RGYC Rules

Adopted by the RGYC Members – 9 September 2025

Royal Geelong Yacht Club

Rules

Approved by the RGYC Members: Tuesday 9 September 2025

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Model Rules for an Incorporated Association

Note

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012**, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1 Name

The name of the incorporated association is the "Royal Geelong Yacht Club Incorporated",(hereafter called “The Association” or “The Club”).

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2 Purposes

Statement of Purpose

The purpose of the association is:
To be one of Australia’s cornerstone yachting and boating clubs, hosting world class events and home to the nation’s best sailors.

3 Financial year

The financial year of the Association is each period of 12 months ending on 30th June.

4 Definitions

In these Rules—

Absolute majority, of the Board, means a majority of the Board members currently holding office and entitled to vote at the time (as distinct from a majority of Board members present at a Board meeting);

Boat or powerboat means a vessel recorded on the Club Vessel Register that is powered by its own engine

Boat Owner means an owner of a vessel who at the time of boat registration on the Club Vessel Register and during the ownership of that vessel is and remains a financial Platinum Member or Gold Member. A Silver, Bronze or Blue Member who owns an off the beach vessel may place that boat on the Vessel Register. Honorary Member – see Rule 76 (2). Leased vessel – see Rule 76 (6).

Board means the Board having management of the business of the Association

By Law means an enforceable rule or regulation determined by resolution of the Board

Chairperson, of a general meeting or Board meeting, means the person chairing the meeting as required under rule 45;

Club means the Royal Geelong Yacht Club

Board meeting means a meeting of the Board held in accordance with these Rules;

Board member means a member of the Board elected or appointed under Division 3 of Part 5;
Commission means the Victorian Commission for Liquor Control and Gamin Regulation under the Liquor Control Reform Act (1998)

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 22(3);

disciplinary meeting means a meeting of the committee convened for the purposes of rule 21;

disciplinary committee means the committee appointed under rule 19;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

Leave of absence means a period of time a Member may apply to be absent from the Club yet remain as a member without any membership rights except continuity of service. The Member will be liable for an annual administration fee as determined by the Board

member means a member of the Association;

member entitled to vote means a member who under rule 13(2) is entitled to vote at a general meeting; ***Officer of the Association*** means the Commodore, Vice Commodore, Rear Commodore, Club Captain and / or Treasurer of the Club

Commodore means the President or most senior elected member and Flag Officer of the Association.

Vice Commodore means the Vice President or second most senior elected member and Flag Officer of the Association.

Rear Commodore means the Deputy Vice President or third most senior elected member and a Flag Officer of the Association.

Club Captain means the fourth most senior elected member and a Flag Officer of the Association.

Treasurer means the fifth most senior elected member and a Flag Officer of the Association.

Ordinary member of the Board means a member of the Board who is not an Officer of the Association under Rule 49 (2)(b).

Off the Beach Vessel means a vessel that can be launched off a beach without the use of a crane or motorised vehicle

Secretary means a person appointed for the purpose of and/or employed by the Board as the Secretary of the Association. (See Rule 46(Secretary))

Recognised Yacht Club means and includes any Yacht Club affiliated with the Australian Sailing or Yachting Victoria or which is bona fide established to encourage and foster the sport of sailing

Rules means the Articles of Association of the Royal Geelong Yacht Club (Incorporated)

Special resolution means a resolution that requires not less than two thirds of the members voting at a general meeting, whether in person or by absentee vote to vote in favour of the resolution;

The Act means the **Associations Incorporation Reform Act 2012** and includes any regulations made under that Act;

The Registrar means the Registrar of Incorporated Associations.

Visitor means a person who is not a member of the Association

Vessel includes every description of watercraft capable of being used as a means of transportation on water.

Yacht means a sailing vessel recorded on the Club Vessel Register.

PART 2—POWERS OF ASSOCIATION

5 Powers of Association

(1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.

(2) Without limiting subrule (1), the Association may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise and borrow money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

(f) appoint agents to transact business on its behalf;

(g) enter into any other contract it considers necessary or desirable.

(3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6 Not for profit organisation

(1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.

(2) Subrule (1) does not prevent the Association from paying a member—

(a) reimbursement for expenses properly incurred by the member; or

(b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

Division 1—Membership

7 Minimum number of members

The Association must have at least 5 members.

8 Who is eligible to be a member

Any person who supports the purposes of the Association is eligible for membership.

(1) There shall be the following categories of membership of the Association-

(i) Gold Member — a person aged 18 years or more and if not having attained the age of 25 years electing to forego Silver membership.

(a) Any member who is a vessel owner and who races or uses the club facilities, slipway, yard or marina to service, berth, store or in any way use his/her vessel must be a Gold Member or Platinum (Veteran, 50 Year or Honorary Life) Member of the Association.

(b) It is not intended that the subsection 8 (i) (a) shall apply to Silver, Bronze or Blue Members of the Association who race or use sailing dinghies or Off the Beach (OTB) vessels.

(c) Gold Members have the right to vote in elections of Board members, at Annual General Meetings, Special General Meetings, and may become members of the Board and Flag Officers of the Association, subject to the Rules of eligibility herein. Gold Members may participate in Club racing, boating and social events.

(ii) Platinum Member

a) Veteran Member

a member who has completed 40 years of continuous membership (including Leave of Absence) of the Association, or has attained the age of 70 years as at the 1st July in any year and has completed 20 years continuous membership. Members may transfer to Platinum (Veteran) Membership when eligible. A Platinum (Veteran) Membership annual subscription is 35% of annual Gold subscription.

(b) Honorary Life Member

a Gold Member or Platinum Member of the Association who, on recommendation by the Board and elected by two thirds majority of members at a General Meeting, has been appointed as an Honorary Life Member of the Association. Platinum (Honorary Life) Members will be entitled to their continuing annual membership of the Club at no charge for their annual membership fee.

c) 50 Year Member
a Member who has completed 50 years of continuous membership (including Leave of Absence) in any or all of the membership categories will be entitled to their continuing annual membership of the Club at no charge for their annual membership fee.

A Platinum (Veteran, Honorary Life or 50 Year) Member shall have the same voting rights and privileges as a Gold Member of the Association.

(iv) Silver Member

a) a Member who having attained the age of 18 years as at 1st July in any year but who shall not be eligible to vote under the Articles of Association or fill vacancies on the Board or be a Flag Officer unless otherwise allowed in clause iv) b).

b) a Senior or Senior Family Member as at June 30 2015 who becomes a Silver Member on July 1, 2015 whose partner (as defined) becomes a Gold Member, Platinum (Veteran, 50 Year or Honorary Life) Member of the Association on July1 2015 is eligible to vote under the Articles of Association.

No person may join sub category (iv) Silver b) after July 1, 2015.

All Silver Members may participate in Club racing, boating and social events.

The Silver membership annual subscription is 45% of annual Gold subscription.

(v) Bronze Member

a person aged 18 years or more but not having attained the age of 30 years; but this shall not preclude a person electing to be a Gold Member foregoing their right to Bronze membership. Bronze Members may not vote or fill vacancies on the Board. Bronze Members may participate in Club racing, boating and social events.

The Bronze membership annual subscription is 35% of the Gold subscription.

(vi) Blue Member

a person aged 5 to 17 years.

The annual subscription for individual Blue Members in this category is 15% of the annual Gold subscription.

Blue Members may not vote or fill vacancies on the Board. Blue Members may participate in Club racing, boating and social events.

Where there are two Blue Members from a family that includes a Gold Membership holder, any subsequent Blue Member will not be required to pay an annual subscription.

(vii) Day Membership

The Board may offer a Day Membership in the manner described in the By-Laws and may determine the fee, if any, that will be charged.

A Day Member is entitled to access and use the Club facilities for a one day period and has no other membership rights or privileges.

A Member on Leave of Absence from the Club or a person who has been a RGYC Member previously may use this category no more than three times per year. A person who is suspended or has been expelled will not be granted a Day Membership.

(viii) Honorary Member — A person appointed by and at the discretion of the Board for a period not exceeding 12 months. There is no annual subscription for Honorary Members. Honorary Members may participate in Club racing, boating and social events.

Honorary Members may not vote or fill vacancies on the Board.

9 Application for membership

(1) To apply to become a member of the Association, a person must submit a written application in the form provided by the Board stating that the person—

(a) wishes to become a member of the Association; and

(b) supports the purposes of the Association; and

(c) agrees to comply with these Rules.

(2) The application—

(a) must be signed by the applicant; and

(b) be nominated in writing by a Platinum, Gold, Silver or Bronze Member of the Association over the age of 18 years and seconded in writing by a Platinum, Gold, Silver or Bronze Member of the Association over the age of 18 years; and-

(c) be lodged with the secretary of the Association.

. Note: The joining fee is the fee (if any) determined by the Board under rule 12(3).

10 Consideration of application

(1) As soon as practicable after an application for membership is received, the Board must decide by resolution whether to accept or reject the application.

(2) The Board must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(3) If the Board rejects the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given for the rejection of an application.

11 New membership

(1) If an application for membership is approved by the Board—

(a) the resolution to accept the membership must be recorded in the minutes of the Board meeting; and

(b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—

(a) the Board approves the person's membership; or

(b) the person pays the joining fee (if any).

(3) If the Board approves an application for membership, the Secretary must, as soon as practicable-

(a) notify the applicant in writing of the approval for membership; and

(b) request payment within 28 days after receipt of notification of the sum payable under these Rules as the entrance fee and the first year's annual subscription; and

(c) Where an application for membership is determined by the Board during the financial year and a period of less than 12 months is remaining in that financial year, the annual subscription may be calculated and determined on a pro-rata basis for the remainder of that financial year.

(4) The Joining Fee is the relevant amount determined by the Board from time to time. The Board may vary the Joining Fee at its discretion providing the Joining Fee does not exceed 100% of the associated Annual Subscription

(5) The annual subscription is the relevant amount established by the Board and is payable in advance on or before 1 July in each year; or payable in advance instalments, at the discretion of the Board, commencing on 1 July in each year including an additional instalment administration fee, determined by the Board, but not more than 20% of the annual subscription fee.

(6). The Board may recommend to a Special General Meeting convened prior to the 1st May each year to vary the annual subscription, provided that a vote to alter the annual subscription is conducted in accordance with the Articles of Association of Royal Geelong Yacht Club.

(7) On written application to the Board, the Board may give consideration to providing a rebate in any membership category on the demonstrated basis of:

(a) significant on water related management service throughout the previous membership year or

(b) social security beneficiary in regards to unemployment, aged/disability pension/carer payment or education or

(c) full time student or

(d) any other reason the applying member feels inhibits their ability to pay full subscriptions.

The Board has sole discretion to grant any such rebate, which shall not exceed 50% of the actual membership category fee & must be reviewed by the Board annually.

(8) The Board may grant a Member Leave of Absence as defined in these Rules and in the manner described in the RGYC By-Laws.

12 Annual subscription and fee on joining

(1) At each half year special general meeting, the Association must ratify the amount of the annual subscription of the Gold Membership for the following financial year as recommended by the Board; and

(2) The Association may determine that a lower annual subscription is payable.

(3) The rights of a member (including the right to vote) who has not paid the annual subscription or the due payments within an instalment plan approved by the Board by the due date, being July 31st, are suspended until the subscription is paid.

13 General rights of members

(1) A member of the Association who is entitled to vote has the right—

(a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and

(b) to submit items of business for consideration at a general meeting; and

(c) to attend and be heard at general meetings; and

(d) to vote at a general meeting; and

(e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75(Custody and inspection of books and records); and

(f) to inspect the register of members.

(2) A member is entitled to vote if -

(a) the member is a member other than a Silver, (except as defined in Rule 8 (iv) (b)) Bronze, Blue or Honorary member; and

(b) more than 10 business days have passed since he or she became a member of the Association; and

(c) the member's membership rights are not suspended for any reason.

14 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

15 Ceasing membership

(1) The membership of a person ceases on resignation, expulsion or death.

(2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

16 Resigning as a member

(1) A member may resign by notice in writing given to the Association.

Note

Rule 70(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the Board.

(2) A member is taken to have resigned if—

(a) the member's annual subscription is more than 12 months in arrears; or

(b) where no annual subscription is payable—

(i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and

(ii) the member has not, within 3 months after receiving that request, confirmed in writing that he or she wishes to remain a member.

17 Register of members

(1) The Secretary must keep and maintain a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member;

(iii) the date of becoming a member;

(iv) any other information determined by the Board; and

(b) for each former member, the date of ceasing to be a member.

(2) Any member may, at a reasonable time and free of charge, inspect the register of members.

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

Division 2—Disciplinary action

18 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

(a) has failed to comply with these Rules; or

(b) refuses to support the purposes of the Association; or

(c) has engaged in conduct prejudicial to the Association.

19 Disciplinary committee

(1) If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Board must appoint a disciplinary committee to hear the matter and determine what action, if any, to take against the member.

(2) The members of the disciplinary committee—

(a) may be Board members, members of the Association or anyone else; but

(b) must not be biased against, or in favour of, the member concerned.

20 Notice to member

(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

(a) stating that the Association proposes to take disciplinary action against the member; and

(b) stating the grounds for the proposed disciplinary action; and

(c) specifying the date, place and time of the meeting at which the disciplinary committee intends to consider the disciplinary action (the *disciplinary meeting*); and

(d) advising the member that he or she may do one or both of the following—

(i) attend the disciplinary meeting and address the disciplinary committee at that meeting;

(ii) give a written statement to the disciplinary committee at any time before the disciplinary meeting; and

(e) setting out the member's appeal rights under rule 22.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

21 Decision of disciplinary committee

(1) At the disciplinary meeting, the disciplinary committee must—

(a) give the member an opportunity to be heard; and

(b) consider any written statement submitted by the member.

(2) After complying with subrule (1), the disciplinary committee may—

(a) take no further action against the member; or

(b) subject to subrule (3)—

(i) reprimand the member; or

(ii) suspend the membership rights of the member for a specified period; or

(iii) expel the member from the Association.

(3) The disciplinary committee may not fine the member.

(4) The suspension of membership rights or the expulsion of a member by the disciplinary committee under this rule takes effect immediately after the vote is passed.

22 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 21 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary committee immediately after the vote to suspend or expel the person is taken; or

(b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under subrule (2), a disciplinary appeal meeting must be convened by the Board as soon as practicable, but in any event not later than 21 days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken; and

(ii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

23 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and

(b) the Board must state the grounds for suspending or expelling the member and the reasons for taking that action; and

(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote absentee or by proxy at the meeting.

(4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

Division 3—Grievance procedure

24 Application

(1) The grievance procedure set out in this Division applies to disputes under these Rules between—

(a) a member and another member;

(b) a member and the Board;

(c) a member and the Association.

(2)A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

25 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

26 Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 25, the parties must within 10 days—

(a) notify the Board of the dispute; and

(b) agree to or request the appointment of a mediator; and

(c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement—

(i) if the dispute is between a member and another member—a person appointed by the Board; or

(ii) if the dispute is between a member and the Board or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.

(3) A mediator appointed by the Board may be a member or former member of the Association but in any case must not be a person who—

(a) has a personal interest in the dispute; or

(b) is biased in favour of or against any party.

27 Mediation process

(1) The mediator to the dispute, in conducting the mediation, must—

(a) give each party every opportunity to be heard; and

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties throughout the mediation process.

(2) The mediator must not determine the dispute.

28 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

29 Annual General Meetings

(1) The Board must convene an annual general meeting of the Association to be held within 3 months after the end of each financial year.

(2) The Board may determine the date, time and place of the annual general meeting.

(3) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;

(b) to receive and consider—

(i) the annual report of the Board on the activities of the Association during the preceding financial year; and

(ii) the financial statements of the Association for the preceding financial year submitted by the Board in accordance with Part 7 of the Act;

(c) declare the election of Officers and ordinary members to the Board

(4) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

30 Special General Meetings

(1) Any general meeting of the Association, other than an Annual General Meeting or a disciplinary appeal meeting, is a Special General Meeting.

(2) The Board may convene a Special General Meeting whenever it thinks fit.

(3) The Board shall convene a Special General Meeting of the Association prior to the 1st of May each year and the special business shall be to receive from the Board reports upon the transactions of the Association. The agenda for this Special General Meeting shall include the ratification of the annual subscription fees to be applied to the coming financial year.

(4) No business other than that set out in the notice under rule 32(Notice of General Meetings) may be conducted at the meeting.

31 Special general meeting held at request of members

(1) The Board must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 10% of the total number of members eligible to vote.

(2) A request for a special general meeting must—

(a) be in writing; and

(b) state the business to be considered at the meeting and any resolutions to be proposed; and

(c) include the names and signatures of the members requesting the meeting; and

(d) be given to the Secretary.

(3) If the Board does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.

(4) A special general meeting convened by members under subrule (3)—

(a) must be held within 3 months after the date on which the original request was made; and

(b) may only consider the business stated in that request.

(5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

32 Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under rule 31(3), the members convening the meeting) must give to each member of the Association—

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

(b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

(a) specify the date, time and place of the meeting; and

(b) indicate the general nature of each item of business to be considered at the meeting; and

(c) if a special resolution is to be proposed—

(i) state in full the proposed resolution; and

(ii) state the intention to propose the resolution as a special resolution.

(3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 22(4) (Appeal Rights) sets out the requirements for notice of a disciplinary appeal meeting.

33 Absentee voting

Each eligible Member is entitled to use a signed Absentee Voting Form or the official electronic voting form received by the Secretary no later than 72 hours before the time of the General Meeting or Special General Meeting for which the Absentee vote is intended.

34 Use of technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

35 Quorum at general meetings

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a general meeting is the presence (physically, or as allowed under rule 34) of 10% of the members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) in the case of a meeting convened by, or at the request of, members under rule 31—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 31.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

36 Adjournment of general meeting

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting subrule (1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the members more time to consider an item of business.

Example

The members may wish to have more time to examine the financial statements submitted by the Board at an annual general meeting.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 32 (Notice of General Meetings).

37 Voting at general meeting

(1) On any question arising at a general meeting—

(a) subject to subrule (3), each member who is entitled to vote has one vote; and

(b) members may vote personally or by absentee vote; and

(c) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 23 (Conduct of disciplinary appeal meeting).

38 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by absentee vote) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

(a) to remove a Board member from office ;

(b) to alter these Rules, including changing the name or any of the purposes of the Association.

39 Determining whether resolution carried

(1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

(a) carried; or

(b) carried unanimously; or

(c) carried by a particular majority; or

(d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

(2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—

(a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and

(b) the Chairperson must declare the result of the resolution on the basis of the poll.

(3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

(4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

40 Minutes of general meeting

(1) The Board must ensure that minutes are taken and kept of each general meeting.

(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

(3) In addition, the minutes of each annual general meeting must include—

(1) (a) the names of the members attending the meeting; and

(b) the financial statements submitted to the members in accordance with rule 29(3)(b)(ii);and

(c) the certificate signed by two Board members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and

(d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—BOARD

Division 1—Powers of the Board

41 Role and powers

(1) The business of the Association must be managed by or under the direction of a Board.

(2) The Board may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

(3) The Board may—

(a) appoint and remove the Secretary;

(b) establish committees consisting of members with terms of reference it considers appropriate.

42 Delegation

(1) The Board may delegate to a member of the Board, a committee or staff, any of its powers and functions other than—

(a) this power of delegation; or

(b) a duty imposed on the Board by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Board considers appropriate.

(3) The Board may, in writing, revoke a delegation wholly or in part.

Division 2—Composition of the Board and duties of members

43 Composition of the Board

The Board consists of—

(a) the Commodore; and

(b) the Vice-Commodore; and

(c) the Rear Commodore ; and

(d) the Club Captain and

(c) the Treasurer; and

(e) six ordinary members elected under rule 49.

44 General Duties

(1) As soon as practicable after being elected or appointed to the Board, each Board member must become familiar with these Rules and the Act.

(2) The Board is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Board comply with these Rules.

(3) Board members must exercise their powers and discharge their duties with reasonable care and diligence.

(4) Board members must exercise their powers and discharge their duties—

(a) in good faith in the best interests of the Association; and

(b) for a proper purpose.

(5) Board members and former Board members must not make improper use of—

(a) their position; or

(b) information acquired by virtue of holding their position—

so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

(6) In addition to any duties imposed by these Rules, a Board member must perform any other duties imposed from time to time by resolution at a general meeting.

(7) Any additional roles and responsibilities of Officers and ordinary members will be determined by the Board.

45 Commodore and Vice-Commodore

(1) Subject to subrule (2), the Commodore or, in the Commodore's absence, the Vice-Commodore is the Chairperson for any general meeting and for any Board meetings.

(2) If the Commodore and the Vice-Commodore and the Rear Commodore or the Club Captain or the Treasurer are absent, or are unable to preside, the Chairperson of the meeting must be —

(a) in the case of a general meeting—a member elected by the other members present; or

(b) in the case of a Board meeting—a Board member elected by the other Board members present.

46 Secretary

(1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

(2) The Secretary must—

(a) maintain the register of members in accordance with rule 17(Register of Members); and

(b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 66(3)(Financial Records), all books, documents and securities of the Association in accordance with rules 68(Common Seal) and 71(Custody and inspection of books and records); and

(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; and

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

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

47 Treasurer

(1) The Treasurer must ensure cheques or electronic transfer of funds are signed by any two of three nominated Board members or by one of the three nominated Board Members and the Secretary of the Association.

(2) The Treasurer must—

(a) ensure that the financial records of the Association are kept in accordance with the Act; and

(b) coordinate the preparation of the financial statements of the Association and their certification by the Board prior to their submission to the annual general meeting of the Association.

(3) The Treasurer must ensure that the Board has access to the accounts and financial records of the Association.

Division 3—Election of Board members and tenure of office

48 Board tenure and eligibility

(1) (a) Each Officer of the Association shall hold office for 12 months when they shall retire but may stand for re-election.

(b) Ordinary members of the Board shall be elected for a 24 month term. At each subsequent Annual General Meeting three Ordinary Board Members whose term of appointment is expiring shall stand for election or retire.

(2) Not less than two Flag Officers of the Association shall be owners of or part owners of a yacht recorded on the Club Vessel Register. A third Flag Officer shall be the owner or part owner of either a yacht or powerboat recorded on the Club Vessel Register.

(3) Not less than three ordinary members of the Board shall be owners or part owners of a vessel recorded on the Club Vessel Register.

49 Election of Officers and Ordinary Board Members

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

(a) made in writing, signed by two members of the Association eligible to vote at a general meeting and accompanied by written consent of the candidate (which may be endorsed on the form of nomination);

(b) delivered to the Secretary of the Association not less than 14 days before the date fixed for the holding of the Annual General meeting.

(2) A candidate may only be nominated for one office, or as an ordinary member of the Board, prior to the Annual General Meeting.

(a) No candidate shall be eligible to be elected as an Officer unless that candidate has previously served two consecutive years (24 months) as an ordinary member of the Board and is a financial Platinum, Gold, Silver (category b) only) (formerly known until June 30 2015 as Senior Member, Senior Family Member, Cadet Family Member over the age of 18 years, 50 Year Member, Veteran Member or Life Member) of the Association.

(b) No candidate shall be eligible to be elected as an ordinary member of the Board unless that candidate has been a financial Platinum, Gold, Silver (category b) only) (formerly known until June 30 2015 as Senior Member, Senior Family Member, Cadet Family Member over the age of 18 years, 50 Year Member, Veteran Member or Life Member) Member of the Association for a minimum of two consecutive years (24 months) prior to nomination.

Note *The definitions (above) apply to the membership categories which operate until June 30 2015. These should be read in conjunction with Rule 49.*

(3) If insufficient nominations are received to fill all vacancies on the Board, the candidates nominated shall be deemed to be elected. Any vacant position(s) will be filled through secondment of eligible member(s) by the Board following the Annual General Meeting.

(4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.

(5) If the number of nominations exceeds the number of vacancies to be filled, a ballot of the members eligible to vote must be held.

(6) The conduct of a ballot for the election of officers and ordinary members of the Board is to be in the manner determined by the Board and must be conducted within the period of the 3 days preceding the Annual General Meeting.

(7) Declaration of the Ballot. The elected Officers and ordinary members of the Board will be declared elected at the Annual General Meeting

50 Vacation of office

(1) A Board member may resign from the Board by written notice addressed to the Board.

(2) A person ceases to be a Board member if he or she—

(a) ceases to be a member of the Association; or

(b) fails to attend 3 consecutive Board meetings (other than special or urgent Board meetings) without leave of absence under rule 61(Leave of Absence); or

(c) otherwise ceases to be a Board member by operation of section 78 of the Act.

Note

A Board member may not hold the office of secretary if they do not reside in Australia.

51 Filling casual vacancies

(1) The Board may appoint an eligible member of the Association to fill a position on the Board that—

(a) has become vacant under rule 50 (Vacation of Office); or

(b) was not filled by election at the last annual general meeting.

(c) In the event of a casual vacancy in any office referred to in sub-rule 43 (the Flag Officers) the Board may appoint a member of the Board subject to Rule 21(4) to the vacant office for the time remaining for that vacant office. The member appointed may continue in office, subject to these Rules, for the period remaining for that position until the next election and shall be eligible for re-election.

(d) In the event of a casual vacancy occurring in the office of an Ordinary Member of the Board, the Board may appoint a member of the Association subject to Rule 48(Board tenure and eligibility) to fill the vacancy. The member appointed shall hold office, subject to these Rules, for the remaining term of the ordinary Board Member being replaced, and shall be eligible for re-election.

(2) If the position of Secretary becomes vacant, the Board must appoint a Board member to the position within 14 days after the vacancy arises.

(3) Rule 48 applies to any Board member appointed by the Board under subrule (1) or (2).

(4) The Board may continue to act despite any vacancy in its membership.

Division 4—Meetings of the Board

52 Meetings of the Board

(1) The Board must meet at least 4 times in each year at the dates, times and places determined by the Board.

(2) The date, time and place of the first Board meeting must be determined by the members of the Board as soon as practicable after the annual general meeting of the Association at which the members of the Board were elected.

(3) Special Board meetings may be convened by the Commodore or by any 4 members of the Board.

53 Notice of meetings

(1) Notice of each Board meeting must be given to each Board member no later than 7 days before the date of the meeting.

(2) Notice may be given of more than one Board meeting at the same time.

(3) The notice must state the date, time and place of the meeting.

(4) If a special Board meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the Board meeting is the business for which the meeting is convened.

54 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 53 provided that as much notice as practicable is given to each Board member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Board.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

55 Procedure and order of business

(1) The procedure to be followed at a meeting of a Board must be determined from time to time by the Board.

(2) The order of business may be determined by the members present at the meeting.

56 Use of technology

(1) A Board member who is not physically present at a Board meeting may participate in the meeting by the use of technology that allows that Board member and the Board members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a Board member participating in a Board meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

57 Quorum

(1) No business may be conducted at a Board meeting unless a quorum is present.

(2) The quorum for a Board meeting is the presence (in person or as allowed under rule 56) of a majority of the Board members holding office.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a Board meeting—

(a) in the case of a special meeting—the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 53(Notice of meetings)

58 Voting

(1) On any question arising at a Board meeting, each Board member present at the meeting has one vote.

(2) A motion is carried if a majority of Board members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Board.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy is not permitted.

59 Conflict of interest

(1) A Board member who has a material personal interest in a matter being considered at a Board meeting or any member of the Association participating in a meeting of any Club committee must disclose the nature and extent of that interest to the Board or to the Club committee.

(2) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient Board members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

60 Minutes of meeting

(1) The Board must ensure that minutes are taken and kept of each Board meeting.

(2) The minutes must record the following—

(a) the names of the members in attendance at the meeting;

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote;

(d) any material personal interest disclosed under rule 59 (Conflict of interest).

61 Leave of absence

(1) The Board may grant a Board member leave of absence from Board meetings for a period not exceeding 3 months.

(2) The Board must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Board member to seek the leave in advance.

62 Removal of Board member

(1) The Association in general meeting may, by resolution, remove any member of the Board before the expiration of the member's term of office and appoint another member in his or her place to hold office until the expiration of the term of the first- mentioned member.

(2) A member who is the subject of a proposed resolution referred to in sub-rule 62(1) may make representations in writing to the Secretary or Commodore of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(3) The Secretary or the Commodore may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting.

63 Committees

(1) The Board, may, under rule 42 (Delegation), appoint a committee, made up of Association members to manage any delegated or specified function of the Association.

(2) It shall be the function of a committee:
(a) to make recommendations to the Board in respect to By-Laws, Rules or policy considerations to enable the proper administration of those functions and;
(b) to report periodically to the Board; and
(c) to enforce any Rules and By-Laws of the Association, resolution or direction by the Board within the scope of their delegated function.

(3) Each committee shall have at least one member of the Board appointed as a member of that committee.

(4) Each committee must be conducted in accordance with the Articles of Association of the Club, the Act and regulations.

(5) It is intended that a committee shall, without exception, be subordinate to the Board.

PART 6—FINANCIAL MATTERS

64 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Board.

65 Management of funds

(1) The Association must open (an) account(s) with (a) financial institution(s) from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Association, the Board may approve expenditure on behalf of the Association.

(3) The Board may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit as determined by the Board without requiring approval from the Board for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two of three nominated Board members or by one of the three nominated Board members and the Secretary of the Association.

. (5) All funds of the Association must be deposited into the financial account(s) of the Association no later than 5 working days after receipt.

66 Financial records

(1) The Association must 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.

(2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.

(3) The Treasurer must keep in his or her custody, or under his or her control—

(a) the financial records for the current financial year; and

(b) any other financial records as authorised by the Board.

67 Financial statements

(1) For each financial year, the Board must ensure that the requirements under the Act relating to the financial statements of the Association are met.

(2) Without limiting subrule (1), those requirements include—

(a) the preparation of the financial statements;

(b) if required, the review or auditing of the financial statements;

(c) the certification of the financial statements by the Board;

(d) the submission of the financial statements to the annual general meeting of the Association;

(e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

PART 7—GENERAL MATTERS

68 Common seal

(1) The Association may have a common seal.

(2) If the Association has a common seal—

(a) the name of the Association must appear in legible characters on the common seal;

(b) a document may only be sealed with the common seal by the authority of the Board and the sealing must be witnessed by the signatures of two Board members;

(c) the common seal must be kept in the custody of the Secretary.

69 Registered address

The registered address of the Association is 25 Eastern Beach Road, Geelong, 3220

70 Notice requirements

(1) Any notice required to be given to a member or a Board member under these Rules may be given—

(a) by handing the notice to the member personally; or

(b) by sending it by post to the member at the address recorded for the member on the register of members; or

(c) by email or electronic transmission.

(2) Subrule (1) does not apply to notice given under rule 54 (Urgent meetings).

(3) Any notice required to be given to the Association or the Board may be given—

(a) by handing the notice to a member of the Board; or

(b) by sending the notice by post to the registered address; or

(c) by leaving the notice at the registered address; or

(d) if the Board determines that it is appropriate in the circumstances

by email to the email address of the Association or the Secretary.

71 Custody and inspection of books and records

(1) Members may on request inspect free of charge—

(a) the register of members;

(b) the minutes of general meetings;

(c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Board meetings.

Note

See note following rule 18 for details of access to the register of members.

(2) The Board may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Board must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

(a) its membership records;

(b) its financial statements;

(c) its financial records;

(d) records and documents relating to transactions, dealings, business or property of the Association.

72 Winding up and cancellation

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

73 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

74 Liquor Trading

(1) A visitor shall not be supplied with or permitted to consume any liquor on club premises unless in company with a member who is aged 18 or over.

(2) No liquor shall be sold or disposed of to any person under the age of 18 years.

(3) No more than 380 persons being such number as the licensed premises can adequately accommodate will be permitted on the licensed premises at any one time.

(4) The Club shall abide by the provisions of the liquor Control Act 1987 and any additional authorities, restrictions and conditions imposed by the liquor Licensing Commission of Victoria.

(5) Notwithstanding anything contained in these rules, a visitor may be supplied with liquor on club premises when not in the company of a member;
(a) at a particular function or
(b) on a particular occasion

In respect of which a Liquor Permit has been granted by the Liquor Licensing Commission pursuant to the Liquor Control Act 1987.

(6) Nothing in these rules shall precluded the Board declaring a particular function or particular occasion as a Special Public event of the Club and on being granted a Liquor Permit by the Liquor Licensing Commission for that Special Public event, charge an admission fee to the club premises for visitors.

75 Visitors

(1) Unless allowed by rule 74 (5) (Liquor Trading), no Visitor shall be allowed on the club premises unless introduced and accompanied by a member who is aged 18 years or over.

(2) No person without prior consent of the Board may enter the club premises as a visitor more than twelve times in any one year.

(3) Any visitor entering upon the licensed premises shall be signed into the Visitor's Book provided for that purpose, by the member accompanying him or her. The name and address of that visitor must be entered in the Visitor's Book.

(4) Any Visitor entering upon the licensed premises of the club shall be introduced by the member accompanying him or her to the senior Flag Officer or member of the Board who is present.

(5) No member shall, except with approval of the Board, introduce more than six visitors at any one time and shall be responsible for any visitors so introduced for the duration that the visitor remains on club premises.

76 Club Vessel Register

(1) (a) A list to be called the Club Vessel Register shall be maintained by the Secretary to record the name, rig, dimension, owner's name and any other particulars required by the Board of every vessel registered with the Association.
(b) A vessel other than a yacht or powerboat may be approved for the Club Vessel Register by the Board. Yacht tenders are not required to be on the Club Vessel Register.

(2) Only the following Members shall be eligible to make application for vessel registration on the Club Vessel Register;
   (a) Platinum or Gold Member.
   (b) Silver, Blue Member and Bronze Member, in respect to a sailing dinghy or off the beach vessel.
   (c) An Honorary Member may apply to place a vessel on the Vessel Register for a period not exceeding six months.

(3) Vessels recorded on the Club Vessel Register shall be permitted to use any facility, slipway, yard or marina of the Association subject to the By-Laws of the Association.

(4) An owner of a vessel not recorded on the Club Vessel Register may make an application in advance to the Secretary for use of the slipway, yard or marina of the Association. Any such owner shall be liable for payment of commercial rates, determined by the Board, for the use of any facilities and is subject to the By-Laws of the Association.

(5) A vessel under application for registration or recorded on the Club Vessel Register must be insured and comply with by-laws and Rules of the Association.

(6) A vessel that is chartered or leased by a RGYC Member may be approved for the Club Vessel Register by the Board for a period not exceeding twelve months. The vessel will be subject to the By Laws of the Association.

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