



Hervey Bay Boat Club Yacht Squadron



1 Buccaneer Ave, Urangan, 4655; hbbc.yachtsquadron@gmail.com

AGM Nomination Form

I _____ being a financial member of the HBBC Yacht Squadron Inc.

for the current financial year, nominate:

_____ for the position of _____

Seconded by: _____

Positions for nomination are:

*Commodore
Vice Commodore
Secretary
Treasurer
Boat Captain
Handicapper
Committee Members x4*

I _____ being a financial member of the HBBC Yacht Squadron Inc. for the current financial year, accept the nomination and agree to abide by the Constitution and Bylaws of the club.

Signed by nominator: Date:

Signed by seconder: Date:

Signed by nominee: Date:

Please return to the Secretary no later than 10 days prior to the AGM.

hbbc.yachtsquadron@gmail.com

Constitution and Rules

LAST UPDATE (02/02/2023)

1. The name of the club shall be "Hervey Bay Boat Club Yacht Squadron Inc." (Amended 04/08/2022)

2. **Objects**

The objects of the club shall be to foster and encourage yachting, social and charitable activities amongst members.

3. **Interpretation**

The words importing male gender shall include all genders. (Amended 04/08/2022)

4. **Membership**

1. **Applicants** for membership must -

- a. be financial members of the Hervey Bay Boat Club Inc. (excluding temporary membership, Junior Membership) (Amended 04/08/2022)
- b. be willing to abide by all the rules laid down in this constitution,
- c. must accept affiliation and membership with Australian Sailing (Added 04/08/2022)
- d. complete an application form and pay the fees for membership (Amended 04/08/2022)

Applications for membership shall be considered for approval at the next General Meeting. Applications may be referred to the committee for recommendation to a General Meeting if required. (Amended 04/08/2022)

A list of members of the club (Squadron) may be provided to The Hervey Bay Boat Club for validation of financial membership of the parent club. (Added 04/08/2022)

2. **Membership Classes** (Added 04/08/2022)

Membership shall be selected from the following classes:

- a. Adult Sailing (min. age of 18)– for active sailing participants in the club and/or sailors who wish to participate in regattas with other clubs
- b. Temporary membership – persons interested in sailing with the club, can participate in 3 sailing events with a SailPass, before requiring full membership
- c. Social Non-sailing – persons wishing to be involved in the club but not sailing
- d. Junior Sailing – (under the age of 18), must have an associated current Adult Sailing family member
- e. Volunteer membership – for persons who volunteers in any official role
- f. Life membership – nominated and approved by members

3. **Life Members** may be elected at any Annual or Special Meetings of the club. Any member of the club who has rendered outstanding service to the club may be nominated by the Management Committee for election of Life Membership. Upon election, the Life Member shall have all the rights and privileges of Adult Sailing members without payment of subscriptions or any other membership fees. Nominations for life membership must be submitted and comply with the conditions on the current 'HBBCYS Life Membership Guideline and Nomination Form'. (Amended 01/12/22)

4. Only Adult Sailing, Social Non-Sailing and Life members shall have the right to vote and be elected on the management committee. (Added 01/12/2022)

5. Temporary members, after three sails, and Social Non-sailing members will not be able to compete in race events unless they upgrade to Adult-Sailing membership. (Added (01/12/2022)

5. **Management**

1. The **Management Committee** (hereinafter called the **Committee**) shall be elected for a year or until the next Annual General Meeting.

2. All offices shall be honorary and elective.
3. The Committee shall consist of a Commodore, Vice-Commodore, Secretary, Treasurer, Boat Captain, Handicapper and four Committee Members. In the case of the same member being elected Secretary/Treasurer an Assistant Secretary may be elected to the Committee. (Amended 04/08/2022)
4. The composition and membership of the Committee shall be communicated to the parent club's (The Hervey Bay Boat Club) Board of Directors. (Amended 04/08/2022)
5. The Commodore may hold the office for a maximum of three consecutive years; thereafter, may stand for re-election after a one-year break.

6. FUNCTIONS OF THE MANAGEMENT COMMITTEE (Added 04/08/2022)

1. Subject to these rules or a resolution of the members of the association carried at a general meeting, the Committee has the general control and management of administration of affairs, property, and funds of the association.
2. The Committee may exercise the powers of the association –
 - a. to invest and deal with the money of the club not immediately required, in such a manner as may from time to time be thought fit.
 - b. to borrow, raise or secure the payments of amounts in a way the members of the association decide.
3. The Committee shall not use a common seal.

7. Election of Office Bearers

1. All nominations for office shall -
 - a. be on the prescribed form, must bear the written consent of the candidate, and be signed by the proposer and seconder who are financial members of the Yacht Squadron.
 - b. be available from the Secretary at least 21 prior to the Annual General Meeting and completed nomination forms are to be in the hands of the Secretary not less than 10 days prior to the date of the Annual General Meeting when nomination shall close.

(Reformatted 04/08/2022)

2. The Secretary shall prepare a list showing all nominations which have been prepared and delivered in accordance with the rules laid down and shall display such list on the noticeboard seven clear days prior to the Annual General Meeting.
3. Office bearers shall be elected at the Annual General Meeting. (Moved from 7.1 a), 04/08/2022)
4. Any position for which no nomination has been received prior to the closing date may be filled by nomination and election from the floor of the Annual General Meeting.

8. RESIGNATION OF AN OFFICE BEARER (ADDED 04/08/2022)

1. A Committee member's intention to resign must be sent in writing to the secretary. The notice of resignation must be presented at the next general meeting.
2. Acceptance of the resignation will create a casual vacancy on the Committee to be filled as soon as possible.
3. To fill a casual vacancy on the Committee
 - a. the secretary calls for nominations
 - b. the vacancy will be filled by a majority vote at a general meeting.

9. Duties of Office Bearers

1. **The Commodore** shall chair all meetings when present and shall generally supervise the activities of the club.
2. **The Vice Commodore** is second in charge and shall render assistance to the Commodore as required and chair meetings in the absence of the Commodore.
3. **The Secretary** is responsible for the safe custody of all papers, books, documents, and records of the club except those financial records that are the responsibility of the Treasurer.

The Secretary shall –

- a. prepare an agenda for and attend all meetings of the club and be responsible for the recording of full and complete minutes of each meeting.
- b. A draft record of the minutes shall be sent to the committee and any relevant persons a week after the meeting for perusal. (Added 04/08/2022)
- c. an accurate record of the minutes will be passed by a majority at the next general meeting and signed by the chairperson of that meeting or the meeting's present chairperson. (Added 04/08/2022)
- d. maintain the signed minutes electronically or in a Minutes Book. (Added 04/08/2022)
- e. issue written (Added 04/08/2022) notices of meetings when required and attend to the correspondence of the club.
- f. have authority to receive and disburse monies on behalf of the club as approved by the Treasurer or the Management Committee.
- g. have available suitable application forms for membership and for nomination of office bearers.
- h. be advanced such a sum of money, as the Committee shall decide from time to time, as petty cash on the imprest system.
- i. maintain a current register of membership of the club in conjunction with the Treasurer.

4. **The Assistant Secretary** shall –

- a. assist the Secretary as required and assume the Secretary's duties in the absence of the Secretary.
- b. assist the Secretary in maintaining the register of membership of the club in conjunction with the Treasurer.

5. **The Treasurer** shall –

- a. have custody of the funds of the club and shall bank all monies to the credit of the club at the club's bank.
- b. report the financial position to general (Added 04/08/2022) meetings and present an audited balance sheet and statement of receipts and expenditure to the Annual General Meeting. (Amended 04/08/2022)
- c. in conjunction with the Secretary or Assistant Secretary, maintain a record of memberships of the club
- d. report to the Committee any member whose subscription is over three months overdue. Funds of the club shall be banked in the name of the club at such bank as the Committee may from time to time direct.
- e. Maintain a current register of assets, receipts and any other financial registers as required by the club's auditors. (Amended 04/08/2022)
 1. **Signatories** to the bank account must consist of at least two nominated Hervey Bay Boat Club Yacht Squadron office bearers. (Amended 3/8/2017)
 2. **Cheques** are to be signed by any two of the club's bank account signatories. All payments of accounts are to be approved at the Committee Meeting and amounts over \$50.00 should be paid by cheque crossed "Not Negotiable". (Amended 3/8/2017)
 3. **Electronic payments** are to be authorised by any two of the club's bank account signatories. (Amended 3/8/2017)

6. **The Boat Captain** is responsible for the maintenance (either by handling of this himself or by nominating members or specialists, if needed) of the Yacht Squadron's Start Boat or other associated buoys, boats, and equipment, and having same available on the days required.

7. **The Handicapper** shall strive to inform him/herself of each boat's performance and in so doing issue a fair and reasonable handicap.

10. Meetings

1. The **Annual General Meeting** shall be held as soon as practicable after the close of the financial year and not later than two calendar months thereafter. Business at the Annual General Meeting shall include -

- (a) reading and confirmation of the minutes of the previous Annual General Meeting,
- (b) receiving and adopting the Treasurer's Report and audited financial statements,
- (c) presentation of the Commodore's Annual Report,
- (d) the election of all office bearers for the ensuing year,
- (e) any general business that may be accepted by the Chairman.

At the Annual General Meeting, ten financial members present shall constitute a quorum.

2. **Committee and General Meetings** shall be held as far as practicable every month to present reports to the Committee and members, to receive recommendations from the Committee and members, and to deal with correspondence, finances (Added 04/08/2022) and other general business as necessary. At Committee and General Meetings, four Committee Members present shall constitute a quorum.

3. **Special Meetings** may be called by the Secretary under instruction from the Committee or upon request in writing of not less than ten financial members of the club. Such written request shall state the objects for which the Special Meeting is required, and the Special Meeting shall be called by the Committee within two calendar months from the date of receipt by the Secretary of the written request. Notice of such meeting shall be determined by the Committee by posting on the noticeboard and club website at least ten days before the meeting is to be held. Discussion at this Special Meeting shall be confined to the matters for which the meeting was called and only then if a quorum of ten financial members is present. (Amended 3/8/2017)

11. All Meeting Procedure

Unless otherwise provided by this constitution, at every meeting of the club-

- a. the Commodore shall be the Chairman and in his/her absence the Vice Commodore. In the absence of both the Commodore and the Vice Commodore, a chairman shall be elected by resolution of the majority of the financial members present at the meeting.
- b. the Chairman shall maintain order and conduct the meeting in a proper and orderly manner.
- c. every question, matter or resolution shall be decided by a majority of votes of financial members present.
- d. every financial member present shall be entitled to one vote and in the case of an equality of votes the Chairman shall have a second or casting vote.
- e. voting shall be by show of hands or division of members unless the chairman considers a secret ballot is necessary or such secret ballot is demanded by not less than five financial members present at the meeting. The Chairman may appoint two or three members to conduct the ballot in such a manner as he may determine, and the results of the ballot, as decided by the Chairman, shall be deemed to be the resolution of the meeting.
- f. members eligible to vote at any meeting of the club shall be those members who are financial. Members eligible to vote at any meeting must be financial as at the last committee meeting and new members as per the minutes of the last committee meeting.

12. Financial Members

A financial member at any material time is a member who is not then indebted to the club in respect of any subscription or other payment whatsoever.

13. Membership fees (Amended 04/08/2022)

1. Membership fees shall be determined by the Management Committee no later than two months prior to the end of the financial year. (Amended 04/08/2022)
2. The membership year shall commence on the first day of July each year and end on the thirtieth day of June in the following year.
3. Membership fees shall become due in advance from the first day of July in each year. (Amended 04/08/2022)
4. All new members joining the club after the thirtieth day of April of each year shall be a financial member for the ensuing financial year.
5. Any member whose fees are in arrears for a period of two months after the thirtieth of June shall be notified by the secretary. (Amended 04/08/2022)
6. After three months of a member's fees being in arrears the member will be deemed to have resigned from the club but on appeal to the Committee, such member may be reinstated on payment of amount in arrears. (Amended 04/08/2022)

14. Financial Year

The financial year of the club shall coincide with the financial year of the parent club (The Hervey Bay Boat Club Inc.), being the 30th of June. (Amended 01/12/2022)

15. Alterations to the Constitution and By-Laws (Amended 01/12/2022)

1. The rules of this constitution may be repealed, added to, or amended at a General Meeting by special resolution. Any such alterations must be carried by at least a three-quarters majority of financial members present and entitled to vote. (Amended 02/02/2023)
2. Notification of any repeals, amendments or additions to the constitution shall be given to the Secretary and the Secretary shall notify members of the proposed alterations at least ten days prior to the meeting. (Amended 1/12/2022)
3. Any alteration to the rules is valid only if it is registered by the chief executive (a delegate of the Registrar administering the Act. (Added 01/12/2022)
4. After any alterations to the constitution shall be communicated to the parent club's Board of Directors. (Amended 04/08/2022)
5. The Management Committee shall have the power to add, amend or repeal by-laws not inconsistent with this constitution for the internal management of the club. These by-laws may be altered by a majority vote at any General Meeting. (01/12/2022)

16. Termination of MEMBERSHIP (Ordinary Members or Office Bearers)

1. A member may **resign** at any time by giving notice in writing to the Secretary.
2. A member may be **suspended** or **expelled** from the club if the Committee be of the opinion that -
(a) the alleged conduct of the member be detrimental to the welfare of the club, or

- (b) the member has committed a breach of the constitution, rules, or by-laws of the club whereby the club will be or may be prejudiced in any way, or
- (c) the member joined the club by misrepresentation of personal particulars on the application for membership.
- (d) the member has been expelled, resigned, or becomes un-financial from the Hervey Bay Boat Club Inc. (Amended 04/08/2022)

3. Such member shall be informed of the matter alleged against him and afforded the opportunity of being heard by the Committee. If in the opinion of not less than two-thirds of the Committee members present at the meeting duly convened, the explanation of the member is unsatisfactory then such member shall be suspended or expelled as the case may be, by resolution of the Committee. Such member is to be notified of the Committee's decision within 24 hours of the said meeting by written notice posted or delivered to the last known address as recorded in the club records.

4. A suspended or terminated member has the right to appeal in writing to the secretary within 30 days of the termination. This will be presented at the next general meeting for consideration. (Added 04/08/2022)

17. Dissolution

The club shall be dissolved -

- a. if the membership is less than three persons, or
- b. if a resolution to that effect is carried by a three-fourths majority of financial members present at a Special Meeting convened to consider the question of dissolution. The property and other assets of the club remaining after the payment of all debts and other liabilities shall be handed over to the Hervey Bay Boat Club Inc.

HERVEY BAY BOAT CLUB YACHT SQUADRON INC.

By-Laws

By-Law A (1)

Any person under the age of 18 years, with a Junior or temporary membership must be accompanied by their associated Adult Sailing family member when participating in squadron events and must abide by the rules set down by the Hervey Bay Boat Club Inc. Yacht Squadron Committee. (Amended 04/08/2022)

By-Law 05-06-2008

The HBBCYS management committee shall select up to four financial members to act as a 'Race Committee'. In addition, the Commodore will be an ex-officio member of the race committee.

The race committee's role is to administer and manage all HBBCYS racing events.

The race committee is responsible for, but not restricted to, the following tasks:

1. Prepare biannual sailing calendars for racing and cruising events to present to the Management Committee. (Amended 09/01/2020)
2. Administer race policies and procedures in accordance with AS standards.
3. Prepare Sailing Instructions and Notices of Race for HBBCYS regattas.
4. Make applications to the relevant authorities to conduct Aquatic Events after Management Committee approval of the sailing events. (Amended 04/11/2018)
5. Appoint a 'Principal Race Officer' of the day to take charge of each sailing event while on the water. (Amended 09/02/2020)
6. Determine the course to be sailed at each event.
7. Conduct a briefing for race entrants immediately prior to each event.
8. Ensure race results are presented to the Handicapper in a timely manner.
9. Appoint a Protest Committee as required. (Amended 3/8/2017)

By-Law 06-07-2006

The Official Starters shall receive 12 months honorary membership.

They shall be provided with access to the current Racing Rules of Sailing (Blue Book) for use at the Start Line.(Amended 04/08/2022)

By-Law 01-09-2005

Two Divisions are to be established for racing if necessary. Division 1 starts at the defined start time with Division 2 starting later at a time interval set by the Race Committee

All yachts must sail the same course (or prescribed course alternatives as may be described in the sailing or race briefing instructions) and elapsed time recorded for all yachts. (Amended 09/02/2020)

By-Law 07-07-2005

An addendum to the Starting procedure states that, after the starting signals have been given, all Yachts have 15 minutes to start, after which they will be recorded as DNS. They may continue to sail but will not be included in the Official Fleet.

By-Law 05-08-2004

The annual Rob Bachelor Around Woody Is. Race Trophy is to become a perpetual one for the first yacht home, and prizes for 1st, 2nd & 3rd prizes will be awarded. (Amended 09/01/2020)

By-Law 6-11-2003

All participating yachts in a club fixture must have Third Party Insurance with a minimum liability of \$10,000,000. Yacht owners must present a copy of their yacht's current insurance certificate to the Race Committee before they can race. (Amended 09/01/2020)

By-Law 01-05-2003

Awards are to be given to crew who are club members on the winning yachts in a Racing Series. (Amended 3/11/2011)

By-Law 03-10-2002

Notice of Regattas is to be issued at least 1 month before the Regatta date.

By-Law 01-11-2001

A Minimum of four boats are required to constitute a race but may be reduced at the discretion of the Race Committee. (Amended 09/01/2020)

By-Law 02-05-1996

Races may be cancelled or postponed if a Strong Wind Warning is current for Hervey Bay Waters and issued by B.O.M. at the discretion of the Principal Race Officer in consultation with the race committee. (Amended 3/11/2011)

By-Law 07-03-1996

An Encouragement Award may be provided for the Club Championship Series at the discretion of the Race Committee. (Amended 09/01/2020)

By-Law 01-02-1996

Awards are to be given for all Class divisions. (Amended 3/11/2011)