



Royal Victorian  
Motor Yacht Club Inc.

# **Statement of Purpose & Constitution**

(2010)





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## **Royal Victorian Motor yacht Club Incorporated Statement of Purposes**

### **The purpose of the Royal Victorian Motor yacht Club Incorporated (hereinafter called "the Club") shall be:**

1. To promote the use of all classes of powerboats.
2. To promote the sciences of seamanship and navigation.
3. To formulate rules to govern trials of speed and endurance.
4. To achieve equality on the water for all boats whether motorised or otherwise.
5. To generally take such steps as may be necessary from time to time to promote and further amateur aquatics.
6. To encourage social relationships between Members of the Club and to establish branches of the Club in Victoria.
7. Solely for the purpose of furthering the purposes set out above the Club shall have power:
  - (1) To take over the funds and other assets and liabilities of the present unincorporated association known as the Royal Victorian Motor Yacht Club.
  - (2) To indemnify any person for any loss or damage incurred as a result of having on behalf of the unincorporated association become liable to pay any amount by way of damages or otherwise.
  - (3) To subscribe to, become a member of and cooperate with any organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Club provided the Club shall not subscribe to or support with its funds any Club, association or organisation which does not prohibit the distribution of its income and property among its Members to an extent at least as great as that imposed on the Club under or by virtue of the rules.
  - (4) To buy, sell and deal in all kinds of articles, commodities and provisions, both liquid and solid, for the Members of the Club or persons frequenting the Club's premises.
  - (5) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements, or property, real and



personal, and any rights or privileges which may be requisite for the purposes of, or capably of being conveniently used in connection with, any of the objects of the Club. Provided that in case the Club shall take or hold any property which may be subject to any trusts the Club shall only deal with the same in such manner as is allowed by law having regard to such trusts.

- (6) Without limiting the generality of paragraph (e) to acquire purchase lease rent hire establish and maintain and carry on Club rooms and Club grounds for the accommodation convenience and enjoyment of the Members of the Club and all the ancillary equipment and paraphernalia related thereto and to construct alter add to maintain the said Club rooms and Club grounds or any premises or any buildings or part of building occupied by the Club and all land required for the purposes of the Club and from time to time to sell transfer lease sublease mortgage charge pledge dispose of or otherwise deal with the whole or any part of the land premises building or part of the building or equipment or personal property owned or leased by the Club.
- (7) To enter into any arrangements with any Government or Authority that are incidental or conducive to the attainment of the objects and the exercise of the powers of the Club; to obtain from any such Government or Authority any rights, privileges and concessions which the Club may think it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- (8) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the purposes of the Club.
- (9) To construct, improve, maintain, develop, work, manage, carry out, alter or control any houses, buildings, grounds works or conveniences which may seem calculated directly or indirectly to advance the Club's interests, and to contribute to, subsidise or otherwise assist and take part in the construction, improvement, maintenance, development, working, management, carrying out, alteration or control thereof.
- (10) To invest and deal with the money of the Club not immediately required in such manner as may from time to time be thought fit.
- (11) To take, or otherwise acquire, and hold shares, debentures, or other securities of any company or body corporate.



- (12) To lend and advance money or give credit to any person or body corporate; to guarantee and give guarantees or indemnities with or without security for the payment of money or the performance of contracts or obligations by any person or body corporate, and otherwise to assist any person or body corporate.
- (13) Subject to such comments as may be necessary, to raise by any lawful means such moneys as shall be necessary, upon such terms and conditions as may be appropriate for the use and benefit of the Club.
- (14) To draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.
- (15) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Club.
- (16) To take or hold mortgages, liens or charges, to secure payment of the purchase price, of any part of the Club's property of whatsoever kind sold by the Club, or any money due to the Club from purchasers and others.
- (17) To take any gift of property whatever subject to any special trust or not, for anyone or more of the objects of the Club but subject always to the proviso in paragraph (5).
- (18) To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club, in the shape of donations, annual subscriptions or otherwise.
- (19) To print and publish any newspapers, periodicals, books or leaflets that the Club may think desirable for the promotion of its objects.
- (20) To supply refreshments for Members and to apply for hold transfer or renew a licence or permit under the Liquor Control Act 1968 as amended for the sale and disposal of liquor without limiting the generality of the foregoing to obtain a transfer to the Club of any such licence or permit held by the unincorporated association known as the Royal Victorian Motor Yacht Club.
- (21) To make rules regulations and/or by laws for the proper government of the Club and carry out the objects and do all



such lawful things as are incidental or inducive to the attainment of the above objects or any of them.

- (22) To provide and maintain its facilities from the point of view of funds for the Club.
- (23) To make donations for patriotic, charitable or community purposes.
- (24) To do all such other things as are incidental and conducive to the attainment of the objects and the exercise of the powers of the Club.

## **Royal Victorian Motor Yacht Club Incorporated Rules**

### 1. NAME

The name of the incorporated association is the Royal Victorian Motor Yacht Club (in these rules called "the Club".)

### 2. DEFINITIONS AND INTERPRETATION:

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

"Committee" means the committee of management of the Club referred to in Rule 20.

"Financial Year" means the year ending 31 March.

"General Meeting" means an Annual, Quarterly or Special meeting of the Club.

"The Register" means the Register of Member's kept by the Club.

"The Boat Register" means the Register of Member's Boats kept by the Club.

"The Act" means the Association Incorporation Act 1981 as amended from time to time.

"The Regulations" means /regulations under the Act.

"Club Premises" means any land, buildings, water, jetties, marinas or slipways from time to time used or occupied by the Club.

"Full Term" Period between two consecutive Annual General Meetings held to elect Office Bearers and General Committee".



- (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 to the Club - to that person; and
  - b) In any other case, to the public officer of the Club.
- (3) Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the interpretation of Legislation Act 1984 and the Act as in force from time to time.

### 3. MEMBERSHIP

- (1) Membership of the Club shall be:
  - a) Ordinary
  - b) Partner
  - c) Temporary
  - d) Honorary Life
  - e) Honorary
  - f) Country
  - g) Absent, or
  - h) Reciprocal
- (2) No persons shall be permitted to become Honorary, Honorary Life, Reciprocal, Absent or Temporary Members of the Club or be relieved of the payment of the regular subscription except those possessing the qualifications defined in these Rules and subject to the conditions and regulations prescribed herein.
- (3) No person under eighteen years of age shall be admitted as a member of the Club.

### 4. ORDINARY MEMBERSHIP

- (1) Any person ("the candidate") not under the age of eighteen years and of good character shall be eligible for ordinary Membership of the Club.
- (2) The candidate must be proposed by a member other than an Honorary or Temporary member and the proposal must be seconded by a member other than an Honorary or Temporary member. Each such member must have been a member for not less than two years preceding the proposal. The proposer



and the seconder shall establish that the candidate is eligible for election.

- (3) An application for Membership in the form prescribed by the Committee shall be completed by the proposer and sent to the Secretary. Upon being satisfied that the candidate is eligible for Membership, the Secretary shall display the application in a conspicuous place in the Club premises for at least two weeks before the next meeting of the Committee at which the Candidates election will be considered.
- (4) The candidate shall be elected an ordinary member of the Club if all of the Members of the Committee present at the meeting at which the candidates election is considered so vote and the candidate shall have paid the fees and subscriptions payable with respect to his Membership.
- (5) An ordinary member shall be entitled to all of the rights and privileges of the Club.

## 5. PARTNER MEMBERSHIP

- (1) A person who is the domestic partner of an Ordinary Member shall be eligible for Partner Membership
- (2) For the purposes of Rules 3 and 5.1 "Partner" means spouse of an Ordinary Member or a person although not legally married to and Ordinary Member, who resides at the same address as the Ordinary Member on a bona fide domestic basis.
- (3) An Ordinary Member may propose his or her domestic partner for Partner Membership.
- (4) A candidate for Partner Membership shall be elected in the same manner as a candidate for Ordinary Membership, subject to both the Ordinary Member and the Ordinary Member's Partner having paid the fees and subscriptions payable in respect to their memberships.
- (5) If an Ordinary Members membership expires at any time his or her partner's membership shall also expire.
- (6) In the event of a change occurring to an Ordinary Member's domestic partner arrangement, and Ordinary Member shall advise the Club in writing and the Partner Membership shall cease immediately forgoing any Partner Membership fees already paid



- (7) A Partner Member shall be entitled to all the rights and privileges of the Club except the right to vote, nominate persons to the committee or become a Member of the Committee.

#### 6. TEMPORARY MEMBERSHIP

- (1) A person permanently resident more than eighty kilometres from the GPO may become a Temporary Member for a period not exceeding thirty days upon being introduced by and nominated by two Committee Members and paying the fees and subscriptions payable with respect to such Membership.
- (2) A Temporary Member shall be entitled to all of the rights and privileges of the Club except the right to vote or become a member of the Committee.
- (3) A member of another Yacht Club maybe elected a Temporary Member of the Club for a term not exceeding 30 days at the discretion of the Committee, without payment of any fees, apart from Marina fees where applicable.

#### 7. HONORARY LIFE MEMBERSHIP

- (1) Persons invested with Life Membership of the unincorporated association known as the Royal Victorian Motor Yacht Club shall be Honorary Life Members of the Club.
- (2) Persons who have rendered outstanding and valuable service to the Club may, upon the unanimous recommendation of the Committee, confirmed by the unanimous vote of the ordinary Members present at any General Meeting, be elected to Honorary Life Membership of the Club.
- (3) An Honorary Life Member shall be entitled to all of the rights and privileges of the Club.
- (4) Honorary Life Membership may be terminated on the recommendation of the Committee confirmed by a majority vote of the ordinary Members present at any General Meeting.

#### 8. HONORARY MEMBERSHIP

- (1) The following persons are, ex officio, Honorary Members:
  - a) The Patron and Vice Patron (if any);
  - b) His Excellency the Governor General and suite;
  - c) His Excellency the Governor of Victoria and suite;



- d) The Mayor for the time being of the City of Hobson's Bay;
  - e) The Commodore for the time being of any Australian Yacht Club and;
  - f) Commissioned Officers of the Royal Australian Navy and of the Royal Navy.
- (2) A Patron and Vice Patron may be appointed annually by unanimous resolution of the Committee.
  - (3) An Honorary Member shall be entitled to all of the rights and privileges of the Club except the right to vote or become a member of the Committee.
9. COUNTRY MEMBERSHIP
- (1) A person permanently resident more than one hundred and fifty kilometres from the GPO may be elected to Country Membership.
  - (2) A candidate for Country Membership shall be elected in the same manner as a candidate for ordinary Membership.
  - (3) A person shall cease to be a Country Member if he shall permanently reside within one hundred and fifty kilometres of the GPO.
  - (4) A Country Member shall enjoy all of the rights and privileges of the Club.
10. ABSENT MEMBERSHIP
- (1) A member, other than a Temporary or Country Member, intending or likely to be absent from the Melbourne Metropolitan Area for one year or more may apply to the Committee to be placed on an absent Members list and if so placed be not liable to annual fees during such absence.
  - (2) An Absent Member may resume his ordinary Membership at any time by paying such proportion of the annual subscription due at such time as the Committee shall determine.
  - (3) An Absent Member shall not be entitled to any of the rights or privileges of the Club save as the guest of an Honorary Life, Ordinary or Country Member.



## 11. RECIPROCAL MEMBERSHIP

- (1) The Committee of the Club may grant reciprocal rights to the Members of another Club or Clubs upon such terms and conditions as the Committee think fit.
- (2) The Members of a Club with reciprocal rights shall be entitled to all of the rights and privileges of the Club except the right to vote or become a Member of the Committee.

## 12. REGISTER OF MEMBERS

The Secretary shall keep and maintain a Register of Members in which shall be entered the full name and address of each member, his category of Membership, date of election to Membership and particulars of all fees and subscriptions paid by such member. The Register shall be available for inspection by all Members.

## 13. ENTRANCE FEES

- (1) Entrance fees for Ordinary, Temporary or Country Membership shall be determined by the Club Committee from time to time.
- (2) No entrance fees shall be payable by Honorary Members.
- (3) No entrance fees shall be required of an applicant for Membership who is at the time of application a financial member of another warranted Royal Yacht Club.
- (4) A former member seeking to rejoin the Club and liable for an entrance fee may be relieved from the payment thereof if he had been a member of the Club for not less than two successive years during which time his subscription and other moneys due by him to the Club had been promptly paid.



#### 14. SUBSCRIPTIONS

- (1) The annual Subscription shall be due and payable on the first day of April in each year.
- (2) The Annual Subscription shall be:
  - a) For Ordinary Members: \$430.00
  - b) For Partner Members: \$40% of Ordinary Member Subscription
  - c) For Country Members: \$265.00

Subscriptions shall be increased annually at a rate equivalent to the official CPI established by the Commonwealth Government, or, such other sum or sums as may be determined by the Club in Meeting provided the Annual Subscription shall never be less than \$10.00 and shall always be payable in advance.

- (3) Honorary Life, Honorary, Absent and Temporary Members shall not be liable to pay an Annual Subscription.
- (4) An account for the annual subscriptions shall be sent to each member liable to pay the same prior to the first day of April. If such member has not paid his subscription by the first day of July his name shall be displayed in a conspicuous place in the Club premises as a member whose annual subscription has not been paid and if after fourteen days such subscription remains unpaid such person shall thereupon cease to be a member. At the time such Members name is displayed as aforesaid the Secretary shall send him a final notice regarding his subscription and a copy of this rule.
- (5) A person elected to Membership after the thirtieth of November shall pay one half of, and a person elected to Membership after the twenty eighth day of February shall pay one quarter of the annual subscription for the current financial year.

#### 15. OUTSTANDING MONIES

- (1) Any member whose fees, subscriptions or other money due to the Club are unpaid after falling due for payment shall not attend or be entitled to take part in the proceedings at any meeting of the Club unless such fees, subscriptions or other money is paid prior to that meeting.



- (2) A member whose fees, subscriptions or other money is outstanding as aforesaid shall not be entitled to exercise any of the rights and privileges of the Club A member whose fees, subscriptions or other money is outstanding as aforesaid and who pays to the Club less than the amount due shall have such payment applied in satisfaction of the fees, subscriptions or other money outstanding the longest.
- (3) When any money other than the annual subscription or a fine imposed pursuant to these Rules is unpaid by a member for more than thirty days the secretary shall demand payment of such money by notice in writing and if such money remains unpaid for sixty days thereafter such member shall cease to be a member without further notice unless his non payment is explained to the satisfaction of the Committee.
- (4) All money due by a member to the Club on resignation, cessation of Membership or expulsion shall be a debt due by such member to the Club.

#### 16. RESIGNATION OF MEMBERSHIP:

A member may resign his Membership by notice in writing to the Secretary accompanied by payment of all fees, subscriptions and other money due by him to the Club.

#### 17. DISCIPLINE OF MEMBERS:

- (1) Subject to these Rules, the committee may by resolution:
  - a) Expel a member other than an Honorary life Member from the Club;
  - b) Suspend a member from Membership of the Club for a specified period; or
  - c) Fine a member in accordance with the Regulations, if the Committee is of the opinion that the member;
  - d) Has refused or neglected to comply with these Rules; or
  - e) Has been guilty of conduct unbecoming a member or prejudicial to the interests of the Club.
- (2) A resolution of the Committee under sub-clause(1):
  - a) Does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member a notice under sub-paragraph (3) confirms the resolution in accordance with this clause; and



- b) Where the member exercises a right of appeal to the Club under this clause does not take effect unless the Club confirms the resolution in accordance with this clause.
- (3) (3) Where the committee passes a resolution under sub-clause (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 Committee and the grounds on which it was based;
  - b) Stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
  - c) Stating the date, place and time of that meeting;
  - d) Informing the member that he may do one or more 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; and
    - iii) Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to effect that he wishes to appeal to the Club in general meeting against the resolution.
- (4) At a meeting of the Committee held in accordance with sub-clause (2), the Committee:
- a) Shall give to the member an opportunity to be heard;
  - b) Shall give due consideration to any written statement submitted by the member; and
  - c) Shall by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the secretary receives a notice under sub-clause (3), he shall notify the Committee and the Committee shall convene a general meeting of the Club to be held within twenty-one days after the date on which the Secretary received the notice.
- (6) At a general meeting of the Club convened under sub-clause (5):
- a) No business other than the question of the appeal shall



be transacted;

- b) The 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 should be confirmed or revoked.

(7) If at the general meeting:

- a) Two-thirds of the Members vote in person in favour of the confirmation of the resolution, the resolution is confirmed; and
- b) In any other case, the resolution is revoked.

#### 18. PROHIBITION ON USE OF CLUB NAME AND ADDRESS.

A member shall not give or use the Club name or address nor the fact of his Membership in any advertisement or enterprise nor in connection with any business purpose.

#### 19. GUESTS

- (1) A member may introduce a visitor to the Club for the day of visit only and the name and address of such visitor shall be entered in a book kept for that purpose and the member shall sign that book against the name of his guest. The member shall be responsible for the conduct of his guest during his visit.
- (2) A person who has been rejected as a candidate for Membership or who has been expelled from the Club or whose admission as a temporary member has been refused shall not be introduced as a guest.
- (3) A visitor shall not be supplied with liquor in the Club premises unless in the company of a member of the Club.

#### 20. THE COMMITTEE

- (1) The Committee shall consist of the Officers (as defined in rule 24) and 4 general Committee Members, three of whom shall have had a financial interest of not less than one third in a boat on the Boat Register for not less than two years and one of whom shall be a Crew Member on a boat on the Boat



Register and an Ordinary Member of the Club for not less than two years.

- (2) Upon election the Members of the Committee shall hold office until the next Annual Meeting.
- (3) A casual vacancy on the Committee may be filled by the Committee and the member so appointed shall hold office until the next Annual Meeting.

## 21. ELECTION OF COMMITTEE

The officers and General Committee Members shall be elected annually in the following manner:

- (1) Nomination of candidates for election as officers and general Committee Members shall be made in writing to the Secretary at least fourteen days before the Annual Meeting in June, and such nominations shall be forthwith posted in a conspicuous place in the Club premises.
- (2) From the candidates so nominated the officers and General Committee Members shall be elected by ballot as hereinafter provided.
- (3) In the event of there being only one nomination for any office the Member nominated shall be duly declared at such annual Meeting to be duly elected to that office.
- (4) Only Members who have paid the annual subscription and all other money due to the Club shall be entitled to receive a ballot paper or papers and to vote.
- (5) The ballot paper or papers shall contain the names of Members nominated for the respective offices, and of those whose period of office has expired.
- (6) In voting, each member shall personally delete from the respective ballot paper or papers so many names as will leave exactly the number of offices to be filled. Any ballot not so treated shall be informal and shall not count.



- (7) After voting such ballot paper or papers shall be placed in the ballot box, which shall be handed to the scrutineers chosen by the Annual Meeting, who shall soon as possible certify to the Chairman the result of such ballot, and who shall thereupon declare the same, and the Members so declared shall be the officers and General Committee Members for the ensuing season.
- (8) If before the ballot is opened the number of candidates is reduced by withdrawal or otherwise to the number required to fill the vacancies, those remaining shall be elected officers and General Committee Members without ballot.
- (9) Any such election of the Officers and General Committee Members shall be invalid unless they have been elected by Members of a class of Members that constitutes not less than sixty per centum (60%) of the total Membership of the Club excluding Temporary or Honorary Members and persons who are Members by reason only of reciprocal arrangements with another Club.

## 22. COMMITTEE MEETINGS

- (1) THE committee shall meet monthly and at such other times as it deems necessary.
- (2) Minutes of all resolutions and proceedings of the Committee shall be entered in a book kept for that purpose.
- (3) A Committee member who shall be absent from three consecutive meetings without leave shall cease to be a member of the Committee.
- (4) Five Members constitute a quorum of the Committee.

## 23. POWERS AND DUTIES OF THE COMMITTEE

- (1) The business and affairs of the Club shall be under the management of the Committee. Neither the Committee nor any member thereof is empowered to incur any overdraft or pledge the credit of the Club or incur any debt or liability on behalf of the Club except for day to day maintenance and management of the Club without the approval of the Members at a general meeting.
- (2) The Committee may make, vary or revoke By-laws and regulations not inconsistent with the Act or the Rules of the management of the Club and the use of all or any of its facilities.



- (3) The Committee may appoint Members of the Club to sub-committees for specific purposes from time to time. Such sub-committees shall have no power to act without the consent of the Committee and shall disband at the discretion of the Committee. The Officers and the immediate past commodore shall be ex-officio Members of all subcommittees. Minutes of all proceedings of each sub-committee shall be entered in a book kept for that purpose.

#### 24. THE OFFICERS

- (1) The Officers of the Club shall be the Commodore, Vice Commodore, Rear Commodore, Secretary and the Treasurer.
- (2) The Commodore, Vice Commodore and the rear Commodore shall be the Flag Officers and shall have a financial interest of not less than one third in a boat on the Boat register and such boat shall have a minimum length on the waterline of 7.62 metres and living accommodation for not less than 2 persons.
- (3) The Commodore, Vice Commodore and the Rear Commodore shall each have served as General Committee Members for one full Term prior to election as officers.
- (4) The Secretary shall attend all meetings of Members and all Committee meetings and shall record the resolutions and proceedings thereof in a book kept for that purpose. In addition thereto he/she shall:
  - a) Maintain a record of the names of Members present at all such meetings;
  - b) Record all correspondence sent by or received by the Club;
  - c) Maintain a register of all Members of the Club in accordance with Rule 12;
  - d) Maintain a Boat Register in accordance with Rule 34;
  - e) Perform the duties of his office in accordance with the Act, Regulations and these Rules;
  - f) Maintain and keep under his/her control all books documents and securities of the Club.
- (5) The Treasurer shall:
  - a) Collect and receive all moneys due to the Club and make all payments due by the Club;



- b) Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure by the Club;
- c) Prepare the statement in accordance with section 30(3) of the Act for submission to the Annual Meeting,
- d) Make available for inspection by a member on his/her request such accounts and books as are kept by him/her.

## 25. ANNUAL MEETING

- (1) The Annual Meeting of the Members of the Club shall be held on the first Wednesday in June or such other day in that month as the Committee may decide and of which at least twenty-one days written notice shall be given.
- (2) The ordinary business of the Annual shall be:
  - a) To confirm the minutes of the previous annual meeting;
  - b) To elect the Flag Officers, the other Officers and the General Committee Members for the ensuing year;
  - c) To appoint an auditor;
  - d) To receive and consider the Statement submitted by the treasurer in accordance with Section 30 (3) of the Act;
  - e) To transact any special business of which notice has been given in accordance with Rule 27.

## 26. QUARTERLY MEETINGS

- (1) At least once in every three months a quarterly meeting shall be held at such time and place as the Committee may appoint and of which at least seven days written notice shall be given.
- (2) The ordinary business of a quarterly meeting shall be:
  - a) Confirm the minutes of the previous quarterly meeting;
  - b) To receive reports; and
  - c) To consider any business or notice of motion of which notice has been given to the Secretary prior to the giving or written notice of the quarterly meeting.



- (3) 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 notice calling the next quarterly meeting after the receipt of the notice except for a meeting convened pursuant to Rule 27(2).

## 27. SPECIAL MEETINGS

- (1) The Committee may direct the secretary to give at least seven days written notice convening a special meeting. At such meeting:
  - a) The business for which the special meeting was convened shall be disposed of; and
  - b) Any other business may be considered.
- (2) Not less than 25 ordinary Members may requisition the Secretary in writing to convene a special meeting of which at least seven days written notice shall be given. Such meeting shall be held within fourteen days of giving such requisition. The only business which may be considered at such special meeting is the business specified in the requisition made to the Secretary.

## 28. PROCEDURE AT MEETINGS

- (1) At all meetings at which the Commodore is in attendance he/she shall take the chair. In the absence of the Commodore, the senior Flag Officer present shall take the Chair. In the absence of a Flag Officer the meeting shall elect a Committee member to take the Chair.
- (2) The member occupying the Chair at any General Meeting shall have a deliberative and a casting vote.
- (3) At every general meeting, the minutes of the previous general meeting shall, unless they have been circulated to Members, be read and submitted before any other business is transacted.
- (4) No business which is opposed shall be considered after 10.30 pm except by consent of not less than three quarters of the Members present and entitled to vote thereon.
- (5) Twelve ordinary Members shall constitute a quorum at a general meeting.



- (6) If within half an hour after the time appointed for the commencement of a general meeting a quorum is not present the meeting:
  - a) If convened upon requisition of Members in accordance with Rule 27(2), shall be dissolved; and
  - b) In any other case shall stand adjourned to the same day in the next week and the same time and (unless another place is specified by the person occupying the Chair at the time of the adjournment or by written notice before the adjourned date) at the same place and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for commencement of the meeting five ordinary Members shall constitute a quorum.
- (7) At any General Meeting the Chairman shall if necessary interpret the Rules but a member may demand that the question of interpretation be submitted to the meeting and two thirds of the Members present and entitled to vote thereafter may decide the question.
- (8) At all meetings of the Club votes shall be given personally and not by proxy.

## 29. CLUB PROPERTY

- (1) The property of the Club, subject to the Club's liabilities shall belong to the Members for the time being but no member by reason of Membership shall have any transmissible or assignable interest therein by operation of law or otherwise.
- (2) A member retiring from the Club or ceasing for any reason to be a member shall not be entitled to or have any claim on any property or asset of the Club.
- (3) A member shall not remove from the Club premises any property of the Club without the consent of at least two Members of the Committee and such property shall be returned to the Club premises not later than the Members of the Committee shall have specified at the time of consent and in good condition as at the time of its removal.



- (4) The Members of the Committee consenting to the removal of such property shall enter the particulars of property, the name of the member removing the same and the date by which the same is to be returned in a book kept by the Committee for that purpose. Such book shall be available for inspection by any member.
- (5) A member who, in the opinion of the Committee is responsible for damage to or loss of Club property may be required by the committee to repair or replace such property.

### 30. CLUB FUNDS

- (1) The funds of the Club shall be applied firstly in payment of its expenses and secondly in the interests of the Club as the committee sees fit.
- (2) All profits and income of the Club shall be used to promote its interests.
- (3) No dividend, gift or bonus in money or other equivalent shall be paid or made to any member.
- (4) No payment shall be made to any member or servant or employee of the Club by way of commission or allowance based on liquor sold by the Club.
- (5) No member shall receive a greater profit benefit or advantage from the Club than any other member save that a remuneration or honorarium approved by the Liquor Licensing Commission may be paid for work done by the Secretary, Treasurer or other office bearer of the Club or by any employee of the Club.
- (6) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and other sources as the committee determines.

### 31. FINANCE:

- (1) All money received shall be paid promptly to the credit of the Club in the bank account nominated by the committee from time to time.
- (2) All cheques drawn on the Club's bank account shall be signed by any two of the Secretary, Treasurer or Commodore.
- (3) The Committee may from time to time establish a limit beyond which no expenditure may be made without its prior consent.



- (4) All accounts shall be passed by the committee before payment.
- (5) The committee may from time to time establish a standing petty cash advance for the use of the secretary or the Treasurer.

### 32. ACCOUNTS AND AUDIT

- (1) Annually and as soon as practicable after the end of the financial year the accounts of the Club shall be examined and their correctness confirmed by an auditor who shall be a Certified practicing Accountant experienced in Company Auditing.
- (2) The Auditor shall be appointed at each Annual Meeting in accordance with Rule 25 and shall continue as such until the ensuing Annual Meeting unless he shall die, resign or be removed by the General Meeting. A vacancy in the office of Auditor shall be filled by a person suitably qualified and appointed by the Committee and such person shall be the Auditor until the next Annual Meeting.

### 33. MEMBERS ADDRESSES AND NOTICES

- (1) For the purpose of notices to Members, a Members address is that given by him in his application for Membership unless he has notified the Secretary of a change therein.
- (2) All notices of any kind to be sent or given to a member may be posted or delivered to the Members address and when so posted or delivered shall be deemed to have reached the member.

### 34. BOAT REGISTER

- (1) Every boat owned by a member or members shall, when approved by the Committee be registered in a book to be kept by the Secretary for that purpose. The Register shall contain the name, dimensions and the name and address of the owner or owners of all boats registered therein.

The following conditions shall apply to the registration of boats in the Boat Register:

- a) Only boats belonging to Members shall be registered. A boat leased by a member for not less than six months may, for the purpose of registration be deemed during the period of lease to be owned by such member.



- b) A boat owned by more than one person shall not be registered unless all owners are members.
- c) A boat used for commercial purposes by a member shall not be registered.
- d) A boat which in the absolute discretion of the Committee is inappropriate for registration shall not be registered.
- e) A boat on the register which in the opinion of the Committee is not seaworthy or properly maintained may by direction of the committee be removed from the Register if after notice to the owner thereof he has not made the same seaworthy or properly maintained it.
- f) The owner of a boat on the register shall notify the Secretary promptly of any change in the particulars entered in the Register.
- g) Vessels will not be admitted to or permitted to remain on the Club Register unless insured to the satisfaction of the Committee and the Club holds a copy of a current Certificate of Insurance at all times.

### 35. RACES AND REGATTAS

- (1) The Committee shall arrange at least one regatta in each financial year.
- (2) The committee shall appoint a subcommittee to be known as the Racing Committee. The Racing Committee shall:
  - a) Abide by any racing rules approved by the Committee;
  - b) Control all regattas and races;
  - c) Resolve all doubts questions and disputes arising from any regatta or race and its decision thereon shall be final and binding.
- (3) A boat leased by a member must have been on the Boat Register for at least three months before it may be entered in a Club race.
- (4) A boat on the Boat Register whose owner or owners have not paid all subscriptions or other money due to the Club may not be entered in a Club race.
- (5) The owner or owners of a boat on the Boat Register who have not paid all subscriptions or other money due to the Club may not receive any prize for any Club race or other event.



### 36. ENSIGNS AND BURGEES

- (1) A boat on the Boat Register may at the specified times fly the Australian National Flag, the Red Ensign or, with approval, the Victorian State Flag.
- (2) A boat on the Boat Register shall when at sea fly the Club Burgee but no boat whose owner has not paid all subscriptions or other monies due to the Club shall fly the Burgee whilst such subscription or money is outstanding.

### 37. LIQUOR:

- (1) In accordance with rule 4(1) and 19(3) liquor shall not be sold to a person under the age of eighteen years.
- (2) No person under the age of eighteen years except persons in training as waiters and who may not serve liquor shall be employed at the Club but this Rule shall not preclude the provision of apprenticeships or work experience for suitable persons.
- (3) If the Club is licensed under the Liquor Control Act 1987 or any amendment thereto the Secretary shall send any alteration of these Rules within fourteen days of their making to the body administering the Liquor Control Act 1987 or any amendment thereto.
- (4) The number of persons permitted on any part of the Club premises licensed under the Liquor Control Act 1987 or any amendment thereto shall not exceed the number authorised by such licence.

### 38. YARDS, SLIPWAYS AND MARINAS

- (1) Any slipway owned, controlled or used by the Club or its Members shall only be used in accordance with these Rules and with any bylaws with respect thereto made in accordance with Rule 23(2).
- (2) Any yard owned, controlled or used by the Club or its Members shall only be used in accordance with these Rules and with any by-laws with respect thereto made in accordance with Rule 23(2).
- (3) Any marina owned, controlled or used by the Club or its Members shall only be used in accordance with these Rules and with any bylaws with respect thereto made in accordance with Rule 23(2).



- (4) The owner of a boat, as defined in Rule 34(1)(a), shall remove his boat from a slipway, yard or marina upon the written request of the Secretary at such time as shall be fixed by the committee.
- (5) A member who fails to remove his boat after request as aforesaid and who fails to provide the Committee with sufficient explanation therefore shall be liable to have such boat sold together with all gear associated therewith, but
  - a) Notice of intention to exercise a right of sale shall be given in writing to such member at least seven days before such sale and;
  - b) Notice of intention to exercise a right of sale shall be advertised in a newspaper circulating in the Melbourne metropolitan area at least seven days before such sale and
  - c) Any debt due by the owner to the Club and any costs of sale or advertising such sale shall be deducted from the proceeds thereof and the balance, if any, shall be paid to the owner. Failure to claim such balance within sixty days of such sale may result, at the discretion of the Committee in such balance as being treated as Club funds subject always to the right of the lawful owner to make claim thereto.

#### 39. THE COMMON SEAL

- (1) The Common Seal of the Club shall be kept in the custody of the Secretary.
- (2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and its affixing shall be attested by at least one Flag Officer and at least one General Committee Member.

#### 40. GENERAL

- (1) The Members of the Committee and the Officers of the Club after incorporation under the Act shall be those persons holding such offices in the Royal Victorian Motor Yacht Club prior to its incorporation and for the purposes of these Rules such Members and Officers shall be deemed to have been elected to office in the Royal Victorian Motor Yacht Club Inc.



- (2) A member shall retain the same category of Membership held by him in the Royal Victorian Motor Yacht Club prior to its incorporation.

#### 41. ALTERATION OF RULES

These Rules and Statement of Purposes of the Club shall not be altered except by a special resolution passed at a General Meeting by three-quarters of the Members present entitled to vote thereat and in respect of which a minimum of 21 days written notice specifying the intention to propose the resolution as a special resolution was given to such Members in accordance with these Rules.

#### 42. WINDING UP AND DISSOLUTION

- (1) The Committee may convene a special Meeting at any time giving at least twenty one days written notice thereof in order that the opinion of the Members with respect to winding up or any matter affecting it can be ascertained.
- (2) The Club may be wound up by a resolution passed at a Special Meeting, convened for the purpose and of which twenty-one days written notice has been given by three quarters of the Members present and entitled to vote thereat.
- (3) Upon resolving to wind up the Club the Committee shall forthwith discharge the Club's liabilities.
- (4) Upon resolving to wind up the Club its property shall be sold and the net proceeds thereof together with the Club funds shall be given or transferred to another Club or body having objects similar to the statement of purposes of the Club and which prohibits its distribution of funds or property amongst its Members. Such other Club or body shall be selected by a General Meeting before the winding up and in default of such selection the Club or body, shall be as selected by the chief Justice of the Supreme Court of Victoria.