



# Cockburn Power Boats Association (Inc.) CONSTITUTION

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**Cockburn Power Boats Association (Inc.) Constitution**

**1. Name**

The name of the association is Cockburn Power Boats Association (Inc.), an incorporated association under the Associations Incorporation Act 1987 (WA).

**2. Definitions and interpretation**

**2.1** In these Rules:

**Absentee Vote** means a valid member's vote as lodged under Rule 39.9

**Act** means the Associations Incorporation Act 1987 (WA).

**Annual General Meeting** means a meeting of the Club convened under rule 38.1(b)(i).

**Auditor** means the person appointed as auditor of the Club under rule 45.1

**Ballot (or Poll)** shall mean secret ballot

**Bar Manager** means an employee of the Club whose responsibilities include operation of the bar and liquor facilities of the Club.

**Child** includes a step-child.

**Club** means Cockburn Power Boats Association (Inc.).

**Club Manager** means a person appointed by the Management Committee to carry out the functions as authorised by rule 44.

**Commissioner** means the Commissioner for Fair Trading exercising powers under the Act.

**Committee** means:

(a) With the addition "Management", the committee of management of the Club established under rule 15.1;

(b) Any sub-committee established by the Management Committee under clause 43.1.

**Commodore** means the Commodore or his nominee/s

**Complaints Committee** means the sub-committee of the Management Committee selected pursuant to rule 35.5(b)(i).

**CPI** means the consumer price index published by the Australian Bureau of Statistics for Perth (Capital City) (All Group Index Numbers) or, if that index is suspended or discontinued, the index substituted for it by the Australian Statistician.

**CPI Increase** means the amount, expressed as a percentage, by which the Current CPI has increased over the Previous CPI or, if there has been no increase, means zero.

**Current CPI** means, on any date, the CPI number last published before that date.

**Elected Member** means an Officer other than the Patron, Immediate Past Commodore or a Flag Officer, and includes a person appointed to the Management Committee under rule 14.3(c) and rule 14.4.

**Elected Officer** means:

- (a) a Flag Officer; and
- (b) an Elected Member.

**Financial Year** means a period commencing on 1 July and ending on 30 June in the following year.

**Full Government Pension** means the full, unreduced aged pension (AP) paid by the Australian Government

**Flag Officer** means the Commodore, Vice Commodore, First Rear Commodore and Second Rear Commodore, who together shall be known as the Executive Committee.

**General Facilities** means all of the Club's property, facilities and amenities other than Launching Facilities.

**General Meeting** means any meeting of the Club convened under rule 38.1, and includes a Special General Meeting.

**Half yearly or General Meeting** means a General Meeting referred to in rule 38.1(b)(ii).

**House Rules** means any rules made and promulgated by the Management Committee in exercise of its power to do so under rule 15.2.

**Junior Member** means a Family Member being the child under 18 years of age of a Full Member or a Life Member.

**Launching Facilities** means the Club's facilities for launching and retrieving watercraft.

**Member** means a member of the Club in any class of Membership in accordance with the Rules.

**Officer** means any person described in rule 9.

**Previous CPI** means, on any date, the CPI number last published before the day being 12 months before that date.

**Reciprocal Club** means a boating club or association with which the Management Committee has negotiated a Reciprocal Membership Agreement.

**Reciprocal Membership Agreement** means an agreement negotiated by the Management Committee with a boating club or association having similar aims and objectives to those of the Club, under which each party agrees to provide reciprocal membership to members of the other party.

**Rules** means this constitution of the Club as amended from time to time in accordance with the Act.

**Seal** means the common seal of the Club referred to in rule 17.

**Servant** means any person acting for the Club with or without remuneration.

**Special General Meeting** means a General Meeting other than a meeting convened under rule 38.1(b).

**Special Resolution** means a resolution passed by a majority of not less than three-fourths of the Voting Members who vote in person at a General Meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with rule 38.5.

**Sports Committee** means a committee established under rule 43(c) and rule 43.6.

**Suspension** has the effect described in rule 35.15.

**Voting Member** means:

- (a) a Full Member; and
  - (b) a Life Member,
- who has voting rights in accordance with the Rules.

**Voting Rights** means the right to:

- (a) nominate or second a person for Membership;
- (b) propose a motion for resolution at a General Meeting;
- (c) vote at a General Meeting;
- (d) nominate or second a person for election to Office; and
- (e) be elected as an Officer.

## 2.2 In these Rules:

- (a) a word in the singular include the plural and in the plural includes the singular, and a word indicating a gender includes every other gender;
- (b) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (c) a reference to a right includes a remedy, power, authority, discretion or benefit;
- (d) a reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it;
- (e) a reference to conduct includes, but is not limited to, an omission, statement or undertaking, whether or not in writing;
- (f) a reference to a rule or paragraph is a reference to a rule or paragraph of these Rules;
- (g) a reference to an agreement includes any undertaking, deed, agreement and legally enforceable arrangement whether or not in writing;
- (h) a reference to a document includes an agreement in writing and any certificate, notice, instrument or document of any kind, and a reference to a document in writing includes a document recorded by any electronic, magnetic, photographic or other medium by which information may be stored or reproduced;

- (i) "includes" in any form is not a word of limitation.

### **3 Objects**

The objects of the Club are:

- a) The promotion and encouragement of the use of recreational water craft powered by sail or engine, both inboard and outboard, and the exchange of knowledge in the care, handling and equipping of small boats to maintain safety at sea and to comply with all regulations, customs and laws regarding small craft which may be in force from time to time.
- b) To purchase, take on lease or in exchange, hire or otherwise acquire for the purpose of the Club any real or personal property or any rights or privileges which may be thought necessary or expedient, and to sell, demise, let, mortgage or dispose of the same; in particular to build and maintain a club house and conveniences generally, boat sheds, boat launching facilities, vehicle and boat-trailer parking areas with necessary facilities and equipment in Cockburn Sound or other aquatic centres in Western Australia.
- c) To borrow or raise money by the issuing of or upon bonds, debentures, bills of exchange, promissory notes or other obligations or securities of the Club, or by mortgage or charge on all or any part of the property of the Club, and to liquidate, redeem or pay off such obligations or any part thereof.
- d) To facilitate boating, angling and other aquatic competitions and such other sports, games, amusement, recreation and entertainment for the enjoyment of Members.
- e) The doing of all such other acts and things as are conducive or incidental to the abovementioned objects.
- f) To promote and encourage voluntary participation in the activities of the Club.
- g) To apply for, obtain and renew from time to time an appropriate liquor licence for the Club under the Liquor Control Act 1988 and its amendments

### **4. Income and Property**

The property and income of the Club shall be applied solely towards the promotion of the objects of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Members, except in good faith in the promotion of those objects, which may include the payment in good faith of remuneration to any Officer or servant of the Club or to any Member or other person for services actually rendered to the Club.

### **5. Powers**

Subject to the Act, the Management Committee may do all things necessary or convenient for carrying out the objects and purposes of the Club and in particular, as provided for by section 13 of the Act, the Committee may:

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money:

- (i) as trust funds may be invested under Part I II of the Trustees Act 1962 (WA); or

- (ii) loan or invest its money in such manner and with security as may from time to time be beneficial to the Club;
- (d) borrow money upon such terms and conditions as it thinks fit;
- (e) give such security for the discharge of liabilities incurred by it as is commercially responsible;
- (f) appoint agents to transact any of its business on its behalf;
- (g) enter into any other contract it considers necessary or desirable to achieve the objects of the Club;
- (h) act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or the Rules.
- (i) erect, construct, remove, rebuild, add to, alter, repair, improve or maintain any building or structure, and sell, dispose of or otherwise deal with the same;
- (j) establish and obtain funds for the Club by subscription, donation, grant or any other means;
- (k) give guarantees and indemnities;
- (l) enter into any joint venture, affiliation, alliance or relationship with any other organisation having objects similar to those of the Club, whether in Western Australia or elsewhere;
- (m) engage professional assistance of any kind, appoint and engage staff and employees and remunerate any person for services rendered or to be rendered to the Club.

## **6. Office and place of business**

The office and place of business of the Club shall be at such place as the Management Committee from time to time decides, preferably at the Club facilities.

## **7. Colours**

The colours of the Club are Royal Blue and Gold.

## **8. Emblem**

For purposes of identification Members will be issued with an emblem and key, which should be produced upon request while the Member is on the Club premises or using the Club's property, facilities or amenities.

These remain the property of the Club and must be returned:

- (a) when a person ceases to be a Member, or
- (b) when a Member is suspended from the Club; or
- (c) when a Member becomes an Absentee Member; or
- (d) when required by the Management Committee.



## **9. Officers**

9.1 The Club shall have the following office bearers:

- Patron
- Commodore
- Vice Commodore
- First Rear Commodore
- Second Rear Commodore
- 6 elected members of the Management Committee,

and may have an Immediate Past Commodore if the person qualified for that office in accordance with the Rules consents to act in that office.

9.2 The Elected Officers must be elected to office in accordance with the Rules.

9.3 To be eligible for election:

(a) as an Elected Officer, a person must be a Voting Member; and

(b) subject to rule 14.3 (b), as a Flag Officer, a person must have served a minimum of 12 months as a member of the Management Committee in the previous 5 years or be ratified by members at a general meeting if not so qualified;

9.4 A Flag Officer may not hold the same office for more than 3 consecutive years.

## **10. Patron**

The Patron:

(a) shall be a member of considerable standing in the Club or Community and not restricted by membership class.

(b) is appointed by the Management Committee for a term of up to 3 years; and

(c) may be re-appointed on the expiry of a term of office, but may not hold the office of Patron for more than 6 consecutive years.

(d) does not have the right to vote at Management Committee meetings, but may attend such meetings and speak for, or against, motions.

## **11. Commodore and Vice Commodore**

11.1 Unless disqualified in accordance with the Act, the Rules or any rule of law or equity, the Commodore is ex officio a member of all Committees.

11.2 Subject to rule 11.3, the Commodore should preside at all General Meetings and meetings of the Management Committee.

11.3 In the event of absence from a General Meeting of:

(a) the Commodore, the Vice Commodore; or

(b) both the Commodore and the Vice Commodore,

a Management Committee Member elected by the other Members present at the meeting,

(c) shall preside at the meeting.

(d) In the event of absence from a meeting of the Management Committee of:

(i) the Commodore, the Vice Commodore; or

(ii) both the Commodore and the Vice Commodore, a Management Committee member elected by the other members present at the meeting,

shall preside at the meeting.

The Commodore shall have his annual subscriptions paid by the Club for his term of office. He shall retain all rights as if he had paid his fees.

## **12. Immediate Past Commodore**

(a) If at any Annual General Meeting the retiring Commodore is not re-elected to that office, he or she shall be qualified to be the Immediate Past Commodore for a period of 12 months from the end of that Annual General Meeting.

(b) A person qualified to be the Immediate Past Commodore holds that office only if he or she consents to do so.

(c) A person who has been the Immediate Past Commodore is not, for a period of 3 years immediately following his or her ceasing to hold that office, eligible for election as a Flag Officer, but may during that period:

(i) be appointed as Patron;

(ii) be an Elected Member; and

(iii) serve on any Committee.

(d) The Immediate Past Commodore does not have the right to vote at Management Committee meetings, but may speak for, or against, motions.

## **13. Election of Officers**

13.1 Each Elected Officer:

(a) must be declared to be elected or elected annually at the Annual General Meeting in accordance with the provisions of this Rule, or appointed under rules 14.3 or 14.4.

(b) subject to rule 14.2, holds office until the end of the Annual General Meeting next following his or her being declared to be elected or appointed; and

(c) subject to rule 9.4, is eligible for re-election at that Annual General Meeting.

13.2 A nomination for an Elected Office:

(a) may be made not earlier than 45 days prior to the Annual General Meeting to which the nomination relates;

(b) must:

(i) be in writing signed personally by a proposer and the nominee, each of whom must be a Voting Member; and

(ii) contain a declaration by the nominee that, if elected, he or she is prepared to serve a full term of office; and

(c) must be received by the Club Manager on or before 14 days prior to the Annual General

13.3 No later than 7 July in each year the Club Manager must post a notice on the Club's notice board reminding Members that:

(a) the Annual General Meeting will be held in September of that year (or otherwise in accordance with rule 38.1(b)(i));

(b) nominations for Office may be made in accordance with the Rules; and

(c) nominations for Office must be received by the Club Manager on or before 14 days prior to the Annual General Meeting, unless the closing date for nominations is extended in accordance with these Rules.

13.4 If on or before 14 days prior to the Annual General Meeting in any year the Club Manager has received:

(a) more than one nomination to the office of a Flag Officer; or

(b) more than 6 nominations to the office of Elected Member,

the Club Manager shall arrange a ballot for the Annual General Meeting, for the election of:

(c) one nominee to each of the offices of Flag Officer for which more than one nomination has been received; and

(d) 6 nominees to the office of Elected Member,

and the persons elected at this ballot must be declared to be elected to the office to which they were elected at the Annual General Meeting to which the ballot relates.

13.5 The ballot referred to in rule 13.4 must be conducted in accordance with the following principles.

(a) The ballot must be conducted as far as possible:

(i) as a secret ballot; and

(ii) with fairness to all nominees;

(b) The election of Officers at the Annual General Meeting shall be under the control of the Chairperson and shall be conducted by two scrutineers, assisted by two poll clerks, appointed for that purpose at such meeting.

(c) Where an election is necessary in respect of any office a ballot paper showing separately the names of the candidates nominated therefore shall be distributed by the scrutineers to every Financial Full Member present at the meeting and eligible to vote and, when directed by the Chairperson to do so the scrutineers shall collect such ballot papers and deliver them to the poll clerks.

(d) Every Member shall vote for as many candidates as there are vacancies or their vote will be invalid, and every Member shall vote by striking out on the ballot paper the name of each candidate for whom they do not desire to vote.

13.6 If on or before 14 days prior to the Annual General Meeting the Club Manager has received:

(a) one nomination only to the office of a Flag Officer; or

(b) 6 only or fewer nominations to the office of Elected Member,

the persons so nominated shall be declared to be elected to the office to which they were nominated at the Annual General Meeting to which the nomination relates.

13.7 If on or before 14 days prior to the Annual General Meeting the Club Manager has received:

(a) no nomination to the office of a Flag Officer; or

(b) fewer nominations to the office of Elected Member than there are positions; the Club Manager must:

(c) advise Members at the Annual General Meeting of the offices of Flag Officer and of the number of positions in the office of Elected Member for which no nomination has been received; and

(d) arrange for nominations for these offices to be called for at the Annual General Meeting and, if necessary, for a ballot to be held for these offices.

13.8 Any matter, information or notice that must be posted by the Club Manager on the Club's notice board in accordance with this Rule may also be provided to Members by other means such as inclusion in the Club's newsletter or by sending a copy through the postal service to all or some Members generally or all Members in a category of Members, as the Club Manager decides, at the address of the Member appearing in the register of Members kept and maintained under rule 33.

#### 14 **Casual Vacancies and Resignation of the Management Committee**

14.1 In the event that all the Flag Officers resign, other than at the Annual General Meeting, the Patron may assume control of the Management Committee effectively replacing the Commodore. The Patron, or in the absence of the Patron, the Club Manager shall convene a Special General Meeting to be held within 35 days of the resignations coming to the attention of the Patron or Club Manager. The Club Manager shall advertise the vacated positions and nominations for elections to those positions will be accepted at

the meeting convened for the purpose of election of officers. No business other than that advertised may be dealt with at that meeting.

- 14.2 A casual vacancy occurs in the office of an Officer and that office becomes vacant if the Officer:
- (a) dies;
  - (b) resigns by notice in writing delivered to the Club Manager, and that resignation is accepted by resolution of the Management Committee;
  - (c) is convicted of an offence under the Act (see clause 2.1);
  - (d) is permanently incapacitated from holding office by mental or physical ill-health;
  - (e) is absent from more than:
    - (i) 3 consecutive meetings of the Management Committee without authorised leave; or
    - (ii) 3 meetings of the Management Committee in the same Club Financial Year without tendering an apology to the person presiding at each of those meetings;of which meetings the Officer received notice, and the Management Committee has resolved to declare the office vacant;
  - (f) other than the Patron, ceases to be a Voting Member; or
  - (g) is the subject of a resolution passed by a General Meeting terminating his or her tenure of office.
- 14.3 If a casual vacancy occurs in the office of a Flag Officer:
- (a) commencing with the Vice Commodore, each Flag Officer acts in the office next senior to him or her, if vacant, and while so acting vacates the office that he or she previously held;
  - (b) the Management Committee must elect one of their number to be Second Rear Commodore; and
  - (c) the Management Committee may, but is not obliged to, appoint to the Management Committee a person eligible for election as an Officer.
- 14.4 If a casual vacancy occurs in the Management Committee other than in the office of a Flag Officer the Management Committee may, but is not obliged to, appoint to the Management Committee a person eligible for election as an Officer.
- 14.5 Subject to rule 14.2 a Flag Officer acting in an office pursuant to rule 14.3(a):
- (a) continues to act in that office until the next following Annual General Meeting; and
  - (b) is eligible for election as an Officer at that Annual General Meeting, and any service while so acting is not to be regarded as service in that office for the purposes of rule 9.4.

- 14.6 Subject to rule 14.2, a person appointed to the Management Committee pursuant to rules 14.3(c) and 14.4:
- (a) continues to hold office until the next following Annual General Meeting; and
  - (b) is eligible for election as an Officer, including Flag Officer, at that Annual General Meeting.
- 14.7 If a casual vacancy occurs in the office of Patron, the Management Committee has the power to appoint a successor.
- 14.8 If a casual vacancy occurs in the office of Immediate Past Commodore, the office remains vacant until a person qualified to be the Immediate Past Commodore consents to hold that office.

### **15. Management Committee**

- 15.1 Subject to, rule 43.9 and rule 43.10(c), the affairs of the Club must be managed exclusively by a Management Committee consisting of the Officers of the Club other than the Patron.
- 15.2 For the purpose of causing the Club to carry out its objects the Management Committee has power to exercise all of the powers conferred on the Club and the Management Committee by the Act and the Rules, and in addition but without limitation has the power to:
- (a) make and promulgate house rules:
    - (i) for protection of the health and welfare of the Members and employees of the Club while on the Club premises or using Club property, facilities and amenities;
    - (ii) for the use by Members of Club property, facilities and amenities in any place; and
    - (iii) otherwise for the orderly and efficient operation of the Club;
  - (b) set, impose and collect or enforce fines or penalties for infringement of the rules referred to in rule 15.2(a);
  - (c) set, impose and collect charges for:
    - (i) use by Members and non-Members of Club premises, property, facilities and amenities;
    - (ii) participation by Members and non-Members in activities, events and functions organized or sponsored by the Club; and
    - (iii) purchase or acquisition of goods or services sold or provided by the Club; and
  - (d) set, impose and collect levies on the Members generally or the Members in any class of Membership with approval by a General Meeting of the club

## 16. Proceedings of Management Committee

- 16.1 The Management Committee must meet together for the dispatch of business at least once in every month except January and the Commodore, or at least 3 of the members of the Management Committee, may at any time convene a meeting of the Management Committee.
- 16.2 Notice of every unscheduled meeting of the Management Committee must be given to all of the members of the Management Committee in the form and manner determined by the Management Committee.
- 16.3 Each member of the Management Committee has a deliberative vote.
- 16.4 A question arising at a meeting of the Management Committee must be decided by a majority of votes but, if there is no majority, the person chairing the meeting will have a casting vote in addition to his or her deliberative vote.
- 16.5 At a meeting of the Management Committee 5 members constitute a quorum.
- 16.6 Subject to the Rules, the procedure and order of business to be followed at a meeting of the Management Committee must be determined by the members present at the meeting.
- 16.7 As required under sections 21 and 22 of the Act, a member of the Management Committee having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Management Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Management Committee is a member of a class of persons for whose benefit the Club is established), must:
- (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Management Committee; and
  - (b) not take part in any deliberations or decision of the Management Committee with respect to that contract.
- 16.8 Rule 16.7 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Management Committee is an employee of the Association.
- 16.9 The Club Manager must cause every disclosure made under rule 16.7(a) by a member of the Management Committee to be recorded in the minutes of the meeting at which it is made.

## 17. The Seal

- 17.1 The Club must have a common seal on which its corporate name appears in legible characters.
- 17.2 The Seal must not be used without the express authority of the Management Committee, and:
- (a) every use of the Seal must be recorded in the minute book referred to in rule 41.1;

and

(b) the Club Manager must keep a record of every document to which the Seal is affixed.

17.3 The affixing of the Seal must be witnessed by the Club Manager and either the Commodore or the Vice Commodore.

17.4 The Seal must be kept in the custody of the Club Manager or of such other person as the Management Committee from time to time decides.

## **18. Constitution of the Club**

18.1 The Club may alter or rescind the Constitution, or make rules additional to the Constitution, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, as follows.

(a) Subject to rules 18.1(d) and 18.1(e), the Club may alter the Rules by Special Resolution but not otherwise.

(b) As soon as practicable after notice has been given in accordance with rule 38.5 of a meeting at which a Special Resolution is to be proposed for the alteration or rescission of or addition to the Rules, the Club Manager must provide to the Director of Liquor Licensing certified particulars of the changes proposed, in accordance with the requirements of the Liquor Control Act 1988.

(c) Within 1 month of the passing of a Special Resolution altering the Rules, or such further time as the Commissioner may in a particular case allow (on written application by the Club), the Club must lodge with the Commissioner notice of the Special Resolution setting out particulars of the alteration together with a certificate given by a member of the Management Committee certifying that the resolution was duly passed as a Special Resolution and that the Rules as so altered conform to the requirements of the Act.

(d) An alteration of the Rules does not take effect:

(i) until rule 18.1(b) is complied with; and

(ii) without the prior approval of the Director of Liquor Licensing.

(e) An alteration of the Rules having effect to change the name of the Club does not take effect until rules 18.1(a) to 18.1(c) inclusive are complied with and the approval of the Commissioner is given to the change of name.

(f) An alteration of the Rules having effect to alter the objects or purposes of the Club does not take effect until rules 18.1(a) to 18.1(c) inclusive are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

18.2 The Rules bind every Member and the Club to the same extent as if every Member and the Club had signed and sealed the Rules and agreed to be bound by all their provisions.



## 19. Membership

- 19.1 Subject to this Rule, membership is open to any eligible person who wishes to support the objects of the Club.
- 19.2 To be eligible for membership, otherwise than as a Junior Member, a person must be over the age of 18 years.
- 19.3 With the exception of persons who, at 31 March 1986, were both approved licensed fishermen and Members, no person who in the reasonable opinion of the Management Committee intends to use the Club or its premises, property, facilities or amenities for personal gain, may become or remain a Member unless that person:
- (a) at the time of his or her application for election to Membership in accordance with rule 19.4, certifies in writing to the Management Committee that he or she will use the Club and its premises and facilities purely for private purposes; and
  - (b) within 1 month of the end of each Financial Year during which he or she was a Member, certifies in writing to the Management Committee that in the preceding Financial Year he or she has used the Club and its premises, property, facilities and amenities purely for private purposes.
  - (C) Or has joined the Club as a Corporate Member and remains a financial Corporate Member and abides by the benefits and obligations as outlined in Clause 30A.
- 19.4 A person wishing to be elected as a member of the Club (in this Rule "applicant") must:
- (a) apply for election to Membership to the Management Committee in writing:
    - (i) signed personally by the applicant and by both of the proposer and seconder referred to in rule 19.4(b); and
    - (ii) in a form decided by the Management Committee;
  - (b) be proposed by one Voting Member or Club Manager and seconded by another Voting Member or Club Manager, both Voting Members being of not less than one years' standing, and provided that the proposer and seconder shall not be the same person; and
  - (c) provide with the application the amount of any nomination fee payable.
- 19.5 It is the duty of the Management Committee to ascertain that the applicant is in every respect eligible for election to membership based on the information provided in the application form.
- 19.6 The application for membership form must be fully completed by the applicant and displayed on the Club notice board. This must be displayed for a period of not less than 14 days before the application is then presented to the Management Committee for election to membership.
- 19.7 The Management Committee must consider each application made under rule 19.4 at the meeting of the Management Committee next available after it has received the application, and must at that meeting or the next meeting of the Management Meeting vote to accept or reject that application.

- 19.8 In the voting on each application made under rule 19.4:
- (a) one adverse vote to reject the application in every 4 votes cast shall exclude the applicant; and
  - (b) the Club Manager must keep a record of the names of the members of the Management Committee present and voting at each election.
- 19.9 An applicant whose application for election is accepted under rules 19.7 and 19.8 must promptly be notified of that acceptance in writing.
- 19.10 If any application for election made under rule 19.4 is rejected, the nomination fee provided with the application must be returned forthwith to the applicant.
- 19.11 An applicant whose application for election is unsuccessful under rules 19.7 and 19.8;
- (a) must promptly be notified by the Club Manager of that unsuccessful application in writing. No reason shall be required to be noted on unsuccessful application advice;
  - (b) may renew his or her application for election after the expiration of 12 months from the notification referred to in rule 19.10 again complying with rule 19.4; and
  - (c) has no right of appeal against any rejection made in accordance with this rule 19.
- 19.12 A Member only remains a Member if they have completed in full the renewal form and paid in full subscriptions by the due date.
- 19.13 The Club Manager shall maintain a list of Members who have been expelled, or have resigned membership while a disciplinary hearing against them is pending. The Club Manager shall check all applications against this list and bring it to the attention of the Management Committee if an applicant's name appears on the list.
- 19.14 A Member who has been expelled, or has resigned while a disciplinary hearing against them is pending, shall not be eligible for membership in any class.

## **20. Membership Classes**

The Club has the following classes of Membership:

Full Member Life Member Family Member B Class Member Associate Member Country Member Reciprocal Member Honorary Member Temporary Member Absentee Member

## **21. Full Member**

- 21.1 A Full Member must:
- (a) be elected as a Member in accordance with Rule 19; and
  - (b) pay a nomination fee and the full annual subscription.
- 21.2 A Full Member:
- (a) is entitled to use the Launching Facilities and General Facilities; and

(b) subject to the Rules, has voting rights.

## **22. Life Member**

- 22.1 Life Membership may be granted to any Member who has rendered outstanding service to the Club.
- 22.2 A proposal that the honour of Life Membership be granted to a Member (in this Rule "proposal") must:
- (a) be made in writing to the Management Committee
  - (b) contain a précis of justifications for the proposal; and
  - (c) be signed personally by two Voting Members other than the subject person.
- 22.3 The Management Committee must refer each proposal to a suitable panel of three senior Members of its choice (in this Rule "panel"), at least one of whom must not be an Officer, for recommendation.
- 22.4 Upon a recommendation being received from the panel, and to approval by the Management Committee, the proposal must be put to the next General Meeting, held at least 90 days after receipt of the proposal by the Management Committee, for election to Life Membership by ballot.
- 22.5 No reason need be given by the Management Committee for not approving the proposal or for not putting it to the next Meeting.
- 22.6 A proposal that has been:
- (a) made to the Management Committee but not put to the next scheduled General Meeting; or
  - (b) put to the next scheduled General Meeting but not approved by that meeting, may be re-submitted to the Management Committee in any later year.
- 22.7 A Life Member has the same rights as a Full Member but is not liable to pay any nomination fee, annual subscription or levy.

## **23. Family Member**

- 23.1 A Family Member must:
- (a) be the partner, or child under 18 years of age, of a Full Member (in this Rule "nominator"); and
  - (b) be nominated by the nominator to the Management Committee as a Family Member related to the nominator.
- 23.2 A Family Member:
- (a) need not be elected as a Member in accordance with the provisions of rule 19; and
  - (b) is not liable to pay a nomination fee or the annual subscription.
- 23.3 A Family Member:

(a) is entitled to use the Launching Facilities for any craft registered with the Club in the name of the nominator; and

(b) is entitled to use the General Facilities subject (in the case of a Junior Member) to compliance with the Liquor Control Act 1988; but

(c) does not have voting rights.

23.4 A person being a Family Member:

(a) ceases to be a Family Member:

(i) if the nominator ceases to be either a Full Member or a Life Member; and

(ii) in the case of a Junior Member, on becoming 18 years of age; and

(b) is suspended from the Club during any period that their nominator is suspended from the Club.

23.5 A person who ceases to be a Family Member by operation of rule 23.4(a) may transfer to another class of Membership in accordance with rule 31.1.

#### **24. B Class Member**

24.1 A B Class Member must:

(a) be the parent or parent-in-law, or child or child-in-law over 18 years of age, of a Full Member (in this Rule "nominator"); and

(b) be nominated by the nominator to the Management Committee as a B Class Member related to the nominator, in a form decided by Management Committee, which form will be an application for membership form for the purposes of rule 19.4; and

(c) be elected as a Member in accordance with the provisions of rule 19, other than rules 19.4(b) and 19.4(c).

(d) a B Class Member:

(i) is not liable to pay a nomination fee; but

(ii) is liable to pay 50% of the annual subscription.

(e) A B Class Member:

(i) is entitled to use the Launching Facilities for any craft registered with the Club in the name of the nominator;

(ii) is entitled to use the General Facilities; and

(iii) does not have voting rights.

(f) A person being a B Class Member ceases to be a B Class Member if the nominator ceases to be either a Full Member or a Life Member.

(g) A person who ceases to be a B Class Member by operation of rule 24.1(f) may transfer to another class of Membership in accordance with rule 31.1.

(h) In certain special circumstances the Management Committee may allow transfer of membership from certain classes between members as a direct transfer without going through the waiting list. This must be approved by unanimous vote of the Management Committee sitting at the time the application is put forward for consideration.

## **25. Associate Member**

- 25.1 An Associate Member, being the partner of a Full Member or Life Member or other person who does not wish to become a Full Member, must be elected as a Member in accordance with the provisions of rule 19, other than rule 19.4(c).
- 25.2 An Associate Member:
- (a) is not liable to pay a nomination fee;
  - (b) being the partner of a Full Member or Life Member, is not liable to pay the annual subscription; and
  - (c) not being the partner of a Full Member or Life Member, is liable to pay 25% of the annual subscription.
- 25.3 An Associate Member:
- (a) is entitled to use the General Facilities; but
  - (b) is not entitled to use the Launching Facilities; and
  - (c) does not have voting rights.
- 25.4 A person being an Associate Member may transfer to another class of Membership in accordance with Rule 31.1.

## **26. Country Member**

- 26.1 A person who lives more than 100 km from the premises of the Club at Cockburn Sound (in this Rule "applicant") may apply to become a Country Member in accordance with this Rule.
- 26.2 An applicant who is not a Member must apply to be elected to Membership as a Country Member in accordance with rule 19.4, other than rule 19.4(c).
- 26.3 An applicant who is a Member must apply to the Management Committee to become a Country Member in accordance with this Rule.
- 26.4 An application under rule 26.2 or rule 26.3 must be accompanied by evidence that the applicant is qualified to be a Country Member in accordance with rule 26.1 (in this Rule "relevant evidence").
- 26.5 If the Management Committee is satisfied by the relevant evidence that the applicant is qualified to be a Country Member in accordance with rule 26.1, the Management Committee must, the applicant having been elected to Membership or being already a Member, admit the applicant to Membership as a Country Member.
- 26.6 A Country Member:
- (a) is not liable to pay a nomination fee; but
  - (b) is liable to pay 50% of the annual subscription.
- 26.7 A Country Member:

- (a) is entitled to use the Launching Facilities and General Facilities; but
- (b) does not have voting rights.

26.8 A person being a Country Member ceases to be a Country Member on ceasing to be qualified to be a Country Member in accordance with rule 26.1.

26.9 A person who ceases to be a Country Member by operation of rule 26.8 may transfer to another class of Membership in accordance with rule 31.1.

## **27. Reciprocal Membership**

27.1 A person who is a member of a Reciprocal Club (in this Rule "applicant") may apply to become a Reciprocal Member in accordance with the terms of the relevant Reciprocal Membership Agreement and this Rule.

27.2 The Club cannot have more than 50 Reciprocal Members.

27.3 An applicant must apply to be elected to Membership as a Reciprocal Member in accordance with rule 19.4, other than rule 19.4(c).

27.4 An application under rule 27.3 must be accompanied by evidence that the applicant is a member in good financial standing of a Reciprocal Club (in this Rule "relevant evidence").

27.5 If:

(a) the Management Committee is satisfied by the relevant evidence that the applicant is qualified to be a Reciprocal Member in accordance with rule 27.1; and

(b) rule 27.2 will not be infringed thereby,

the Management Committee must, the applicant having been elected to Membership, admit the applicant to Membership as a Reciprocal Member.

27.6 A Reciprocal Member:

(a) is not liable to pay a nomination fee; but

(b) is liable to pay a proportion of the annual subscription determined in accordance with the relevant Reciprocal Membership Agreement; and

(c) must produce the relevant evidence to the Management Committee at the time of payment of each annual subscription.

27.7 A Reciprocal Member:

(a) is entitled to use the Launching Facilities and General Facilities; but

(b) does not have voting rights; and

(c) may not speak at a General Meeting except on matters affecting the class of Reciprocal Membership.

27.8 A person being a Reciprocal Member ceases to be a Reciprocal Member on ceasing to be qualified to be a Reciprocal Member in accordance with rule 27.1.

27.9 A person who ceases to be a Reciprocal Member by operation of rule 27.8 may transfer to another class of Membership in accordance with rule 31.1.

## 28. Honorary Member

28.1 A person (in this Rule "candidate") who:

- (a) is over 18 years of age;
- (b) is a recent arrival at or short-term visitor to the Club; and
- (c) has not been an Honorary Member at any time within the 3 months immediately preceding his or her admission,

may be admitted to Honorary Membership in accordance with this Rule.

28.2 An applicant must be proposed by one Voting Member (in this Rule "proposer") and seconded by another Voting Member (in this Rule "seconder") in such written form as the Management Committee from time to time directs (in this rule "proposal form"), and the completed proposal form must be forwarded to the Club Manager.

28.3 As soon as practicable after receipt of a proposal form, the Club Manager must:

- (a) have each completed proposal form initialled by a member of the Management Committee (not being the proposer or seconder) as signifying approval; and
- (b) post each completed and initialled proposal form on the Club's notice board.

28.4 After 4 hours from the posting of a proposal form in accordance with rule 28.3(b), the applicant will be admitted as an Honorary Member, and the Club Manager must, as soon as practicable thereafter, notify the applicant in writing of his or her admission to Honorary Membership.

28.5 The Management Committee may revoke any Honorary Membership in its absolute discretion, without giving any reason and without the former Honorary Member having any right of appeal.

28.6 An Honorary Member:

- (a) is not liable to pay a nomination fee or any annual subscription; but
- (b) will not be granted credit for the acquisition of any goods or services from the Club; and
- (c) must, while on the Club premises or using the Club's property, facilities or amenities, produce the notification referred to in rule 28.4 to any Officer, or any club employee or bar staff of the Club, who requires its production.

28.7 An Honorary Member:

- (a) is entitled to use the Launching Facilities and General Facilities; but
- (b) does not have voting rights; and

(c) may not attend a General Meeting except at the invitation of the person chairing the meeting.

28.8 Unless earlier revoked in accordance with rule 28.5, Honorary Membership terminates automatically after 1 month from the applicant being admitted in accordance with rule 28.4.

## **29. Temporary Member**

29.1 A person who on any day is visiting at the Cockburn Power Boats Association (Inc.) as a member or official of another Club that is to engage in a pre-arranged event with Cockburn Power Boats Association(Inc.), conducted for the purposes of one of Cockburn Power Boats Association (Inc.) principal objects; or to hold a pre-arranged function at the Cockburn Power Boats Association (Inc.) facility may, for the purposes of the Liquor Control Act 1988, be taken as a person who is accorded temporary membership of Cockburn Power Boats Association (Inc.) on that day in accordance with the rules approved by the director.

29.2 The person organizing the event referred to in clause 29.1, or the Member referred to in rule 29, must notify the Club Manager in writing of the name of the candidate and the date on which the candidate is to be a Temporary Member:

(a) before the relevant day, in which case the candidate will be a Temporary Member throughout the relevant day; or

(b) on the relevant day but before the candidate uses the launch facilities or General Facilities, in which case the candidate will be a Temporary Member for the remainder of the relevant day from the time of notification to the Club Manager.

29.3 Any Flag Officer may at any time during the relevant day revoke any Temporary Membership in his or her absolute discretion, without giving any reason and without the former Temporary Member having any right of appeal.

29.4 A Temporary Member:

(a) is not liable to pay a nomination fee or any annual subscription; but

(b) will not be granted credit for the acquisition of any goods or services from the Club.

29.5 A Temporary Member is entitled to use:

(a) the Launching Facilities; and

(b) the General Facilities subject, in the case of a Temporary Member under 18 years of age, to compliance with the Liquor Control Act 1988.

## **30. Absentee Member**

30.1 A Member (in this Rule "applicant") who is temporarily:

(a) living more than 100 km from the Club at Cockburn Sound

Or

(b) absent from the state; or



(c) unable for any other reason to enjoy the Launching Facilities or General Facilities on a regular basis,

may apply to become a Absentee Member in accordance with this Rule.

- 30.2 An applicant must apply in writing to the Management Committee to become an Absentee Member in accordance with this Rule, in a form decided by the Management Committee.
- 30.3 An application under rule 30.2 must be accompanied by a précis of the reasons for the application (in this Rule "relevant reasons").
- 30.4 If the Management Committee is satisfied by the relevant reasons that the applicant is qualified to be an Absentee Member in accordance with rule 30.1, the Management Committee must acknowledge the applicant to be an Absentee Member and instruct the Club Manager accordingly, and the Club Manager must promptly notify the applicant of this instruction.
- 30.5 On being notified by the Club Manager that he or she has been acknowledged to be an Absentee Member, a Member must promptly return to the Club Manager the emblem and key referred to in Rule 8 and:
- (a) is not liable to pay any annual subscription;
  - (b) is not entitled to use the Launching Facilities and General Facilities; and
  - (c) does not have voting rights, during the time that he or she remains an Absentee Member.
- 30.6 Subject to rule 32 an Absentee Member:
- (a) remains an Absentee Member for the remainder of the Financial Year in which he or she was acknowledged to be an Absentee Member; and
  - (b) may apply to be acknowledged to be an Absentee Member for the following financial year by application in accordance with rules 30.2 and 30.3, which application must be dealt with in accordance with rule 30.4; but
  - (c) may not apply to be acknowledged to be an Absentee Member for a further consecutive Financial Year.

### **30 A Corporate Membership.**

30 A.1 A Corporate Member must:

- (a) be elected as a member in accordance with Rule 19; and
- (b) pay a nomination fee and four times the full membership annual subscription
- (c) abide by Club House rules and Constitution

30A.2 A Corporate Member is entitled to:

- (a) use the Launching Facilities and General Facilities during non public holiday week days only (only one boat to be launched and in use at any on time and up to four guests)

- (b) one gate access key (Issued to the Applicant)
- (c) use of Club Facilities for one “Corporate Day” per annum in which the public may be invited (the date is subject to Committee approval and does not clash with other Club organised event)

30A.3 A Corporate Member does not have voting rights

### **31. Change of class of Membership**

- 31.1 A Member may change from one class of Membership to another by following the procedure for admission to that other class, except that:
- (a) a Member who has been elected in accordance with rules 19.4 and 19.7 need not again be elected; and
  - (b) a Member who has paid a nomination fee need not pay another nomination fee, and provided that:
  - (c) a Member who has not paid a nomination fee must pay a nomination fee on changing to the class of Full Member; and
  - (d) a Member who has paid a nomination fee or any annual subscription is not entitled to a refund.
- 31.2 A person who has ceased to be a Member may again become a Member by following the procedure for admission to a class of Membership and, if applying to be elected as a Full Member, must pay a nomination fee in accordance with rule 19.4(c).

### **32. Termination of Membership**

- 32.1 Membership terminates upon:
- (a) receipt by the Club Manager of a notice in writing from a Member of his or her resignation from the Club; or
  - (b) non-payment by a Member of any fee, subscription, levy or penalty, in accordance with rule 37; or
  - (c) expulsion of a Member in accordance with rule 35.
- 32.2 A person whose Membership terminates in accordance with rule 32.1 remains liable to pay any fee, subscription, levy or penalty payable but unpaid at the date of termination.

### **33. Register of Members**

- 33.1 The Club Manager must comply with section 27 of the Associations Incorporation Act 1987 and 48(4)(e) of the Liquor Control Act 1988 by keeping and maintaining in an up to date condition a register of the Members of the Club in each class of Membership and their postal or residential addresses and, upon the request of a Member, must make the register available for the inspection of the Member and the Member may make a copy of or take an extract from the register subject to the Privacy Act 1988 (Cth) but has no right to remove the register for that purpose.

- 33.2 The register must be so kept and maintained at the premises of the Club at Cockburn Sound. This register must be continually available for inspection at the Club premises.
- 33.3 The Club Manager must cause the name of a person who dies or who ceases to be a Member under Rule 32 to be deleted from the register of Members referred to in rule 33.1.

#### **34. Discipline**

Members of the Management Committee, the Club Manager and employees of the Club authorised by the Management Committee, have authority to require compliance with and enforce the House Rules, and all Members must comply with directions for compliance given by any one of them.

#### **35. Dispute resolution and discipline**

- 35.1 The purpose of this rule is to set the guidelines for dealing with discipline within the Club. The Management Committee may bring action, without specific complaint against any Member, to deal with a suspected breach of the Rules or House Rules or the policies, directives and other rules of the Club.
- 35.2 The grounds for imposition of a penalty on a Member under this Rule are:
- (a) infringement of the Rules or the House Rules; or
  - (b) conduct either on or outside the Club premises that does or may:
    - (i) bring discredit on or prejudicially affect the reputation of the Club; or
    - (ii) impair or affect the enjoyment of the Club premises, property, facilities and amenities by Members; or
    - (iii) cause ill-feeling or friction between or among Members; or
    - (iv) operate to the detriment of the interests of the Club.
- 35.3 A Member, including a Member of the Management Committee, or an employee of the Club (in this rule "complainant") may lodge with the Club Manager a complaint in writing in a form decided by the Management Committee alleging that grounds exist for imposition of a penalty and setting out:
- (a) the name of the complainant;
  - (b) the name of the Member complained against (in this Rule "respondent");
  - (c) the alleged grounds;
  - (d) the date, time and place of occurrence of the alleged grounds;
  - (e) a brief description of relevant events; and
  - (f) details of any witnesses (including the complainant) willing to give evidence of the alleged grounds.
- 35.4 A complaint must be lodged within 7 days of the complainant becoming aware of the existence of the alleged grounds.

35.5 On a complaint being lodged in accordance with rules 35.2 and 35.3:

(a) the Club Manager must promptly notify the Management Committee of receipt of the complaint;

(b) the Management Committee must, promptly on being so notified:

(i) select a sub-committee of the Management Committee (in this rule "Complaints Committee") to hear and determine the complaint;

(ii) determine a date, time and place for a hearing of the complaint by the Complaints Committee (in this Rule "hearing"), the date being not less than 14 days from the notice referred to in rule 35.5(b)(iii);

(iii) give notice to the respondent of the complaint setting out, subject to rule 35.5(c), the matters referred to in rules 35.3(a) to 35.3(f) inclusive; and

(iv) give notice to the complainant of the date, time and place referred to in rule 35.5(b)(ii);

(c) the Management Committee may, in its absolute discretion:

(i) keep the identity of the complainant confidential to the Club Manager, Management Committee and Complaints Committee; and

(ii) suspend the respondent pending the hearing.

35.6 After the giving of the notices referred to in rule 35.5:

(a) the respondent may give notice to the Club Manager of any witness (including the complainant) willing to give evidence of the alleged grounds; and

(b) the Complaints Committee may from time to time postpone the hearing at the written request of the complainant or the respondent made up to 3 days before the date of the hearing because of illness or other reason satisfactory to the Complaints Committee, provided that the hearing must not be postponed for more than 1 month from the giving of the notices referred to in rule 35.5.

35.7 In selecting the Complaints Committee, the Management Committee must observe the following principles:

(a) the Management Committee must act impartially and fairly in selecting the Complaints Committee;

(b) the Complaints Committee ordinarily will consist of 3 persons, made up of the Commodore and 2 other Flag Officers;

(c) the following are disqualified from selection to the Complaints Committee:

(i) the complainant and the respondent;

(ii) a complainant's witness or respondent's witness; and

(iii) a person materially connected with or involved in the alleged grounds;

(d) if:

(i) more than 2 Flag Officers are disqualified by operation of rule 35.7(c); or unavailable; or

(ii) the Management Committee considers it expedient to do so,

the Management Committee may select:

(iii) a member of the Management Committee; or

(iv) a Full Member or Life Member, to take the place of a Flag Officer on the Complaints Committee; and

(e) the Management Committee may select to the Complaints Committee additional persons having special skill or understanding in relation to the complaint or the alleged grounds.

35.8 During the hearing the respondent is entitled:

(a) to be present:

(i) in person and unaccompanied; or

(ii) in person accompanied by one other Member; or

(iii) in person but represented by one other Member;

provided that the other Member is not a legal practitioner within the meaning of the Legal Practice Act 2003 (WA);

(b) either alone or by a representative to call and examine witnesses and to cross-examine witnesses, and to address the Complaints Committee; and

(c) to be present as described in rule 35.8 throughout the hearing, except when the members of the Complaints Committee wish to confer privately among themselves or to consider their decision.

35.9 If either of the complainant or the respondent or his or her representative does not appear at the date, time and place fixed for the hearing (after any postponement in accordance with rule 35.6(b)), the Complaints Committee may, in its discretion:

(a) nevertheless proceed with the hearing in the complainant's absence; or

(b) postpone the hearing to the same time on the same day in the following week and to the same place.

35.10 The Complaints Committee may conduct the hearing at the time and place and on the date fixed (after any postponement in accordance with rule 35.6(b) or rule 35.9(b) or may further postpone or adjourn the hearing in its discretion and must, as soon as practicable after the conclusion of the hearing, come to its decision (including as to penalty, if any) and communicate that decision to the Club Manager, and the Club Manager must notify the complainant and respondent forthwith in writing of:

(a) the decision of the Complaints Committee as to whether or not the complaint was or was not made out; and

(b) the penalty, if any, imposed by the Complaints Committee.

35.11 If the Complaints Committee decides that:

(a) the complaint was frivolous or unsupported by any substantial evidence, it may impose a penalty on the complainant in accordance with rule 35.12; or

(b) the complaint has been made out, it may:

(i) reprimand the respondent without imposing any penalty; or

(ii) impose a penalty on the respondent in accordance with 35.12.

35.12 The penalty which the Complaints Committee may impose may be:

(a) imposition of a fine of up to \$500 or such other maximum determined by the Management Committee from time to time; or

(b) suspension from the Club for a period of up to 1 year; or

(c) a combination of (a) and (b); or

(d) expulsion from the Club;

(e) if applicable, expulsion from Management Committee or any other Club position.

35.13 If a Member is expelled from the Club or resigns while a disciplinary hearing against them is pending, that Member:

(a) may not enter the Club facilities or activities in any form including as a guest; and

(b) is not able to rejoin the Club.

35.14 In addition to or instead of imposing a penalty, the Complaints Committee may require a complainant or respondent to pay the reasonable costs of the Club arising from the complaint and the hearing.

35.15 A Member who has been suspended from the Club is not entitled, during that suspension, to have or exercise any of the rights or privileges attached to Membership.

35.16 In all matters preliminary to the hearing, in the conduct of the hearing, in coming to its decision, in imposing any penalty and in requiring the payment of any costs, the Complaints Committee must act impartially and with fairness to both the complainant and the respondent.

35.17 Subject to rule 35.18:

(a) a fine becomes payable within 14 days from receipt of the notice referred to in rule 35.10; and

(b) a Member has his or her Membership suspended or ceases to be a Member immediately following the decision of the Complaints Committee to suspend or expel the Member.

35.18 A Member who is fined or suspended or expelled from the Club under rule 35.12 must, if he or she wishes to appeal against that fine, suspension or expulsion, give notice to

the Club Manager of his or her intention to do so within the period of 14 days from receipt of notice sent by the Club Manager pursuant to rule 35.10.

35.19 When notice is given under rule 35.18:

(a) the Management Committee, at a meeting convened for that purpose, must either confirm or set aside the decision of the Complaints Committee to fine, suspend or expel the Member, after having afforded the Member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Management Committee; and

(b) the fine does not become payable, and the Member who gave that notice is not suspended from the Club or does not cease to be a Member, unless and until the decision of the Complaints Committee to fine, suspend or expel him or her is confirmed under this rule 35.19.

35.20 When the process as outlined in rule 35.19 is exhausted;

(a) the respondent may then by written notice to the Club Manager appeal to a General Meeting at which all reasonable opportunity will be given to the respondent to be heard by and make representations to the Full Members. The respondent must obtain three fourths of the votes from all voting members present to win his appeal.

35.21 All notices required by this rule to be sent to a Member shall be sent by registered mail to that Member's address as recorded in the register maintained pursuant to rule 33.

35.22 The procedure for complaint against the Management Committee is as follows.

(a) The complainant is to seek an appointment with the Commodore and at least 1 other Flag Officer to discuss the complaint. The details of the complaint should be submitted clearly, in writing detailing the issues in point form so they can be responded to by the Commodore.

(b) In the event that a satisfactory conclusion is not reached by the completion of the process stated above the Member lodge a petition within 14 days in accordance with rule 38.1(c)(i)

35.23 In the event of the Club's Management Committee believing that they are in a position where natural justice or the integrity of the Club may be jeopardized the Management Committee may have the complaint issue determined by such means as directed by the Club's legal representatives. In such cases the time limit for the issue to be resolved is not subject to the time restraints imposed in the normal course of complaints but should be dealt with as soon as practicable. The Management Committee will not be bound to act on the advice given but must give it due consideration and record accurately the reasons why, if the advice was not acted on

## **36. Subscriptions and fees**

36.1 The annual membership fee shall be fixed as follows.

(a) Unless otherwise determined in accordance with this rule 36.1, the membership fee for each Financial Year shall be the membership fee for the previous Financial Year,

increased by the CPI Increase determined as at the first day of May in the previous Financial Year.

(b) The Management Committee may increase the membership fee for a Financial Year above the amount fixed in accordance with rule 36.1(a) by increasing the membership fee for the previous Financial Year by a percentage greater than the CPI Increase, but not exceeding 10%.

(c) The membership fee for a Financial Year may be increased above the amount fixed in accordance with rule 36.1(a) or rule 36.1(b) at a General Meeting held in that Financial Year

(d) The membership fee for a Financial Year fixed in accordance with rule 36.1(a) shall be due and payable on the first day of that Financial Year, and any increase determined in accordance with rule 36.1(b) or rule 36.1(c) shall be due and payable on the day it is so determined.

36.2 The nomination fee in any Financial Year is an amount equal to the full annual subscription of a Full Member for that Financial Year.

36.3 Subject to rule 36.4, each Member must pay to the Club, annually on or before the first day of each Financial Year, the amount of the subscription determined under rule 36.1 and rule 36.4. Failure to pay by this date can result, in the discretion of the Management Committee, in the Member being struck off the membership list.

36.4 The following discounts apply to subscriptions (but not to the nomination fee):

(a) A Full Member who has been a continuous financial member of this Club for the previous five years, and can provide evidence of receipt of full Government Pension -50% discount;

(b) Member applying for Membership in:

(i) the first quarter of a Financial Year - no discount;

(ii) the second quarter of a Financial year - 25% discount;

(iii) the third quarter of a Financial Year - 50% discount; and

(iv) the final quarter of a Financial Year- 75% discount.

(c) A Full Member who at the 1<sup>st</sup> January 2013 was receiving a Pension discount other than described above (clause 36.4a) and has been a continuous member since that date

36.5 The following principles apply to renewal of membership.

(a) Annual renewal of membership shall be at the invitation of the Management Committee.

(b) Invitation to renew will not be unreasonably withheld.

(c) The rendering of an invoice for the annual membership fee for a Financial Year constitutes an invitation to renew membership for that Financial Year, which invitation



may be accepted only by paying the amount of the subscription invoiced in accordance with rule 36.3.

(d) The Management Committee may in its absolute discretion extend a further invitation to renew membership to any Member who does not accept renewal of membership in accordance with rule 36.5(c).

(e) Any Member to whom an invitation to renew membership is not extended in accordance with rule 36.5(c) or rule 36.5(d) may appeal to the Management Committee, in writing, within 14 days of notification that they are not being invited to renew membership, and the procedure set out in rule 35.22 shall apply

### **37. Arrears**

A Member who has not paid any fee, subscription, levy or penalty payable by him or her excluding fees as noted in rule 36:

(a) within 7 days of its becoming payable, is suspended from the Club until payment or until the operation of rule 37(c) and

(b) is not entitled to use any of the Club facilities, or attend Club events;

(c) at the expiration of 30 days of becoming payable if not paid in full will have their membership terminated.

(d) key / tag deposit will be held in lieu of unpaid monies.

### **38. General Meetings**

38.1 The Management Committee:

(a) may convene a Special General Meeting at any time and place as it thinks fit;

(b) must convene one and may convene two General Meetings in each year at such time and place as it thinks fit:

(i) the first of which must be convened and shall be the Annual General Meeting, which shall be held within 4 months after the end of each Financial Year or such longer period as may in a particular case be allowed by the Commissioner; and

(ii) the second of which may be convened and shall be the Half-yearly Meeting, which shall be held in no later than 6 months after the Annual General Meeting; and

(c) must, within 30 days of:

(i) receiving a petition in writing on the official Club form sponsored by and bearing the name and address of a Voting Member as sponsor and author and signed personally by not less than a number of the voting members not less than the quorum required for a General Meeting, convene a Special General Meeting for the purpose specified in that petition; or

(ii) the Club Manager receiving a notice under rule 35.18, convene a Special General Meeting to deal with the appeal to which that notice relates.

38.2 The petition referred to in rule 38.1(c)(i) must:

- (a) state in that petition the justification for which the Special General Meeting concerned is required; and
  - (b) be signed by the Voting Member who is the sponsor and author, and give full contact details of all signatories on that petition.
- 38.3 Subject to rule 38.5, the Club Manager must give to all Members not less than 21 days notice of a General Meeting other than the Annual General Meeting and that notice must:
  - (a) specify when and where the meeting is to be held; and
  - (b) give particulars of the business to be transacted at the General Meeting and of the order in which that business is to be transacted,and the business to be transacted at the meeting is confined to the matters set out in that notice.
- 38.4 Subject to rule 38.5, the Club Manager must give to all Members not less than 21 days notice of an Annual General Meeting and that notice must:
  - (a) specify when and where the meeting is to be held;
  - (b) give particulars of and the order in which business is to be transacted, as follows:
    - (i) first, consideration of the accounts and reports of the Management Committee, including the Commodore's report, accounts to be submitted to Members in accordance with rule 44.1(h)(iv) and section 26 of the Act and Auditor's report, for the preceding Financial Year;
    - (ii) second, the declaration of election of Officers in accordance with rule 13.6, and ballots for election of Officers in accordance with rule 13.4 and rule 13.7 as required;
    - (iii) third, election of the Social Committee; and
    - (iv) fourth, any other business requiring consideration by the Club at the meeting of which notice in writing has been given 14 days prior to Annual General Meeting,and the business to be transacted at the meeting is confined to the matters set out in that notice.
- 38.5 A proposal for a Special Resolution may be moved either at a Special General Meeting or at a meeting convened under rule 38.1(b) (including the Annual General Meeting), but the Club Manager must have given to all Members not less than 21 days notice of the meeting at which a Special Resolution is to be proposed, and in addition to those matters specified in rule 38.3 or rule 38.4, as relevant, the notice must also include the resolution to be proposed and state the intention to propose the resolution as a Special Resolution.
- 38.6 The Club Manager:
  - (a) must give a notice under rule 38.3, 38.4, 38.5 or 39.3 by posting it on the Club's notice board; and

(b) may give a notice under rule 38.3, 38.4, 38.5 or 39.3 by other means such as inclusion in the Club's newsletter or by sending it through the postal service to all or some Members generally or all or some Members in a category of Members, as the Club Manager may decide, at the address of the Member appearing in the register of Members kept and maintained under rule 33.

and a notice displayed in accordance with this rule 38.6 will be deemed to be properly effected on all Members.

### **39. Quorum and proceedings at General Meetings**

- 39.1 At a General Meeting 25 Voting Members present in person constitute a quorum.
- 39.2 If a quorum is not present within 30 minutes after the time specified for the holding of a General Meeting in a notice given under rule 38.3 or rule 38.4:
- (a) as a result of a request or notice referred to in rule 35.20 or as a result of action taken under rule 38.1(c)(i), the General Meeting lapses; or
  - (b) otherwise than as a result of a request, notice or action referred to in rule 39.2(a), the General Meeting stands adjourned for not more than 30 days.
- 39.3 The Club Manager must give no less than 7 days notice of the place, date and time of a meeting adjourned pursuant to rule 39.2(b) such notice to be given in accordance with rule 38.6.
- 39.4 If within 30 minutes of the time appointed by rule 39.2 for the resumption of an adjourned General Meeting a quorum is not present, the Voting Members who are present in person may nevertheless proceed with the business of that General Meeting as if a quorum were present.
- 39.5 At a General Meeting:
- (a) The person chairing the meeting or the meeting itself by resolution, may institute a ballot for any motion before the meeting.
  - (b) proposal for an ordinary resolution can be passed by a simple majority of votes cast, and a proposal for a Special Resolution can be passed only by a majority of not less than three-fourths of votes cast; and
  - (c) votes will be cast by a show of hands, unless during the General Meeting at which the resolution is proposed a poll is demanded in accordance with rule 39.7:
- 39.6 At a General Meeting a declaration by the person chairing the meeting:
- (a) that a resolution has been passed as an ordinary resolution by a simple majority of votes cast on a show of hands; and
  - (b) that a resolution has been passed as a Special Resolution by a majority of not less than three-fourths of votes cast on a show of hands,
- shall be evidence of that fact unless, during the General Meeting at which the resolution is proposed, a poll is demanded in accordance with rule 39.7.

- 39.7 At a General Meeting, a poll may be demanded by the person chairing the meeting or resolution of the meeting itself and, if so demanded, must be taken in the manner and at the time and place that the person chairing the meeting directs.
- 39.8 If a poll is demanded and taken under rule 39.7, whether in respect of a proposal for an ordinary resolution or a proposal for a Special Resolution, a declaration by the person chairing the meeting as to the result of the poll is evidence of the matter so declared.
- 39.9 Any member qualified to vote, who cannot attend a General Meeting at which voting is involved, may apply to the Club Manager for an Absentee Voting Package. This form, when duly completed must be sealed in its envelope and sealed inside a second envelope which has the member's name, membership number and signature on the outside. The package must be deposited with the Club Manager by post or in person no later than 48 hours before the start time of the meeting at which the vote is to be taken. The Club Manager will record and list the names of members receiving Absentee Vote papers, check the member's details on the envelopes which are returned by the due time, open the outside envelope and hand the list and the sealed voting envelopes so enclosed, to the appointed scrutineer(s).

#### **40. Resolutions at General Meetings**

- 40.1 All motions passed at a General Meeting are conclusive and binding on each Member, whether or not the Member:
- (a) was present; or
  - (b) was entitled to vote,
- at that General Meeting.
- 40.2 Any motion or resolution at a General Meeting which, in the opinion of the person chairing the meeting, affects the policy of the Club or the management of its funds, is to be treated as a recommendation to the Management Committee for consideration and not as binding the Management Committee to act on it.

#### **41. Minutes of meetings**

- 41.1 The Club Manager must cause proper minutes of all proceedings of each General Meeting and meeting of the Management Committee (in this Rule "meeting") to be taken and then to be entered, within 30 days after the holding of the meeting, in a minute book kept for that purpose.
- 41.2 Any meeting may be voice recorded, labelled and filed for the record and purpose of transcribing minutes of the meeting.
- 41.3 The Club Manager must ensure that the minutes taken of the meeting under rule 41.1 are checked and signed as correct by the person who chaired the meeting to which those minutes relate or by the person chairing the next succeeding General Meeting or meeting of the Management Committee, as the case requires.
- 41.4 When minutes have been entered and signed as correct under this Rule, they are, until the contrary is proved, evidence that:
- (a) the meeting to which they relate was duly convened and held;

(b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and

(c) all appointments or elections purporting to have been declared or made at the meeting have been validly declared or made.

#### **42. Voting rights of members of Association**

42.1 Subject to the Rules, each Voting Member present in person at a General Meeting is entitled to a deliberative vote.

42.2 If there is no majority in favour of an ordinary resolution at a General Meeting, the person chairing the meeting has a casting vote in addition to his or her deliberative vote.

#### **43. Committees**

43.1 The Management Committee may establish:

(a) a Social Committee;

(b) a Grounds and Buildings Committee;

(c) a sub-committee to be responsible for organising a particular activity of the Club such as angling, diving, sports fishing, cruising and yachting (in this Rule "Sports Committee"); and

(d) other sub-committees of the Management Committee as the Management Committee thinks fit.

43.2 Any Member in any class of Membership, including any Flag Officer, may be a member of a sub-committee.

43.3 All Sub-Committees appointed in accordance with clause 43 shall report to the Management Committee details of its proceedings as and when the Management Committee determines.

43.4 The Social Committee consists of:

(a) up to 5 Members elected at the Annual General Meeting; and

(b) any number of the partners of members of the Management Committee as are willing to serve on the Social Committee,

and

(c) will be given a budget for the running of events as detailed by the Management Committee; and

(d) is responsible for organising all entertainment and functions of the Club of a social nature approved by the Management Committee.

43.5 The Grounds and Buildings Committee consists of:

(a) a Works and Grounds Co-ordinator; and

- (b) up to 5 Members approved by the Management Committee,  
and is responsible for the maintenance and upkeep of the Club's grounds, buildings,  
ramps and other physical facilities.
- 43.6 Each Sports Committee consists of such Members as the Management Committee  
appoints after consultation with and seeking nominations from Members involved in  
the relevant activity, and is responsible for organising its particular activity at the Club.
- 43.7 Except for the Commodore, if a member of a Committee is absent from more than:
- (a) 3 consecutive meetings of that Committee; or
- (b) 3 meetings of that Committee in the same Financial Year without tendering an  
apology to the person chairing each of those meetings, of which meetings the member  
of the Committee received notice, he or she ceases to be a member of that Committee.
- 43.8 The Management Committee may delegate to any Committee the exercise of such  
functions of the Management Committee as are specified in the delegation other than:
- (a) the power of delegation; and
- (b) a function which is a duty imposed on the Management Committee by the Act or  
any other law.
- 43.9 The Management Committee may at any time vary or revoke wholly or in part any  
delegation under rule 43.3, rule 43.8 or rule 43.10(d).
- 43.10 The Management Committee may, as it sees fit:
- (a) employ (and dismiss from employment) persons who occupy positions within the  
Club,
- (b) determine the terms and conditions on which an employee is to be employed,  
including enjoyment of any benefits that are enjoyed by Members or associated with  
Membership;
- (c) assign functions, duties and responsibilities to an employee; and
- (d) delegate to an employee such functions of the Management Committee as the  
Management Committee sees fit, other than:
- (i) the power of delegation; and
- (ii) a function which is a duty imposed on the Management Committee by the  
Act or any other law.
- 43.11 Any delegation under rule 43.3, rule 43.8 or rule 43.10(d) may be subject to such  
conditions and limitations as to the exercise of the function delegated or as to time and  
circumstances as are specified by the Management Committee, and the Management  
Committee may continue to exercise any function delegated under rule 43.3, rule 43.8  
or rule 43.10(d).

#### **44. Club Manager**

- 44.1 The Club Manager does not formulate Club policy, but must:

- (a) co-ordinate the correspondence of the Club;
- (b) keep full and correct minutes of the proceedings of the Management Committee and of the Club;
- (c) comply on behalf of the Club with:
  - (i) section 27 of the Act with respect to the register of Members of the Club, as referred to in rule 33;
  - (ii) section 28 of the Act by keeping and maintaining in an up to date condition the Rules and House Rules and must, on the request of a Member, make available those Rules for the inspection of the Member and the Member may make a copy of or take an extract from the Rules but has no right to remove the Rules for that purpose; and
  - (iii) section 29 of the Act by maintaining a record of:
    - (A) the names and residential or postal addresses of the persons who hold Office, including all Offices held by the persons who constitute the Management Committee; and
    - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Club,and the Club Manager must, on the request of a Member, make available the record for the inspection of the Member and the Member may make a copy of or take an extract from the record but has no right to remove the record for that purpose;
- (d) bring to each General Meeting an up to date copy of the Constitution and House Rules;
- (e) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Club and must issue receipts for those moneys in the name of the Club;
- (f) pay all moneys referred to in rule 44.1 into such account or accounts of the Club as the Management Committee may from time to time direct;
- (g) submit invoices to the Management Committee for approval before or ratification after payment, and make payments from the funds of the Club with the authority of a General Meeting or of the Management Committee and in so doing ensure that all cheques are signed by any two of the Commodore, Vice Commodore, Club Manager and a member of the Management Committee authorised for that purpose;
- (h) comply on behalf of the Club with sections 25 and 26 of the Act with respect to the accounting records of the Club by:
  - (i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Club;
  - (ii) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be prepared from time to time;
  - (iii) keeping its accounting records in such manner as will enable true and fair accounts of the Club to be conveniently and properly audited; and

(iv) submitting to Members at each Annual General Meeting accounts of the Club showing the financial position of the Club at the end of the immediately preceding Financial Year;

(i) arrange for the accounting records referred to at rule 44.1(h), including the accounts referred to at rule 44.1(h)(iv), to be audited by the Auditor prior to submission to Members at the Annual General Meeting, and submit the Auditor's report to Members at that meeting;

(j) whenever directed to do so by the Management Committee, submit to the Management Committee a report, balance sheet or financial statement in accordance with that direction;

(k) unless the Members resolve otherwise at a General Meeting, have custody of all correspondence, books, documents, records and registers of the Club, and all securities, books and documents of a financial nature and all accounting records of the Club, including those referred to in rule 44.1(c) and rule 44.1(h), and retain the same until otherwise directed by the Management Committee;

(l) act as the day to day manager;

(m) act at the direction of the Commodore or their nominee or nominees;

(n) co-operate with the Flag Officers and Committees.

(o) direct other staff of the Club;

(p) compile, edit and distribute the Club newsletter;

(q) arrange printing either in house or out sourced whichever is the most practicable and economical;

(r) perform other duties as defined in the Job Description Form.

#### **45. Auditor**

45.1 The Management Committee must for each Financial Year appoint a suitably qualified auditor to audit the accounting records of the Club and to prepare a report on those records and on the accounts of the Club to be submitted to Members at the Annual General Meeting showing the financial position of the Club at the end of that Financial Year.

45.2 The Auditor has the power to make a special audit of the Club's accounting records and accounts at any time and has access to the Club's books, vouchers and accounts at all reasonable times.

#### **46. Rescue Group Accommodation**

The Club shall make available the existing accommodation for the Cockburn Volunteer Sea Search and Rescue Group (Inc.) (in this rule "Rescue Group") rescue boat and duty crew. Maintenance of the existing facility is to be the responsibility of the Rescue Group. The Management Committee may from time to time review any costs associated with use of the facility and forward accounts to the Rescue Group for payment if deemed necessary.



#### **47. Guests**

A Member may introduce to the Club, during the trading hours of a Club Liquor Licence Permit, guests not exceeding five (5) in number and in the Member's company, in that if such a Member leaves the premises the guests are obliged to leave. Names of guests and of the Members introducing them shall be entered in a book provided, which will remain open for inspection at all times.

#### **48. Liquor**

Liquor shall be sold as defined by the conditions in the license held by Cockburn Power Boats Association Inc. No person under the age of eighteen may be admitted to the premises, subject to the conditions of the License, during the hours of operation of the permit, unless in the company of an adult person in authority over them.

#### **49. Training**

The Management Committee is responsible to ensure that all employees, volunteers and Committee members have sufficient training to carry out their relevant functions within the Club, and keep abreast of revised laws and procedures.

This training will be coordinated and subsidised by the Club.

#### **50. Dissolution of the Club**

50.1 The Club shall not be dissolved or change its name without a special resolution and the concurrence of three-fourths of the Financial Members present and voting at a Special General Meeting of the Club called for the purpose.

50.2 If upon the winding up or dissolution of the Club there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the Members but shall be given or transferred:

(a) to another association incorporated under the Act; or

(b) for charitable purposes,

which incorporated association or purposes, as the case requires, shall be determined by the resolution of the Members when authorizing and directing the Management Committee under section 33(3) of the Act to prepare a distribution plan of the surplus property in the event of the winding up or dissolution of the Club, and the Commissioner of Taxation shall be advised of the date of dissolution within 30 days of the dissolution.

COMMON SEAL affixed hereto on the                      day of                      of:

Name:

Signature:

Address:

Name:

Address:

Signature: