

# BOBBIN HEAD CRUISING CLUB INC.

BOBBIN HEAD, N.S.W.



RULES OF  
BOBBIN HEAD  
CRUISING CLUB INCORPORATED



## **RULES OF THE BOBBIN HEAD CRUISING CLUB INCORPORATED**

### **RULE 1** **NAME**

The name of the organisation shall be called "The Bobbin Head Cruising Club Incorporated".

### **RULE 2** **OBJECTIVES OF THE CLUB**

The objectives of the Bobbin Head Cruising Club Incorporated are:

1. To encourage the sailing of motor vessels in and around the Hawkesbury River and off the east coast of Australia and the rivers and harbours thereof.
2. To encourage safety and seamanship in motor vessels by the promotion of regattas, voyages, fishing expeditions and by any other means as may from time to time be determined by the Club.
3. To take an active interest in the promotion of safe boating by the education of members in boating activities such as seamanship, navigation and the repair and maintenance of marine equipment.
4. To provide and maintain a clubhouse and/or any other facilities such as moorings for the use of the members of the Club.
5. To organise and hold social events for Club members from time to time.
6. The club will maintain a community connection by way of raising funds for charitable donations from time to time.

### **RULE 3** **INTERPRETATION**

#### **Section A.**

In these Rules, unless the contrary intention appears:

"Board of Directors" or "Board" means the Committee of Management of the Club.

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

"General Meeting" means a general meeting of members convened in accordance with Rule 7.

"Member" means a member of the Club.

"The Act" means the Associations Incorporation Act 1984.

"The Regulation" means the Associations Incorporation Regulation, 1985.

"Public Officer" means the Public Officer of the Club, appointed under the provisions of the Associations Incorporation Act, 1984.

#### **Section B.**

In these Rules, a reference to the secretary of a Club is a reference:-

1. Where a person holds office under these Rules as secretary of the Club to that person; and
2. In any other case, to the Public Officer of the Club.

#### **Section C.**

Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act

as in force from time to time.

## **RULE 4** **MEMBERSHIP**

### **Section A.**

1. The Public Officer shall establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.
2. The register of members shall be kept at the principal place of administration of the Club and shall be open for inspection, free of charge, by any member of the Club at any reasonable hour.
3. Subject to provisions of Rule 4 Section C, hereinafter, any person of legal majority and good character may be granted membership in this Club. Wherever the male gender or pronoun presently appears in these Rules it shall be interpreted to mean both male and female persons.

### **Section B.**

1. A candidate for membership of this Club shall be proposed and seconded by two (2) financial members on the form prescribed by the Board and lodged, along with the entrance fee and subscription, with the Secretary.
2. The Board shall, by majority vote, determine any application for membership.
3. The Public Officer shall, upon payment of a membership fee as determined by the Board in accordance with Rule 5 and the acceptance of the nomination, enter the nominee in the register of members kept by him. Upon the name being entered, the nominee becomes a member of the Club.
4. Any member who resigns from the Club in good standing, may apply to be reinstated within two years of the date of such resignation. The application for reinstatement may be accepted by a majority vote of the Board and such reinstated member shall not be required to pay the entrance fee referred to in Rule 5.

### **Section C**

1. Membership in this Club shall be as follows:
  - a. **ORDINARY MEMBER:** A member, who at the time of their proposal for membership, is an owner or part owner of a seaworthy motor vessel not less than 7.5 metres in length. An Ordinary member shall be entitled to all rights and privileges and subject to all obligations which membership in this Club confers or implies. Without limiting such right and obligations, such rights shall include eligibility to seek, if otherwise qualified, any office of this Club, and the right to vote on all matters requiring a vote of the membership; and such obligations shall include prompt payment of dues, participation in Club activities and conduct reflecting a favourable image of this Club in the community.
  - b. **CREW MEMBER:** A member of this Club nominated for membership by an Ordinary member. Each Ordinary member shall be entitled to nominate one Crew member who shall not be a minor, shall be a family relation of

the Ordinary member or be a part owner of their vessel. A Crew member shall be exempt from joining fees and/or annual subscriptions. A Crew member shall have the right to vote and be entitled to all other privileges of membership.

- c. SOCIAL MEMBER:** A member, not being an owner or part owner of a vessel. A Social Member shall not be a member of the Association but shall have the option of being a "Social Member" as provided hereinafter. A Social Member shall not be entitled to the privileges of an Ordinary Member.
- d. HONORARY MEMBER:** An individual, not a member of this Club, whose membership, in the opinion of the Board, would be in the interests of the Club. Honorary members may be elected by the Board provided that such election as an Honorary Member shall be from year to year only. An Honorary Member shall not be entitled to the privileges of an Ordinary Member.
- e. HONORARY LIFE MEMBER:** Any member of this Club who has rendered outstanding service to the Club or in promoting the objects of the Club. An Honorary Life Member may be elected by a General Meeting of the Club upon the recommendation of the Board.

#### **Section D.**

The liability of a member of this Club to contribute toward the payment of debts and liabilities of the Club or the costs, charges, and expenses of the winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by Rule 5. This does not negate the responsibility or liability of the Board of Directors as specified under the Act.

#### **Section E.**

A person ceases to be a member of this Club if the person -

- a dies
- b resigns that membership; or
- c is expelled from the Club.

#### **Section F.**

A right, privilege or obligation which a person has by reason of being a member of the Club

- a is not capable of being transferred or transmitted to another person; and
- b terminates upon cessation of the person's membership.

### **RULE 5** **FEES AND DUES**

#### **Section A.**

Each new member shall pay such entrance fee as shall be determined by the Board and be collected before such member is enrolled as a member of this Club.

#### **Section B.**

Each member of this Club shall pay such annual dues as shall be determined

by the Board from time to time and shall be paid in advance at such times as the Board of Directors shall determine.

No dues, fees or assessments in addition to those set forth herein may be levied on, or required of, any member by this Club, its Board of Directors or any officer or member of this Club.

**RULE 6**  
**RESIGNATIONS AND FORFEITURE OF MEMBERSHIP**

**Section A.**

Any member may resign from this Club and said resignation shall become effective upon acceptance thereof by the Board of Directors. The Board may withhold acceptance, however, until all indebtedness has been paid and all Clubs funds and property have been returned. The member will lose all privileges as a member during such period of "withheld acceptance of their resignation". (added Aug 2007)

**Section B.**

1. The Treasurer shall submit to the Board of Directors the name of any member who fails to pay any indebtedness due this Club within 60 days after receipt from the Treasurer of written notice thereof. The Board shall thereafter decide whether the member shall be dropped from or retained on the register of members.
2. Any member whose conduct is such that may cause an offence to any member or members of the Club or is such as may prejudice the good name and order of the Club or the comfort or welfare of any member or members to such an extent that, in the opinion of the Board, to render their continued membership would be undesirable or against the best interests of the Club, may, upon a vote of 75% of the full Board at a regular Board Meeting, be expelled, provided that they shall be given prior opportunity at such regular Board Meeting to explain their conduct. (changes added Aug 2007)

**RULE 7**  
**MEETINGS**

Meetings of this Club shall be held at a time and place recommended by the Board of Directors and approved by the Club. Except as otherwise specifically provided in these Rules, notice of meetings shall be given in such a manner as the Board of Directors deems proper.

**RULE 8**  
**GENERAL MEETINGS**

**Section A.**

1. The Club shall in each calendar year convene an Annual General Meeting of its members.
2. The Annual General Meeting shall be held in August or such other month as may be determined each year at a time and place determined by the Board of Directors.
3. The Annual General Meeting shall be specified as such in the notice convening it.

4. The ordinary business of the Annual General Meeting shall be:
  - (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting.
  - (b) to receive, from the Board, audited accounts and reports upon the transactions of the Club during the last preceding financial year.
  - (c) to receive the Form 12 Annual Statement in accordance with the Section 27(1) of the Associations Incorporation Act 1984.
  - (d) to nominate and authorise in accordance with Section 27(1) of the Associations Incorporation Act 1984 two members of the Board to sign the Form 12 Annual Statement for the year on behalf of the Club.
  - (e) to appoint Auditors for the next financial year.
  - (f) to elect Flag Officers and Board of Directors for the next year.
5. The Annual General Meeting may transact special business of which notice is given in accordance with Rule 8 Section A. 5., herein.
6. The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.

**Section B.**

1. All general meetings other than the Annual General Meeting shall be called Special General Meetings.
2. Except as otherwise specifically provided, the act of a majority of the members present at any meeting shall be the act and decision of the entire Club.

**Section C.**

1. The Board may, whenever it thinks fit, convene a Special General Meeting of the Club and where, but for this sub-clause, more than 15 months would elapse between Annual General Meetings, shall convene a Special General Meeting before the expiration of that period.
2. The Board shall, on the requisition in writing of members not less than 5% of the total number of members, convene a Special General Meeting of the Club.
3. The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisitions and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
4. If the Board does not cause a Special General Meeting to be held within one month after the date on which the requisition is received at the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held not later than three months after that date. (changes added Aug 2007)
5. A Special General Meeting convened by members in pursuance of these Rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Board and all reasonable expenses incurred in convening the meeting shall be

refunded by the Club to the persons incurring the expenses.

**Section D.**

1. The secretary of the Club shall at least fourteen days before the date fixed for holding a Special General Meeting either cause to be sent by prepaid post to each member of the Club at their address appearing on the register of members or cause to be published in the Club Bulletin distributed to members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
2. No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
3. A member desiring to bring any business before a Special General Meeting may give notice of that business in writing to the secretary who shall include that business in the notice calling the next general meeting after the receipt of that notice.

**RULE 9**  
**PROCEEDINGS AT MEETINGS**

**Section A.**

1. All business that is transacted at a Special General Meeting and all business that is transacted at the Annual General Meeting with the exception of that specifically referred to in these Rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.
2. No item of business shall be transacted at a meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
3. The presence in person of a twenty per centum (20%) of the members in good standing shall be necessary for a quorum at any General Meeting of this Club. The presence in person of a minimum of four (4) members of the Board or Committee shall be necessary for a quorum at any meeting of such Board or Committee.
4. If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairman at the time of adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than three) shall be a quorum.

**Section B.**

1. The Commodore, or in their absence, the Vice Commodore, or in their absence the Rear Commodore shall preside at each General Meeting of the Club.
2. If the Commodore, Vice Commodore and Rear Commodore are absent

from a General Meeting, the members present shall elect one of their number to preside as Chairman at the meeting.

**Section C.**

1. The Chairman of a General Meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
2. Where a meeting is adjourned for more than twenty-one days a like notice of the adjourned meeting shall be given as in the case of a General Meeting.
3. Except as provided in sub-clauses 1. and 2., it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.

**Section D.**

A question arising at a general meeting of the Club shall be determined on a show of hands unless before or on the declaration of the show of hands a poll is demanded. A declaration of the Chairman that a resolution has, on the show of hands, been carried or carried unanimously or carried by the particular majority or lost, and an entry to that effect in the minute book of the Club is evidence of the fact, without proof of the number of votes recorded in favour of or against the resolution.

**Section E.**

1. Upon any question arising at any meeting of the Club a member has one vote only.
2. Only Ordinary, Crew, Crew and Honorary Life members and proxies shall be entitled to vote at any General Meeting of the Club.
3. All votes shall be given personally or by proxy but no member may hold more than five proxies.
4. A member or proxy is not entitled to vote at any General Meeting of the Club unless all money due and payable by the member or proxy to the Club has been paid, other than the amount of the annual subscription payable in respect of the then current year.
5. The Chairman of the meeting is entitled to exercise one vote only.

**Section F.**

1. If at a meeting a poll is demanded by not less than three members it shall be taken at that meeting in such a manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
2. A poll that is demanded on the election of a Chairman or on a question of adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairman may direct.

**Section G.**

Any member who fails to pay any indebtedness due this Club within 60

days after receipt from the Treasurer or written notice thereof shall thereon forfeit their good standing and shall so remain until such indebtedness is paid in full. Only members in good standing may exercise the voting privileged and hold office in this Club.

**RULE 10**  
**APPOINTMENT OF PROXIES**

1. Each member entitled to vote shall be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours prior to the time of the meeting in respect of which the proxy is appointed.
2. The notice appointing the proxy shall be in the form set out in Appendix 1 to these rules.

**RULE 11**  
**BOARD OF DIRECTORS**

**Section A.**

1. The affairs of the Club shall be managed by a Board of Directors constituted by the following officers:
  - a the Commodore, Vice Commodore, Rear Commodore, Secretary and Treasurer who shall be Ordinary, Crew or Honorary Life members of the Club.
  - b and four (4) elected Directors who shall be Ordinary, Crew or Honorary Life members of the Club.
  - c and the retiring Commodore, who shall be an ex officio member of the Board for a period of one year from the date of their retirement or until the next succeeding Annual General meeting of the Club. Nothing in this clause shall preclude a retiring Commodore from standing for election to any other position of office on the Board.
2. **The Board:**
  - a. shall control and manage the business affairs of the Club.
  - b. may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers and functions that are required by these Rules to be exercised by General Meetings of the members of the Club; and
  - c. subject to these Rules, the Regulations and the Act shall have power to perform such acts and things as appear to the Board to be essential for the proper management of the business affairs of the Club.
3. In addition to these duties and powers, express or implied, set forth elsewhere in these Rules, the Board of directors shall have the following duties and powers:
  - a. It shall be responsible for the proper execution through the Club officers, of the policies approved by the Club.
  - b. It shall authorise all expenditures and shall not create any indebtedness beyond the current income of this Club, nor authorise dispersal of Club funds for purposes inconsistent with the business and policy authorised by the Club membership.
  - c. It shall have the power to modify, override or rescind the action of any

officer of this Club.

- d. It shall have the books, accounts and operations of the Club audited annually or, at its discretion, more frequently and may require an accounting or have an audit made of the handling of any Club funds by any officer, committee or members of this Club. Any member of this Club in good standing may inspect any such audit or accounting upon request at a reasonable time and place.
- e. It shall appoint, on the recommendation of the Treasurer, a bank or banks for the deposit of the funds of this Club.
- f. It shall appoint the surety for the bonding of any officer of this Club.
- g. It shall not authorise, nor permit the expenditure, for any administrative purpose, of the net income of any projects or activities of this Club by which funds are raised from the public.
- h. It shall submit all matters of new business and policy to the respective standing or special club committee for study and recommendation to the Board.

### **Section B.**

1. No person shall be eligible to hold office in this Club unless he is an ordinary, Crew or Honorary Life member, in good standing.
2. No member of the Board shall receive any fee or reward for any service rendered to this Club in their official capacity.

### **3. Duties:**

- a. **COMMODORE:** He shall be the Chief Executive Officer of this Club; preside at all meetings of the Board of Directors and this Club; issue the call for regular and special meetings of the Board of Directors and the Club; appoint the standing and special committees of this Club and co-operate with the chairmen thereof to effect regular functioning and reporting of such committees; see that regular elections are duly called, noticed and held.
- b. **VICE COMMODORE:** If the Commodore is unable to perform the duties of their office for any reason, the Vice Commodore shall occupy their position and perform their duties with the same authority as the Commodore. The Vice Commodore shall, under the direction of the Commodore, oversee the functioning of such committees of this Club as the Commodore shall designate.
- c. **REAR COMMODORE:** If the Commodore and/or Vice Commodore is unable to perform the duties of their office for any reason, the Rear Commodore shall occupy their position and perform their duties with the same authority as the Commodore. The Rear Commodore shall, under the direction of the Commodore, oversee the functioning of such committees of this Club as the Commodore shall designate.
- d. **SECRETARY:** The Secretary of the Club:
  - 1 Shall keep minutes of the resolutions and proceedings of each General Meeting in books provided for that purpose together with a

- record of the names of persons present at Board meetings;
- 3 Shall give bond for the faithful discharge of their office in such sum and with such surety as determined by the Board of Directors.
  - 4 Shall keep a register of the members of the Board of Directors of the Club detailing the name, residential address and position held by each and the date on which such person became a member of the Board. Any change in the membership of the Board must be recorded in the register no later than 28 days after the change occurs.

**e. TREASURER:** The Treasurer of the Club:

- 1 Shall keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club, and those accounts and books shall be available for inspection by members;
- 2 Shall issue annual statements to each member for dues and other financial obligations owed to this Club, collect and deposit such dues in the approved bank or banks approved by the Board of Directors and
- 3 Shall pay out moneys in payment of Club obligations only on authority given by the Board of Directors. All cheques and vouchers shall be signed by any two of the Commodore, Vice Commodore, Rear Commodore, Secretary and Treasurer; and
- 4 Shall give bond for the faithful discharge of their office in such sum and with such surety as determined by the Board of Directors.

**RULE 12**  
**ELECTIONS**

**Section A.**

The Officers of this Club excluding the Immediate Past Commodore shall be elected as follows:

1. Nominations for Officers and Directors shall be lodged with the Secretary at least twenty one days prior to the Annual General Meeting. Fourteen days prior written notice thereof shall be given to each member of the Club by the Secretary, by mail or personal delivery. Such notice shall include the names of all nominees and a statement that these nominees will be voted upon at this Annual General Meeting.
2. All Officers and Directors shall be elected annually and shall take office immediately following their election at the Annual General Meeting and shall hold office for one year from that date, or until their successors shall have been elected.
3. The election shall be by ballot by those present and qualified to vote. A plurality vote shall be necessary to elect.
4. In the event that the Secretary shall not have received a nomination for any particular position in accordance with Rule 12, Section A, 1. then late nominations may be accepted from the floor at the Annual General Meeting.

**RULE 13**

### **REMOVAL FROM THE BOARD OF DIRECTORS**

Any member of the Board of Directors of this Club may be removed from office for good cause by two-thirds (2/3) vote of the entire Club membership held at a General Meeting. (changes added Aug 2007)

### **RULE 14**

#### **VACANCY ON THE BOARD OF DIRECTORS**

##### **Section A.**

For the purpose of these Rules the office of any member of the Board of this Club becomes vacant if the officer:

1. ceases to be a member of the Club;
2. becomes bankrupt, takes the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration for their benefit;
3. resigns their office by notice in writing given to the Secretary; or
4. is removed pursuant to Rule 13.

##### **Section B.**

1. If the office of Commodore shall become vacant, the Vice or Rear Commodore shall advance in office according to their rank. In the event such provision or advancement shall fail to fill the office of Commodore or Vice Commodore, the Board of Directors shall thereon call a special election, giving each member in good standing prior 14 days notice of the time and place thereof, which time and place shall be determined by the said Board and such office shall be filled at the said election meeting.
2. In the event of a vacancy in the office of Rear Commodore, the Board of Directors may appoint a member to fill the unexpired term.
3. In the event of vacancy in any other office the Board of Directors shall appoint a member to fill the unexpired term.
4. In the event vacancies shall be of such number as to reduce the number of Directors to less than the number required for a quorum, the membership of the Club shall have power to fill such vacancies by an election held at any general meeting of the Club upon prior notice in the manner specified in Rule 8. Such notice may be given by any remaining Officer or Director but, if none, then by any member.

### **RULE 15**

#### **PROCEEDINGS OF THE BOARD**

##### **Section A.**

Regular meetings of the Board of Directors shall be held monthly at such time and place as the Board shall determine.

##### **Section B.**

Special meetings of the Board of Directors shall be held when called by the Commodore or when requested by five (5) or more members of the Board of Directors at such time and place as the Commodore shall determine.

##### **Section C.**

Notice shall be given to members of the Board of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.

**Section D.**

The presence in person of a majority of its members shall constitute a quorum at any meeting of the Board of Directors. Except as otherwise specifically provided, the act of a majority of the Directors present at any meeting of the Board shall be the act and decision of the entire Board of Directors.

**Section E.**

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

**Section F.**

At meetings of the Board:

1. the Commodore, or in their absence, the Vice Commodore, or in their absence the Rear Commodore shall preside; or
2. if the Commodore and the Vice Commodore and the Rear Commodore are absent such one of the remaining members of the Board as may be chosen by the members present, shall preside.

**Section G.**

Questions arising at a meeting of the Board or of any sub-committee appointed by the Board shall be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.

**Section H.**

Each member present at a meeting of the Board or of any sub-committee appointed by the Board (including the person presiding at the meeting) is entitled to one vote.

**Section I.**

Written notice of each Board meeting shall be served on each member of the Board by delivering it to them at a reasonable time before the meeting or by sending it by pre-paid post addressed to them at their usual or last known place of abode or by publication in the Club Bulletin distributed to members at least two business days before the date of the meeting. Provided that this sub-clause will not apply to regular monthly meetings of the Board if the Board has a policy of holding the Board meeting on a regular day of each month.

**Section J.**

Subject to Section D. of this Rule the Board may act notwithstanding any vacancy on the Board.

**RULE 16**  
**SEAL**

**Section A.**

The Common Seal of the Club shall be kept in the custody of the Public officer.

**Section B.**

The Common Seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the Common Seal shall be attested by the signatures either of two members of the board or of one member of the

Board and of the Public Officer of the Club.

**RULE 17**  
**CUSTODY OF BOOKS ETC.**

Except as otherwise provided by these rules, the Public Officer shall keep in their custody or under their control all records, books and other documents relating to the Club.

**RULE 18**  
**INSURANCE**

1. The Club shall effect and maintain insurance pursuant to section 44 of the Act.
2. In addition to the insurance required under clause 1., the Club may effect and maintain other insurance as may be deemed appropriate by the Board from time to time.

**RULE 19**  
**ALTERATION OF RULES AND STATEMENT OF OBJECTS**

**Section A.**

These Rules may be amended by a Special Resolution passed by the three-quarters majority of Members present at a meeting of which written notice thereof stating the proposed amendments shall have been mailed or delivered personally to each Member of this club at least three weeks prior to the meeting.

**Section B.**

Where the Objects or these Rules are amended such amendments shall not be of effect unless the Corporate Affairs Commission has been notified thereof in accordance with Section 20 of the Act.

**Section C.**

Notification of any such resolution shall be given to the Corporate Affairs Commission within thirty (30) days of the passing thereof.

**RULE 20**  
**NOTICES**

**Section A.**

A notice may be served by or on behalf of the Club upon any member either personally or by sending it by pre-paid post to the member at their address shown in the Register of Members.

**Section B.**

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

**RULE 21**  
**WINDING UP OR CANCELLATION**

1. In the event of the winding up or the cancellation of the incorporation of the Club, the assets of the Club, after satisfaction of all debts and liabilities of the Club shall be disposed of in accordance with the provisions of the Associations Incorporation Act, 1984 and the Income Tax Assessment Act.

2. At the first general meeting of the Club, the Club shall pass a special resolution nominating an incorporated association as the association in which is to vest its surplus property and funds pursuant to Section 53 (2) of the Associations Incorporation Act, 1984. Such nominated association shall be an association which is exempt from the payment of income tax under Section 23 of the Income Tax Assessment Act.

**RULE 22**  
**FUNDS**

**Section A.**

The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Board of Directors or the Club determines.

**Section B.**

All accounts shall be presented to and passed for payment at a meeting of the Board of Directors and full details of the approval shall be entered in the Secretary's minute book.

**Section C.**

All payments in excess of \$50.00 made by the Club shall be paid by cheque.

**Section D.**

The income and property of the Club whencesoever derived, shall be applied solely toward the promotion of the Objectives and Purposes of the Club and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the Club. Provided that nothing herein contained shall prevent the payment to any member of the Club for goods supplied in the ordinary and usual way of business nor prevent the payment of interest at a rate not exceeding the rate for the time being paid on current or most recently issued Government bonds on money borrowed from any member of the Club or reasonable and proper rent for premises demised or let by any member of the Club but so that no officer or member of the Board of Directors of the Club shall be appointed or any salaried office of the Club or any office of the Club paid by fees and that no remuneration or other benefit in money or money's worth shall be paid or given by the Club to any officer or member of such Board of Directors except repayment of out-of-pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the Club.

**RULE 23**  
**AUDIT**

**Section A.**

The Club shall appoint an auditor or auditors:

1. The auditor or auditors shall be elected at the Annual General Meeting. They shall examine all accounts, vouchers, receipts, books, etc., and furnish a report thereon to the members at the Annual General Meeting. Audits

- shall be conducted at regular intervals of not more than twelve months.
2. An auditor shall not be a member or closely related to a member of the Board of Directors.
  3. Subject to Rule 23.4 hereof notice of the intention to nominate an auditor to replace the current auditor shall be given to the Secretary at least twenty-one (21) days before the Annual General Meeting. The Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the Annual General Meeting. The current auditor shall be entitled to attend the Annual General Meeting and if they so wish to be heard at such Annual General Meeting.
  4. Where the current auditor submits their resignation or notifies the Secretary of their intention not to seek re-election as auditor, Rule 23. 3. hereof shall not apply.

**RULE 24**  
**INSPECTION OF RECORDS**

The Records, books and other documents of the Club shall be open to inspection free of charge to a member of the Club at any reasonable hour.

**RULE 25**  
**FINANCIAL YEAR**

The financial year of the Club shall be July 1 through June 30.

**RULE 26**  
**PARLIAMENTARY PRACTICES**

Except as otherwise specifically provided in these Rules, all questions of Order or Procedure with respect to any meeting or action of this Club, its Board of Directors or any committee appointed hereunder shall be determined in accordance with the current edition of Joske's Law "Law and Procedure at Meetings in Australia".

**RULE 27**  
**BY-LAWS**

**Section A.**

The Board shall have the power to make such By-Laws relating to the Club and its affairs as it shall think fit provided such By-Laws shall not be contrary to or inconsistent with these rules and may from time to time vary and/or add to such By-Laws.

**Section B.**

This Club shall not endorse or recommend any candidate for public office, nor shall partisan politics or sectarian religion be debated by members in meetings of this Club.

**Section C.**

No officer or member of this Club shall use their membership as a means of furthering any personal, political or other aspirations, nor shall the Club, as a whole take part in any movement not in keeping with its Purposes and Objects.

**Section D.**

If any question or difference shall arise as to the construction of the rules or

By-Laws, or as to the character or description of a boat, or a fish, such question or difference shall be referred to the Board whose decision shall be final and binding on all concerned.

**CLUB MOORINGS**

1. Only boats belonging to Members of the Bobbin Head Cruising Club Inc. shall be entitled to make use of Club moorings.
2. No one single Member shall be entitled to exclusive use of any Club mooring at any time.
3. Any Member boat making use of a Club mooring shall accept any other Member boat wishing to raft-up alongside.
4. Club Member boat/boats using a Club mooring shall be permitted to invite one non-member boat to join the raft-up, provided always, that such non-member boat shall not effectively exclude a Member boat from joining the raft-up.
5. It is the responsibility of the boat joining the moored raft-up to have ready sufficient ropes and fenders to ensure absolute safety and minimum risk of damage.
6. The club burgee remains the property of the club and must be returned upon request by the board in accordance with Rule 4, Section E. (added Aug 2007)
7. All member vessels must fly the club's burgee whilst using any of the clubs moorings. (added Aug 2007)
8. The maximum number of boats raffing-up on a Club mooring shall be determined by prevailing wind and weather condition, proximity of other moored boats, combined with simple "common sense".

**APPENDIX 1  
(Rule 10, 2.)  
FORM OF APPOINTMENT OF PROXY**

I, \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being a member of Bobbin Head Cruising Club Incorporated,  
hereby appoint \_\_\_\_\_  
(full name of proxy)

of \_\_\_\_\_  
(address)

being a member of Bobbin Head Cruising Club Incorporated, as my proxy to  
vote for me on my behalf at the general meeting of the Club (Annual General  
Meeting or Special Meeting, as the case may be) to be held on the  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of that  
meeting.

\_\_\_\_\_  
(Signature of member appointing proxy)

Date:    /    /

NOTE: A proxy vote may not be given to a person who is not a member of the  
Club or a member not in good standing.

