Committee to be registered as Absentee Members, and upon their application being approved shall be recorded as such in the register of Members, and reviewed every year.

(b) Absentee Members shall be entitled to receive copies of any periodical Journal or the like of the Club and may be present at premises of the Club or at functions conducted by the Club under the same conditions as apply to visitors except that they shall not be required to pay visitor fees.

5.8 HONORARY MEMBER

(a) The General Committee may elect any person who has rendered significantly special services to the Club or to the sport of yachting generally as an Honorary Member of the Club.

(b) Such Honorary Membership shall expire at the end of each financial year but an Honorary Member may be re-elected.

(c) An Honorary Member shall be bound by the Rules of the Club and shall be entitled gratis to use the facilities in common with other Members.

(d) A non-sailing Honorary Member shall be termed “Honorary Social”.

5.9 HONORARY LIFE MEMBER

(a) The General Committee may nominate a Member of the Club to be a Life Member in recognition of significant service or contribution to the Club.

(b) The nomination by the General Committee of a Member as a Life Member shall be subject to confirmation by a majority vote of members present at an Annual General Meeting of Members. The notice of such meeting shall show that business includes consideration of such ratification, but it shall not be necessary to state the name of the electee/s in the notice.

(c) A Life Member shall be bound by the Rules of the Club and shall be entitled gratis to use in common with other Members the facilities and enjoy all the privileges of the Club.

NOMINATION FEES, ANNUAL SUBSCRIPTIONS, & OTHER MONIES DUE

6.1 Fees shall be fixed by the General Committee and ratified by a majority vote of members at the Annual General Meeting.

6.2 Annual subscriptions are due and payable on or before the first day of October.

6.3 The subscription payable by persons applying for Membership after the 31st day of March is to be half the annual subscription, and persons applying for membership after the 31st day of August, shall not pay an annual subscription for that year.

6.4 The nomination fee for any person, who has previously been a Member of the Club and has resigned in good standing, shall be waived.

6.5

(a) If any Member is in default in payment of any money due and payable for a Period of two months, their name shall be placed on the notice board of the Club.

(b) The General Committee may by resolution terminate the Membership of any Member who has been un-financial for more than three consecutive calendar Months.

(c) The name of any person whose Membership is so terminated shall forthwith be struck off the register of Members, and the date of the resolution be recorded therein.

6.6 The General Committee may at its discretion waive the nomination fee for any person applying for membership of the Club who is or has been a member of another Club with which the Albert Park Yacht Club has entered into a reciprocal rights agreement.

6.7 Concessional Discounts

(a) Discount on membership, storage and any other fees as determined by the Committee shall be available to persons holding Commonwealth Health Care cards.

(b) Generally the discount will be applied to each relevant invoice by the Membership Secretary, or other person delegated by the Committee, after presentation of the card.

(c) The discount percentage shall be set by the Committee and advertised with the other fees.

REGISTER OF MEMBERS

7 The Secretary shall keep and maintain a register of Members in which shall be entered the full name, address, category of Membership, and date of entry of the name of each Member; the register may be computerised and a hard copy of the register shall be printed every three months and shall be available for inspection by Members at the address of the Public Officer.

RESIGNATION OF MEMBER

8.1 A Member of the Club who has paid all monies due and payable by him to the Club may resign from the Club by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice; the person shall cease to be Member.

8.2 Upon the expiration of a notice given under clause 8.1, the Secretary shall make in the register of Members an entry recording the date on which the Member by whom the notice was given, ceased to be a Member.

DISCIPLINE OF MEMBERS

9.1 Subject of these rules, if the General Committee is of the opinion that a Member:

(a) Has refused or neglected to comply with these rules; or
(b) Has been guilty of conduct unbecoming a Member or prejudicial to the interest of the Club;

The General Committee may by resolution:

(i) Expel the Member from the Club; or
(ii) Suspend the Member from Membership of the Club for a specified period; or
(iii) Fine the Member in accordance with the Regulations.

9.2 A resolution of the General Committee under clause 9.1:

(a) Does not take effect unless the General Committee, at a meeting held not earlier than 14 days and not later than 35 days after the service on the Member of a notice in accordance with clause 9.3 confirms the resolution in accordance with Clause 9.4; and
(b) Where the Member exercises a right of appeal to the Club under clause 9.3 does not take effect unless the Club confirms the resolution in accordance with clause 9.6

9.3 Where the General Committee passes a resolution under clause 9.1 the Secretary shall, as soon as practicable, cause to be served on the Member a notice in writing:

(a) Setting out the resolution of the General Committee and the grounds on which it is based:

(b) Stating that the Member may address the General Committee at a meeting to be held not earlier than 14 days and not later than 35 days after service of the notice;
(c) Stating the date, time, and place of that meeting;
(d) Informing the Member that he may do one or more of the following
  (i) Attend that meeting;
  (ii) Give the Secretary or the General Committee before the date of that meeting a written statement seeking the revocation of the resolution and including the grounds on which revocation is sought.
  (iii) Not later than 24 hours before that meeting, lodge with the Secretary or the General Committee a notice to the effect that he wishes to appeal to the Club in a General Meeting against the resolution.

9.4 At a meeting of the General Committee, held in accordance with clause 9.2 the General Committee shall:

(a) Give to the Member an opportunity to be heard;
(b) Give due consideration to any written statement submitted by the Member; and
(c) By resolution determine to confirm or revoke the resolution.

9.5 Where the Secretary receives a notice under clause 9.3, he shall notify the General Committee and the General Committee shall convene a General Meeting of the Club to be held within 35 days after the date on which the secretary received the notice.

9.6 At a General Meeting of the Club convened under clause 9.5:

(a) No business other than the question of the appeal shall be transacted;
(b) The General Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
(c) The Member shall be given an opportunity to be heard; and
(d) The Members present shall vote by secret ballot on the question whether the resolution be confirmed or revoked, and
(e) If a two-thirds majority of Members present and voting are in favour of confirmation of the resolution, the resolution is confirmed; and in any other case, the resolution is revoked.

ANNUAL GENERAL MEETING

10.1 The Club shall in each calendar year convene an Annual General Meeting of its Members to be held in July or August.

10.2 The Annual General Meeting shall be specified as such in the notice convening it.

10.3 The ordinary business of the Annual General Meeting shall be:

(a) To confirm the minutes of the preceding annual general meeting;
(b) To receive from the General Committee a report upon the general activities of the Club over the preceding year;

(c) To receive from the General Committee reports upon the transactions of the Club during the last preceding financial year;

(d) To receive and consider the statement submitted by the Club in accordance with section 30.3 of the Act; and

(e) To elect officers of the Club and the ordinary Members of the General Committee.

10.4 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.

10.5 The Annual General Meeting shall be in addition to any other General Meetings that may be held in the same year.

SPECIAL GENERAL MEETINGS

11 All General Meetings other than the Annual General Meeting shall be called Special General Meetings.

12.1 The General Committee may, whenever it thinks fit, convene a Special General Meeting of the Club.

12.2 The General Committee shall, on the requisition in writing of not less than twenty Members entitled to vote convene a special General Meeting of the Club.

12.3 The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the Members making the requisition and may consist of several documents in a like form each signed by one or more of the Members making the requisition, and shall be sent to the address of the Secretary, or Club.

12.4 If the General Committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the Members making the requisition, or any three of them acting in concert, may convene a special general meeting to be held not later than three months after that day.

12.5 A Special General Meeting convened by Members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the General Committee and all reasonable expenses incurred in convening the meeting may be refunded by the Club to the persons incurring the expenses.

CONVENING OF GENERAL MEETINGS

13.1 The Secretary of the Club shall, at least 14 days before the date fixed for holding a General Meeting of the Club, cause to be sent to each Member of the Club entitled to vote at his address appearing in the register of Members, a notice by pre-paid post or electronic means (if nominated by the Member), stating the place, date, and time of the meeting and the nature of the business to be transacted at the meeting.

13.2 The non-receipt of a notice of meeting or the accidental omission to send such notice to a Member shall not invalidate the proceedings of any General Meeting.

14 A Member desiring to bring any business before a meeting may give notice of that business in writing to the Secretary, who shall include that business in the next notice calling a General Meeting.

PROCEEDINGS AT MEETINGS

15.1 No business other than that set out in the notice convening the meeting shall be transacted at a General Meeting.

15.2 All business that is transacted at the Annual General Meeting with the exception of that referred to at clause 10.3 as being the ordinary business of the Annual General Meeting shall be deemed to be special business.

15.3 No item of business shall be transacted at a General Meeting unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item.

15.4 The quorum for a general meeting is the presence of 10% of the members entitled to vote.

15.5 If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and, unless another place is specified by the Chairman at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned, at the same place and if at the adjourned meeting a quorum is not present within the half an hour after the time appointed for the commencement of the meeting, the Members present, being not less than thirty shall be a quorum.

16.1 The Commodore, or in his absence or if he is unwilling to preside, the Vice-Commodore, or in his absence or if he is unwilling to preside, the Rear-Commodore, shall preside as Chairman at each General Meeting of the Club.

16.2 If the Commodore and Vice-Commodore and the Rear-Commodore are absent from the General Meeting or are unwilling to preside as Chairman, the Members present shall elect one of their number to preside as Chairman at the meeting.

17.1 The Chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place.

17.2 No business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

17.3 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the General Meeting.

17.4 Except as provided in clause 17.1, 17.2 and 17.3, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

18 A question arising at a General Meeting of the Club shall be determined on a show of hands and unless, before or on the declaration of the show of hands, a poll is demanded, a declaration by the Chairman that a resolution has, on a show of

hands, been carried or carried unanimously or carried by a particular majority or lost, an entry to that effect in the Minute Book of the Club is evidence of the fact, without proof of the number of proportion of the votes recorded in favour of, against, the resolution.

19.1 Upon any question arising at a General Meeting of the Club, a Member entitled to vote has one vote only.

19.2 Proxies

19.2.1 A Member may appoint another member as his or her proxy to vote on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

19.2.2 The appointment of a proxy must be in writing and signed by the Member making the appointment.

19.2.3 The Member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the Member in any matter as he or she sees fit.

19.2.4 If the Committee has approved a form for the appointment of a proxy, the Member must use a form that substantially complies with the form so approved and which clearly identifies the person appointed as the Member's proxy and that has been signed by the Member.

19.2.5 Notice of a general meeting given to a Member must—

(i) state that the Member may appoint another Member as a proxy for the meeting;

and

(ii) include a copy of the form that the Committee has approved for the appointment of a proxy.

(iii) A form appointing a proxy must be given to the Chairperson of the meeting before the commencement of the meeting.

(iv) A form appointing a proxy may be sent by post or electronically or in person and is of no effect unless it is received by the Secretary no later than 24 hours before the commencement of the meeting. .

19.3 In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.

20.1 If at a meeting a poll on any question is demanded by not less than two Members, it shall be taken at that meeting in such manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.

20.2 A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

21 With the exception of Absentee Members, Winter Members, Associate Members and any Member under the age of 18 years as at the first day of March of the

financial year concerned is, unless debarred under these rules because of unfinancial or other reason, entitled to vote at any General Meeting.

COMMITTEE OF MANAGEMENT

22.1 The affairs of the Club shall be managed by a Committee of Management constituted as provided in Rule 23.

22.2 The General Committee:

(a) Shall control and manage the business and affairs of the Club except that any expenditure of money in excess of two thirds of the total money held by the Club upon any one project must be approved by a General Meeting.
(b) May, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these rules to be exercised by General Meetings of the Members of the Club; and
(c) Subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the General Committee to be necessary for the proper management of the business and affairs of the Club.

23.1 The officers of the Club shall be:

(a) A Commodore;
(b) A Vice-Commodore;
(c) A Rear-Commodore; and
(d) A Club Captain;

each of whom shall be designated as a Flag officer and shall be a senior Member or honorary life Member;

(e) A Treasurer, who shall be appointed annually by the General Committee; and
(f) A Secretary.

23.2 If at any Annual General Meeting the retiring Commodore be not re-elected to that office he shall be designated as the Immediate Past Commodore and shall be the Immediate Past Commodore for such periods as his successor is Commodore and if a serving Commodore resigns or is removed from office the incumbent Immediate Past Commodore shall retain that position during the periods the successor to the resigned Commodore is Commodore.

23.3 Subject to section 23 of the Act, the General Committee shall consist of:

(a) The officers of the Club; and
(b) Seven ordinary Members- each of whom shall be elected at the Annual General Meeting of the Club in each year; and
(c) The Treasurer.

23.4 The provisions of Rule 24 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in clauses 23.3 (a) (b) and (c).

23.5 Each officer of the Club and each ordinary Member of the General Committee shall hold office until the conclusion of the annual General Meeting next after the date of his election but is eligible for re-election, except that the Commodore shall not serve for more than three successive years in anyone term.

23.6 In the event of a casual vacancy occurring in any office referred to in clause 23.1 or in the office of an ordinary Member of the General Committee, the General Committee may appoint a Member of the Club to fill the vacancy and the Member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of his appointment.

ELECTION OF GENERAL COMMITTEE

24.1 Nominations of candidates for election as officers of the Club except the office of treasurer, or as ordinary Members of the General Committee:

(a) shall be made in writing, signed by two Members of the Club who are entitled to vote at General Meetings and accompanied by the written consent of the candidate (which consent may be endorsed on the form of nomination); and

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

24.2 If insufficient nominations are received to fill all vacancies on the General Committee, the candidates nominated shall be deemed to be elected, and the vacancies remaining shall be deemed to be casual vacancies.

24.3 If the number of nominations received is equal to the number of vacancies to be filled, the candidates nominated shall be deemed to be elected.

24.4 If the number of nominations exceeds the number of vacancies to be filled, a secret ballot shall be held.

24.5 The secret ballot for the election of officers and ordinary Members of the General Committee shall be conducted at the annual General Meeting in such usual and proper manner as the General Committee may direct.

24.6 The General Committee shall annually appoint a Treasurer from the Members of the Club.

24.7 If, and for so long as is the case, the number of members of the Club entitled to vote for the election of the Committee is below 60% of the total membership of the club (excluding temporary or honorary members and persons who are members by reason only or reciprocal arrangements with another club), then all members of the Club (excluding the excluding members) shall be entitled to vote on the election of the Committee.

VACANCY OF GENERAL COMMITTEE MEMBERSHIP

25 For the purpose of these rules, the office of an officer of the Club or of any other Member of the General Committee becomes vacant if the officer or other Member;

(a) Ceases to be a Member of the Club;
(b) Becomes an insolvent under administration within the meaning of the Corporations Law;
(c) Resigns his office by notice in writing given to the Secretary; or
(d) The Secretary resigns his office by notice in writing addressed to the Committee.

PROCEDURE OF GENERAL COMMITTEE

26.1 The General Committee shall meet at least seven times in each financial year, such that the period between any two consecutive meetings be not more than 65 days at such place and such times as the General Committee may determine.

26.2 Special meetings of the General Committee may be convened by the Commodore or by any 3 of the Members of the General Committee.

26.3 Notice shall be given to Members of the General Committee of any special meeting specifying the general nature of the business, to be transacted.

26.4 Any five Members of the General Committee constitute a quorum for the transaction of the business of a meeting of the General Committee.

26.5 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.

26.6 At meetings of the General Committee:

(a) The Commodore or, in his absence or if he is unwilling to preside, the Vice-Commodore or, in his absence or if he is unwilling to preside, the Rear-Commodore, shall preside; or
(b) If no Flag Officer be present and willing to preside, such one of the remaining Members of the General Committee as may be chosen by the Members present shall preside as Chairman.

26.7 Questions arising at a meeting of the General Committee or of any sub-committee appointed by the General Committee shall be determined on a show of hands unless it be a question which under these Rules is to be otherwise determined or, if demanded by a Member, by a poll, in which case a poll shall be taken in such manner as the person presiding at the meeting may determine.

26.8 Each Member of the General Committee present at a meeting of the General Committee or of any sub-committee appointed by the General Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question; the person presiding may exercise a second or casting vote.

26.9 Notice of each General Committee meeting or of any committee or sub-committee appointed by the General Committee shall be given each Member of such committees at a reasonable time before the meeting and may be given by

sending it by pre-paid post addressed to him at his address as appearing in the register of Members or last known place of abode.

26.10 Subject to there being a quorum present the General Committee may act not withstanding any vacancy on the General Committee.

REMOVAL OF GENERAL COMMITTEE MEMBER

27.1 The Club in General Meeting may by resolution remove any Member of the General Committee before the expiration of their term of office and appoint another Member in their stead to hold office until the expiration of the term of the removed Member excepting that if the position of Immediate Past Commodore shall become vacant during any given financial year, it shall remain vacant until the provisions of clause 23.2 become effective.

27.2 Where the Member to whom a proposed resolution referred to in clause 27.1 refers makes representations in writing (not exceeding a reasonable length) to the Secretary or Commodore of the Club and requests that they be notified to the Members of the Club. The Secretary or Commodore may send a copy of the representations to each Member of the Club entitled to vote at General Meetings or, if they are not so sent, the Member may require that they read out at the meeting and in any case the Member shall be given opportunity to be heard at the meeting.

DUTIES OF SECRETARY

28 The Secretary of the Club:

(a) shall keep minutes of the proceedings and resolutions of each General Meeting and of each General Committee meeting together with a record of the names of persons present at General Committee meetings in books provided for that purpose and conduct the correspondence of the Club.

(b) keep custody of the common seal of the Club and, except for financial records referred to in rule 29.1, all books, documents and securities of the Club in accordance with rules 31.1 & 31.2 and 42.1 & 42.2;

(c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents;

(d) perform any other duty or function imposed on the Secretary by these Rules; and

(e) must give to the Registrar notice of his appointment within 14 days after the appointment.

DUTIES OF TREASURER

29.1 The Treasurer of the Club shall:

(a) Collect and receive all moneys due to the Club and make all payments authorised by the General Committee; and

(b) Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure of the Club with full details of all receipts and expenditure connected with the activities of the Club.

(c) Report on the financial state of the Club at each meeting of the General Committee and a record of that report shall be kept in the minutes.

(d) Maintain financial records in accordance with Rules 43 & 44.

29.2 The accounts and books referred to in clause 29.1 shall be available for inspection by members.

FUNDS, CHEQUES ETC.

30.1 The funds of the Club shall be derived from nomination fees, annual subscriptions, donations and such other sources as the General Committee may determine.

30.2 There shall be established such bank or other financial institution accounts as the General Committee may by resolution determine and no account may be established except as so sanctioned by the General Committee.

30.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by not less than two Members of the Club who shall be so authorised by resolution of the General Committee.

COMMON SEAL

31.1 The Common Seal of the Club shall be kept in the custody of the Secretary who shall keep a register of it, and the date and purpose of each use of the seal shall be recorded.

31.2 The Common Seal shall not affixed to any instrument except by the resolution of the General Committee and the affixing of the Common Seal shall be attested to by the signatures either of two Flag Officers of the Club or of one Flag Officer and the Public Officer of the Club.

ALTERATION OF RULES AND STATEMENT OF PURPOSES

32.1 These rules and the statement of purposes of the Club shall not be altered except in accordance with the Act.

NOTICES

33.1 A notice may be served by or on behalf of the Club upon any Member either personally or by sending it by post or by electronic means (if nominated by the Member) to the Member at his address shown in the Register of Members provided however that notices of General Meetings as set out in Rule 13 shall be sufficiently given if published in a periodical journal delivered to Members.

33.2 Where a document is properly addressed pre-paid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

33.3 Where a document is properly addressed and sent by electronic means to a person, the document shall, unless the contrary is proved, be deemed to have been given to the person within two calendar days.

DELEGATION OF GENERAL COMMITTEE POWERS COMMITTEES, SUB-COMMITTEES, INDIVIDUAL APPOINTMENTS

34.1 The General Committee may, by resolution:

(a) Delegate any of its powers to such committees, sub-committees, or Individualised functionaries as it thinks fit.
(b) Recall or revoke any delegation or appointment made under clause 34.1(a).

34.2 The General Committee shall define the powers and duties of committees, subcommittees, and individual functionaries appointed under clause 34.1 (a).

34.3 The term of office of all persons appointed under clause 34.1 (a) expires at the conclusion of the Annual General Meeting next after the appointment was made but appointees are, subject to these rules, eligible for re-appointment.

34.4 The Flag Officers, Secretary and Treasurer of the Club shall be ex-officio members of all committees and sub-committees.

34.5 No committee, sub-committee, or individual functionary shall have power beyond that defined in clause 34.2 nor shall it incur any obligations, because any notices to then be posted or circulated without having first obtained the approval of the General Committee.

34.6 In respect to committee and sub-committee meetings:

(a) Any half of the Members appointed constitute a quorum for the transaction of business; and
(b) The intent of Rules 25 and 26 shall apply with the necessary modifications.

MEMBERS PROPERTY

35 The Club shall not held responsible for any theft, damage, loss by fire or any other destruction to Members property either by acts of its officers or Members.

CONDUCT OF RACES

36 All races shall be conducted under the current Racing Rules of the International Yacht Racing Union the current Requirements of the Australian Sailing and the current prescriptions of Yachting Victoria all as modified by Sailing Instructions to be issued by the Club in respect to each series, regatta or race as the case may be.

VISITORS

37 Member may introduce a visitor or visitors to the Club premises for the day of visit only, and the name of such visitor or visitors must be entered in a book provided for that purpose, which book shall be signed by the Member introducing and such Member shall be responsible for the conduct of such visitor or visitors.

No person shall be introduced as a visitor more than once a month, except with the special permission from the General Committee. No person who has been rejected as a candidate for Membership of the Club, or whose admission as an Honorary Member has been refused or who has been expelled from the Club, shall be eligible to be admitted as a visitor.

CLUB FLAGS, COLOURS AND BADGES

38.1 The Club Burgee shall be a royal blue pennant with white cross at right angles to the mast.

38.2 The Club colours shall be royal blue and white.

38.3 The Club badge shall be the same colour and design as the Burgee.

39.1 The Commodore's Flag shall be the Club burgee swallow-tailed.

39.2 The Vice-Commodore's Flag shall be the Club burgee swallow-tailed and with one white disc within the upper head quarter.

39.3 The Rear-Commodore's Flag shall be the Club burgee swallow-tailed and two white discs within the upper head quarter.

39.4 A Flag Officer's Flag may be flown on any boat which such officer is aboard or intends to return aboard before sunset on the same day except that where two or more Flag Officers are aboard the same boat the flag of the Senior Flag Officer only shall be displayed.

BY-LAWS

40 The General Committee shall have power to from time to time make alter and repeal such by-laws being not inconsistent with the Act, the Regulations, the Statement of Purposes or these Rules as the General Committee may deem necessary expedient or convenient for the proper administration conduct management and regulation of the Club.

BOAT REGISTER

41.1 The General Committee shall appoint a Member of the Club to keep and maintain a Boat Register in which shall be entered, in respect to boats owned by (or under the control of) Members of the Club, the owner's name/s residential address/es and telephone number/s, the class of boat, boat sail number, boat name, and any other information which the General Committee may from time to time direct be recorded therein.

41.2 If, in the opinion of the Committee, any boat, trailer, cradle or our sailing gear on the Club premises is causing an obstruction or is unsuitable, dilapidated or abandoned, then the Committee may give the owner notice of 14 days to rectify the situation or remove it from the Club premises.

41.3 If, after the expiry of time allowed for response to a notice issued under rule 41.2 the boat or other item has not been removed, or if it has not been possible to

contact the owner after reasonable inquiry, the committee may dispose of the boat or other items as the Committee sees fit.

CUSTODY OF BOOKS

42.1 Except as otherwise provided in these Rules the secretary shall keep in his custody or under his control all books, documents and securities of the Club.

42.2 Except as provided in clause 42.1 all club records, books and artefacts deemed by the General Committee to be of historical value shall be kept in a secure location.

FINANCIAL RECORDS

43.1 The Club will keep financial records that:

(a) correctly record and explain its transactions, financial position and performance; and
(b) enable financial statements to be prepared as required by the Act.

43.2 The Club will retain financial records for 7 years after the transactions covered by the records are completed.

43.3 The Treasurer will keep in his custody, or under his control –

(a) the financial records for the current financial year; and
(b) any other financial records as authorised by the Committee.

FINANCIAL STATEMENTS

44.1 For each financial year, the Committee will ensure that the requirements under the Act relating to the financial statements of the Club are met.

44.2 Without limiting subrule 44.1, those requirements include –

(a) the preparation of financial statements;
(b) if required, the review or auditing of the financial statements:
(c) the certification of the financial statements by the Committee;
(d) The submission of the financial statements to the annual general meeting of the Club;
(e) The lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

DISSOLUTION

45 The Club shall not be dissolved except with the consent of three-fourths of the total number of financial Members present and voting and a Special General Meeting convened for that purpose. In the event of the Club being wound up, all property shall be sold and, after all liabilities have been met, the balance shall be disposed of, to a fund or funds with objects similar to those of the Club and/or to a fund or funds exclusively for charitable purposes as the majority of a General Meeting may decide provided that such fund or funds shall have tax exempt status.

SALE OF LIQUOR

46 No officer or servant of the Club may receive any commission or allowance from the receipts of the Club for the sale and disposal of liquor.

APPENDIX 1: Application Form

This is an on-line form for Registration and optional payment. See the link ONLINE MEMBERSHIP APPLICATION or similar on the club web site apyc.org.au
See the page under menu "The Club / Membership" or follow the link join the club to that page.

APPENDIX 2: Fees

See the separate document named APYC Membership Information YYYY-YYYY or similar on the club web site apyc.org.au, page as above.