

CONSTITUTION

OF THE

EAST FREMANTLE YACHT CLUB INC

(Including Amendments of 31ST August 2000)

1. NAME

The name of the Club is "East Fremantle Yacht Club (Incorporated)".

2. OBJECTS

The objects of the Club are: -

- (a) The encouragement of amateur yacht sailing, power boating and other sports, games and pastimes.
- (b) The encouragement of the study of seamanship, pilotage and navigation and the improvement in design of cruising and racing yachts, both power and sail.
- (c) The holding and arrangement of matches, races, regattas and competition in yachting and other sports, pastimes and games and the offering and granting of contributions towards the provision of prizes, awards and distinctions.
- (d) The promotion of social interaction between members of the Club and their guests and the provision of accommodation with all the usual privileges and advantages of a Club for the purposes aforesaid.
- (e) The provision of accommodation for members and their guests upon premises for which the Club is the bona fide occupier and not for the purpose of making profits divisible amongst the members or any of them or in support of any object other than the accommodation of the members and their guests.
- (f) The affiliation with other kindred sporting associations.

3. COLOURS

The Club's Burgee or Flag shall be a white pennant with blue border and five pointed blue centre star.

4. POWERS

The Club shall have the following powers:-

- (a) To purchase, take on lease or in exchange, hire or otherwise acquire and maintain any real or personal property and any rights and Privileges.
- (b) To erect, add to, improve, repair, pull down and rebuild buildings and other structures.
- (c) To sell, exchange, lease, mortgage, hire, dispose of, burn to account or otherwise deal with all or any part of the real and personal property of the Club.

- (d) To accept donations whether of real or personal estate and devices and bequests.
- (e) To borrow or raise or secure the payment of money in such manner as the Club thinks fit with power to issue debentures, grant mortgages, charges or any other class of security upon or charging all or any of the property real or personal both present and future, of the Club and to redeem or pay of any existing or future security.
- (f) To invest and deal with the moneys of the Club not immediately required for the purposes of the Club in such manner as may from time to time be determined.
- (g) To hold any property on any trusts.
- (h) To make gifts to any charitable object in accordance with the law of the State or for any other purpose approved by the Court.
- (i) To amalgamate, co-operate or affiliate with any other Club or Society having objects wholly or in part similar to those of the Club.
- (j) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.
- (k) To hold a Club Licence pursuant to the Liquor Licensing Act 1988 and any Amendments to that Act.
- (l) To sue.
- (m) To make by-laws, rules or regulations and other proceedings for the due maintenance and control of the Club and for regulating the control and conduct of persons in the employ of the Club.
- (n) To amend, rescind or add to the by-laws, rules or regulations of the Club so that any amendments or added by-laws, rule or regulation shall have the life force effect and authority as if originally included in these presents, except as regards any matter or thing done previously thereto.
- (o) To do all such other lawful acts, matters and things as may be incidental to or be deemed to be conducive to the attainment of or execution of the foregoing objects and powers or any of them generally and/or otherwise to manage the Club.

5. **MEMBERSHIP**

The members of the Club shall be:-

- (a) **Senior Members:** shall be any member who is over the age of eighteen years and who is not a Reciprocal, Associate, Honorary, Country or Life Member of the Club.
- (b) **Life Members:** Members over the age of eighteen years who have rendered special service to the Club and been recommended for "Life" Membership by a resolution passed at Executive Committee Meeting and elected by a resolution passed at the next following General Meeting PROVIDED THAT not more than two such life members shall be elected in any financial year.

- (c) **Country Members:** Members over the age of eighteen years whose ordinary place of abode is more than 80 kilometres from the Club premises by the shortest route and who in the opinion of the Executive Committee are thereby deprived of the regular use of the Club's facilities.
- (d) **Associate Members:** Members over the age of eighteen years who are entitled to exercise such of the privileges of the Club as may be provided by these rules.
- (e) **Reciprocal Members:** Members of such other Sporting Clubs as Executive Committee may decide shall be admitted as Reciprocal Members provided that such members are financial members of and entitled to vote at a General Meeting of their Club (Reciprocal Association.)
- (f) **Junior Members:** Members whose age is under eighteen years and who shall be entitled to exercise such to the privileges of the Club as may be provided by these rules.
- (g) **Honorary Members:** Persons possessing the qualifications set out in paragraphs 7, 8 and 9 of these rules and elected in accordance with these rules.

Associate, Reciprocal, Honorary and Junior Members shall have all the privileges of a Senior Member except:- (i) they shall not be elected a Member of the Executive Committee nor hold any office in the Club except as a Member of a Sub-Committee appointed by the Executive Committee nor propose or second new Members of any type nor propose or second any candidate for Election to Office;" (ii) under no circumstances have the right to attend or vote at any meetings of the Club; and (iii) those privileges which the Executive Committee resolves, from time to time, to be restrictive privileges available only to those persons then or thereafter, within the class (ie) of Membership entitled to those restricted privileges.

Reciprocal Members shall have those privileges, being no greater than those of Associate Member of the Club, as the Executive Committee shall agree in writing, with the executive of the Reciprocal Association upon resolving to admit the Members of that Reciprocal Association as Reciprocal Members of the Club.

6. ELECTION OF MEMBERS

A. SENIOR, COUNTRY, ASSOCIATE, RECIPROCAL AND JUNIOR MEMBERS.

- (a) Candidates for Membership must be proposed by either a financial Senior Member, Life Member, or a financial Country Member of the Club and shall be seconded by any one of such members of the Club on the printed form supplied by the Club, on which shall be stated the full christian names and surname and address, the profession, occupation or status of the candidate.

The proposal shall be forwarded to the Club Manager, who shall then cause the proposal form to be posted prominently on the Main Clubhouse Notice Board for not less than 14 days. At the expiration of such period the Club Manager shall then submit the proposal to the next Meeting of the Executive Committee on a day to be notified. Candidates whose names have been so submitted may be accepted by vote by the Executive Committee, one dissenting voice in five of the members present to exclude.

- (b) The Executive Committee may appoint a Sub-Committee, the members of which shall include not less than one Executive Committee member to make any further enquiries and report to the Executive Committee with respect to any candidates.

B. LIFE MEMBERS

- (a) The Executive Committee may recommend for Life Membership any member who has rendered special services to the Club in the opinion of the Executive Committee (subject to paragraph 5(b) of the Constitution).
- (b) Without notice any member of the Executive Committee may move at the General Meeting of the Club next following such recommendation that such member be appointed a Life Member and if such motion be seconded and carried such member shall forthwith become a Life Member. The motion shall be put to the General Meeting as an ordinary resolution and be determined by a secret ballot of those present and entitled to vote.

C. HONORARY MEMBERS

- (a) Honorary Members possessing the qualifications set out in paragraph 7 hereunder may be elected by any two Members of the Executive Committee who shall not be the proposer or seconder subject to the following conditions:-
 - i The proposal is in writing signed by a Senior Member of the Club in a form setting out that such person is to the knowledge of the proposer eligible according to the Rules of the Club to be elected as Honorary Member.
 - ii Notice is posted on the Club premises by the Club Manager thereof, the date of such posting being marked thereon.
 - iii The person proposed as an Honorary Member is duly elected according to the Rules of the Club herein detailed, and
 - iv The candidate has been advised of such selection.
- b) Provided that no person shall be an Honorary Member for a period of longer than one month in any financial year except Honorary members possessing the qualifications set out hereunder in paragraph 8 or 9 who may be elected at the discretion of the Executive Committee for a period not exceeding twelve months. No person shall be eligible for election as an Honorary Member if:-
 - i Their usual place of residence is less than 30 kilometres from the Club premises by the shortest route, save and except the persons referred to hereunder in paragraph 8 or 9 of the Rules of this Constitution.

- ii They have been offered Honorary Membership of the Club during the period of three months immediately preceding the date of their nomination except those persons elected by the Executive Committee with qualifications set out hereunder in the second part of paragraph 8 or 9 hereof.
- iii They are under 18 years of age.

7. **QUALIFICATIONS FOR HONORARY MEMBERSHIP**

CLASS 1

Persons possessing the following qualifications may be elected as Honorary Members for a period not exceeding one month:-

- (a) Flag Officers, Presidents and Secretaries of other Yacht Clubs and Sailing Clubs and Associations.
- (b) Members of Yacht and Sailing Clubs and Associations participating in interstate or overseas cruising or racing.
- (c) Persons of distinguished or public positions visiting the Club including Ministers of Religion.
- (d) Officers of the Navy, Army or Air Force of any Country including Australia visiting the State.

8. **QUALIFICATIONS FOR HONORARY MEMBERSHIP**

CLASS 2

Persons possessing the following qualifications may be elected to Honorary Membership for a period of twelve months:-

- (a) The office of the Governor-General for the time being of the Commonwealth or of Governor for the time being of the State.
- (b) Membership of the Senate or House of Representatives or of the Legislative Council or Legislative Assembly of Western Australia.
- (c) The office or Officer-in-Charge of the Navy, Army or Air force in Western Australia.
- (d) The offices of Senior Officers of any State Government Department and Local Authorities.

The Executive Committee shall have power in cases appearing to them to require it, to revoke the membership of any Honorary Member without notice or right of appeal.

9. HONORARY MEMBERS

Persons possessing the following qualifications may, if the Executive Committee so decide, be elected Honorary Members of the Club and be relieved of the payment of entrance fees and subscriptions:-

- (a) Flag Officers, Presidents and Secretaries of other Yacht Clubs and Sailing Clubs and Associations.
- (b) Members of Yacht and Sailing Clubs and Associations participating in interstate or overseas cruising or racing.

10. ASSOCIATE MEMBERS

An Associate Member shall be any member who is over the age of eighteen years and who is not a Reciprocal, Senior, Honorary or Life Member of the Club. An Associate Member may not attend or vote at any General Meetings of the Club and shall not be eligible to be elected an Officer of the Club, nor occupy a pen or club mooring, nor enter club sailing championships or receive awards for same.

11. JUNIOR TO SENIOR MEMBERS

Junior Members will be transferred to Senior Membership on the date of their 18th birthday. A Junior Member shall pay a Subscription equal to that of a Senior Member (with such rebate as the Executive Committee may determine) in the Membership year in which he/she attains that age but no additional Entrance Fee is payable on transfer of Membership and the privileges of Senior Membership shall apply only from the date of transfer of Membership.

12. ENTRANCE FEES AND SUBSCRIPTIONS

The members shall pay such entrance fees and subscriptions to the Club as shall from time to time be provided in the Rules of the Club. The Executive Committee has the power to reduce any entrance fee or subscription.

- (a) Members engaged in educational courses or vocational training, precluding them from earning a regular income, shall upon application duly approved by the Executive Committee, pay Subscription at half the annual subscription rate for the period so engaged.
- (b) Members whose continuous Club membership exceeds ten years receiving aged or invalid pensions payable by the Social Services Department and old age or permanently unemployed pensions, payable by the Department of Veteran Affairs, upon application duly approved by the Executive Committee shall pay a subscription of one-quarter of the usual subscription, for the period so engaged.
- (c) Any Member who has completed twenty consecutive years of Senior Membership, on attaining 65 years of age, shall upon application duly approved by the Executive Committee pay a Subscription of one quarter of the usual Subscription for a Senior Member.

13. METHOD OF PAYMENT

- (a) The entrance fee and first subscription shall be paid when the nomination is lodged with the Club Manager, and all future subscriptions shall be due and payable prior to the 1st July in each and every year.
- (b) The first subscription for all members with the exception of reciprocal members shall be calculated on the following basis:-
 - i) Applications received in July to September – 100% of the annual subscription.
 - ii) Applications received in October to December – 75% of the annual subscription.
 - iii) Applications received in January to March – 50% of the annual subscription.
 - iv) Applications received in April to June – 25% of the annual subscriptions.

The first subscription for reciprocal members shall be 100% of the annual subscriptions.

14. CESSATION OF MEMBERSHIP

A member shall cease to be a member of the Club:-

- (a) On written resignation, death, being an enemy alien in time of war, or on ceasing to owe allegiance to the Crown or, at the discretion of the Executive Committee, on conviction for any indictable criminal offence.
 - i On failing to observe any Rule, Regulation or By-Law of the Club.
 - ii On being, in the opinion of the Executive Committee, guilty either in or out of the Club of conduct derogatory to the character of a good citizen, or prejudicial to the interests of the Club, or calculated in any manner to impair or affect the enjoyment of the Club by the members thereof.
- (b) Should any member's subscription or other money due to the Club remain unpaid for two months, that fact shall be notified to such member, and should the amount due remain unpaid for one month after such notice, the Executive Committee may strike the member's name off the books, when their membership shall cease, unless in consequence of being absent from Western Australia, or for any other sufficient reason, the Executive Committee may think proper to extend the time allowed for payment, or subject to rule to remit the whole or a portion of the sum due. The Executive Committee may post the name of defaulters in the Club Room at their discretion.
- (c) Any member of the Club who may feel aggrieved by any action of the Executive Committee may appeal to a General Meeting and shall give notice, within one calendar month from the date of posting of notice to them of any such action of the Executive Committee, to the Executive Committee who shall place the appeal, stating the nature thereof, on the business sheet of the next General Meeting.

Should any member require a Special General meeting called for the purpose, they must get the necessary number of signatures to a requisition, and lodge the sum of Fifty Dollars (\$50) with the Club Manager to cover the cost of calling such meeting which shall be forfeited if such General Meeting should uphold the decision of the Executive Committee, otherwise same shall be returned to the Member.

The decision of the Executive Committee shall have full effect pending the hearing of any appeal.

- (d) By a resolution of the Executive Committee to determine their membership, passed in accordance with the Rules of the Club for the time being in force.
- (e) Provided always:-
 - i that not less than seven (7) days' notice of the intention to propose such resolution as provided in (d) shall be given to each member of the Executive Committee.
 - ii the rules may, except in the case of an Honorary Member, provide for an appeal from such decision.

15. GENERAL MEETINGS

- (a) The Annual General Meeting shall be held at the Club House on such day in the month of August in each year as fixed by the Executive Committee, but not before the 7th August.
- (b) Not less than forty-two (42) days' notice of the holding of the Annual General Meeting shall be given to all Members.
- (c) Notice of Motion of any resolution (other than ordinary business) shall be sent to the Honorary Club Manager not later than twenty-eight (28) days preceding such Annual General Meeting.
- (d) All notices of motion received by the Club Manager shall forthwith be posted on the Club Notice Board and shall there remain until after the meeting. The removal of any notice shall not invalidate such notice but any notice so removed must be replaced with a copy thereof by the Club Manager after discovery of removal by the Club Manager.
- (e) Accidental omission to send or delay in sending any notice or non-receipt of any notice will not invalidate any meeting, nomination, resolution or election,
- (f) The quorum at a General Meeting shall be 35 and in the event of there being no quorum, the Senior Flag Officer present, or if no Flag Officer, the Club Manager, shall adjourn the meeting to such time, date and place as may be deemed fit. The quorum at any adjourned meeting shall be the number of members in attendance at the time fixed for such meeting.
- (g) Only financial Senior, Life and Country Members shall be entitled to attend and vote at General Meetings, but any accidental breach of this article will not invalidate any election or resolution.

- (h) The majority necessary to carry a resolution in ordinary General Meetings, other than resolutions to alter the Constitution, shall be a simple majority of those present and entitled to vote.

16. SPECIAL GENERAL MEETINGS

- (a) Upon authority being given by the Executive Committee or by a requisition made and signed by at least 35 members stating the subject or subjects intended to be discussed, the Commodore shall call a Special General Meeting of the Club.

In all cases the subject matter to be discussed shall be set out in the form of a Notice of Motion.

- (b) Such meeting shall be convened by the Commodore for the consideration of such subject or subjects only and not later than 28 days after such authority or requisition (as the case may be), and at least seven days notice in writing of such meeting and the Notice of Motion or the purpose thereof shall be given to each Senior, Life and Country Member.

Accidental omission to notify a member in due time or at all will not render void any such meeting or resolution.

- (c) All Notices of Motion received by the Club Manager shall forthwith be posted on the Club Notice Board and shall there remain until after the meeting. The removal of any notice shall not invalidate such notice or any resolution, which may be subsequently carried, but any notice so removed must be replaced with a copy thereof by the Club Manager after discovery of its removal by the Club Manager.
- (d) The quorum for such meeting shall be 35. Should insufficient members attend to form a quorum within fifteen minutes of the time notified for such meeting, then the meeting shall lapse.
- (e) The majority necessary to carry a resolution in Special General Meetings, other than resolutions to alter the Constitution, shall be a simple majority of those present and entitled to vote.
- (f) Only financial Senior, Life and Country Members shall be entitled to attend and vote at Special General Meetings, but any accidental breach of this article will not invalidate any election or resolution.

17. OFFICERS

The Officers of the Club (hereinafter referred to as "the Officers"), shall consist of a Commodore, Vice Commodore and two Rear Commodores (hereinafter referred to as "Flag Officers") and an Honorary Secretary, and Honorary Treasurer and Captains (3). All candidates for Flag Officer shall be the owner or part-owner of a boat on the Club Register of sailing or power craft, or be approved for election by the Executive Committee. No member can nominate for Flag Officer unless they have been a financial member for two years and have served on the Executive Committee for one year, not necessarily immediately prior to nomination. The Commodore may serve a maximum of two consecutive years, however, this term may be extended for a further twelve months should no nominations for the position be received.

18. EXECUTIVE COMMITTEE & OTHER STANDING COMMITTEES

- (a) The sole management of the Club shall be in the hands of the Executive Committee which shall consist of the Flag Officers, Hon. Secretary, Hon. Treasurer, three (3) Captains and four (4) Committee Members, (hereinafter referred to as "Committee Members") to be elected at the Annual General Meeting, at least five of whom shall be owners or part owners of boats on the Club's register of sailing or power craft. The Club Manager shall be a non-voting member of the Executive Committee.
- (b) A quorum for Executive Committee Meetings shall be eight and the quorum for Sub-Committee Meetings shall be the number of appointed Sub-Committee Members divided by two, plus one.
- (c) The Executive Committee may appoint Sub-Committees and may delegate power to act PROVIDED THAT all Sub-Committees shall be required to report and be responsible to the Executive Committee. The Executive Committee may authorise Junior Members to form a Junior Committee with such powers and limitations as are fixed by the Rules from time to time. The Chairman of each Committee shall be a member of the Executive Committee with the Commodore being an ex-Officio Member of each Committee. Nominations for Sub-committees will be called for prior to Annual General Meetings. The Executive Committee may appoint or co-opt any Club Member to a Sub-Committee.
- (d) The Immediate Past Commodore shall be entitled to sit on the Executive Committee and all Sub-committees for a period of one year.

19. ELECTION OF EXECUTIVE COMMITTEE AND OTHERS

- (a) A Patron and Vice Patrons, not exceeding five in number, shall be elected at each Annual General Meeting by a show of hands and shall hold office until the next succeeding Annual General Meeting but shall be eligible for re-election. No notice of nomination shall be required.
- (b) The Officers and Committee Members shall be elected in the manner hereafter provided and shall hold office for a period of one year but shall be eligible for re-election provided that no Commodore shall be eligible for re-election if they have held that particular office for two consecutive years immediately prior to such election, unless this term is extended for an additional twelve months, under Clause 17.
- (c) A Returning Officer and Deputy Returning Officers shall be appointed by the Executive Committee and shall remain in Office until successors are appointed. The Returning Officer shall conduct any ballot that may be necessary.
- (d) A Deputy Returning Officer may assist the Returning Officer if the latter so requests and shall take sole charge of the ballot at any stage if the Returning Officer is for any reason unable to continue his/her duties. Neither the Returning Officer or a Deputy Returning Officer shall conduct any ballot in which or which will be conducted at the same time as a ballot in which he/she is a candidate for Election.

The Returning Officer shall, not less than 42 days prior to the Annual General Meeting in each year, advertise in the Club Newsletter notice of the date, time and place at which the election is to be held and giving particulars of the Officers and Committee Members retiring and the vacancies to be filled and calling for nominations for such vacancies.

- (e) Nomination shall be on the Official Club Nomination Form, prescribed by the Executive Committee from time to time, and shall be signed by the Proposer, Secunder and the Candidate accepting his/her Nomination, all of whom must be at that time and at the time of the ballot, financial Senior, Country or Life Members of the Club.
- (f) Such nominations shall be forwarded so as to reach the Returning Officer, or Deputy Returning Officer, conducting the ballot not later than 5.00 pm twenty-eight (28) days prior to the Annual General Meeting.
- (g) The Returning Officer shall place on the Notice Board in the Club premises a list of the names of the persons so nominated with the names of their respective proposers and seconders immediately after receipt thereof and such list shall remain posted until and inclusive of the day of such Annual General Meeting. Failure to post and keep posted any such notification shall not invalidate any nominations.
- (h) If no more than the required number are received for any one position, the member or members so nominated shall be declared elected for the respective term. If more nominations are received than the number of members required then the election should be by ballot as hereinafter provided.
- (i) If after the operation of sub-clause (h) hereof there remains more nominations than vacancies for any position, the Returning Officer shall prepare a ballot paper containing particulars of the positions to be filled and the names of the candidates for each position being those who have not already been deemed to be elected to another position pursuant to sub-clause (h).
- (j) In the event of a ballot the following shall apply:-
 - i Each member wishing to vote shall vote by placing on their ballot paper a mark opposite the name of the candidate of their preference for the respective positions to be filled. The placing of such a mark against the name of a candidate to fill a position for which a ballot is taken shall signify a vote in favour of the election of that person to that position. A ballot paper that does not so comply shall be invalid.
 - ii The Club Manager shall on the day of the Annual General Meeting present the Master Roll on which shall appear the name of every financial member who is entitled to vote.
 - iii Voting shall take place at the Club House and shall commence at 6.00 pm on the day of the holding of the Annual General Meeting and conclude at 8.15 pm on the

same day.

- iv The Officer conducting the ballot shall cause the name of every member who is issued with a ballot paper to be marked off the Master Roll.
- v Each member whose name appears on the Master Roll who is a financial Senior, Life or Country Member shall be entitled to only one ballot paper unless the same be damaged or defaced when the Returning Officer shall be entitled on the return of the original to issue the person with a further ballot paper.
- vi A member whose name appears on the Master roll and will be unable to attend the meeting for any reason shall be entitled to an absentee vote, on application to the Club Manager up to 5.00 pm on the day immediately preceding the day of the Annual General Meeting. The member so applying shall be issued with a ballot paper and an envelope. The ballot paper shall be returned to the Club Manager, sealed inside the envelope with the name of the member printed on its face and signature on the reverse.

The Club Manager on the issue of an absentee vote, to mark the name of the member off the Master Roll.

All envelopes containing absentee votes together with the Master Roll shall be handed to the Officer conducting the ballot on the day of the Annual General Meeting.

- vii To determine which candidate or candidates shall fill any position for which a ballot has taken place, the Officer conducting the ballot shall for each candidate aggregate the number of votes in favour of that candidate's election to that position.

The Candidate with the highest aggregate of votes is elected to the position. In the case of a ballot for more than one position of Committee Member, the Candidate with the highest aggregate of votes is elected to the first position, the candidate with the next highest aggregate of votes is elected to the second position, and so on until all balloted vacancies are filled.

- viii The order of election shall be:-

COMMODORE
VICE COMMODORE
REAR COMMODORE - (2) (SAILING & MOORING & STORAGE)

SECRETARY
TREASURER
CAPTAIN - (3) (Centreboard, Keelboat, Power Yacht).

COMMITTEE
MEMBERS - (4)

- ix Should a member be a candidate for more than one vacancy and is elected to the first of such vacancies in the order of election as set out in Clause 19 (j viii) hereof, then the

member shall be deemed not to be a candidate for any other vacancy.

- x The Returning Officer shall report in writing to the Commodore or the Chairperson of the Annual General Meeting the names of the candidates elected and the Commodore or the Chairperson shall declare them duly elected.
- xi In the case of a tie between Candidates, the Officer conducting the ballot shall draw lots, to determine the successful Candidate or Candidates, in the presence of Members at the Meeting.
- (k) No unfinancial member shall be eligible for office or be permitted to nominate any office bearer or to vote at any election.
- (l) In the event of vacancies occurring between the dates of the Annual Election, the Executive Committee shall have power to select other members of the Club to fill such vacancies.
- (m) No member of the Club, whether a candidate for election or not, shall directly or indirectly, by letter, circular or any other writing, or by advertisement, canvas for votes for any candidates for election to any of the office of Commodore, Vice Commodore, Rear Commodore (2), Secretary, Treasurer, Captain (3) or Committee Members (4) PROVIDED THAT HOWEVER the Executive Committee may after the close of nominations publish or cause to be published in the monthly newsletter issued by the Club, a notice containing such particulars of the candidates for election as the Executive Committee may from time to time determine and include the full names of the candidates and the respective positions held by them in the Club and a record of the service of each candidate in the Club.

**20. DUTIES AND POWERS OF THE EXECUTIVE COMMITTEE
SECRETARY AND OTHERS**

- (a) The Executive Committee shall meet at least once in every calendar month and may act notwithstanding any vacancy therein, and minutes of all resolutions and proceedings thereof shall be entered in a book to be provided for that purpose.

- (b) If any Executive Committee member shall fail to attend three consecutive Meetings of the Executive Committee without leave of absence, their seat may be declared vacant and upon the happening of such event, shall be notified accordingly.
- (c) The Executive Committee shall manage the affairs of the Club in accordance with the Rules and Objects of the Club generally and shall have the power to do all legal acts, matters and things necessary, desirable or required for the furtherance of the Objects of the Club.

21. GENERAL MEETINGS

The business of the Annual General Meetings shall be conducted in the following order:-

- (a) Receive reports and balance sheet made up to the 30th day of June in each year.
- (b) Election of Patron and Vice Patrons, Declaration of Officers and Executive Committee.
- (c) Transaction of such business of which notice shall be given.
- (d) General Business.
- (e) At General Meetings the Chair shall be taken by the Senior Flag Officer present, or if no Flag Officer be present, by some member chosen by the Meeting. Every question (unless otherwise expressly provided by this Constitution and Rules) shall be determined by a simple majority of those present and entitled to vote. Every member, except the Commodore, shall have one vote and in the case of equality of votes, the Commodore shall have a casting vote, and such meeting may be adjourned as resolved at such Meeting.

22. FINANCE

After providing for all expenses and payments considered by the Executive Committee to be necessary or desirable, the balance of the funds of the Club may be utilised or dealt with in such manner as the Executive Committee may determine for the furtherance of the Objects of the Club.

23. COMMON SEAL

- (a) The Executive Committee shall have power to provide a Common Seal for the purposes of the Club and from time to time to destroy the same and substitute a new Seal in lieu thereof.
- (b) The Common Seal shall be kept in the custody of the Club Manager.
- (c) The Common Seal shall be used only by the authority of a Resolution of the Executive Committee and shall be affixed to all necessary deeds, instruments, mortgage contracts and other documents in the presence of the Club Manager and any two of the then Flag Officers of the Club.

- (d) A true and correct record shall be kept by the Club Manager of all such instructions, deeds, mortgages, contracts and other documents to which the seal is affixed and held in a secure place.

24. **PREVIOUS CONSTITUTION**

- a) All previous acts and appointments legal and valid under a former Constitution and Rules shall subject to this Constitution and Rules remain legal and valid.

25. **APPEAL TO LAW**

- (a) Members shall be held to consent to and be bound by the Constitution and Rules of the Club and shall not be entitled to appeal to any court because of anything done under the Constitution and Rules.
- (b) The Executive Committee's interpretation of this Constitution and Rules shall be final with the exception of the Sailing Rules, the interpretation of which shall be made by the Sailing Co-Ordinating Committee and shall be final.

26. **CHANGE OF CONSTITUTION**

This Constitution may be altered or repealed or a new Constitution may be made at any Annual General Meeting or at a Special General Meeting summoned for the purpose subject to compliance with Clauses 24 and 25 hereof as the case may be except that the Resolution shall be carried if not less than three quarters of the Members present at the Meeting and entitled to vote, vote in favour of such Resolution.

As soon as is practicable after the making of any proposal for a change to the Constitution, the Club Manager shall provide to the Director of Liquor Licensing certified particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

27. **DISSOLUTION**

- a) On application made in writing to the Executive Committee by not less than fifty Senior Members signifying their desire that the Club should be dissolved, a Special General Meeting shall be called to consider the question. At such Meeting votes by proxy will be received and that the votes of at least seventy five percent (75%) of the members voting in person or by proxy will be necessary to carry the proposition for dissolution.
- (b) If, after dissolution of the Club there remains after the satisfaction of all its debts, liabilities and debentures any property whatsoever the same shall not be paid to or distributed among the members of the Club but shall be given or transferred to some charitable Object or Objects or to some other Incorporated Association, Club or Institution which has Objects similar, wholly or in part to the Objects of the Club and which prohibits a distribution of its income and property among its members which charitable Object, Incorporated Association, Club or Institution, shall be determined by the Members of the Club at or before the time of dissolution and in default thereof or if and in so far as effect cannot be given to such determination then such payment or distribution shall be determined by a Judge of the Supreme Court of Western Australia.

28. LIQUOR ACT TO BE OBSERVED

- a) So long as the Club is licensed under the Liquor Licensing Act 1988 and Amendments, the Executive Committee and all Members shall at all times observe and obey the provisions of the Liquor Licensing Act 1988 and Amendments and Liquor Licensing Regulations in so far as it affects the Club and such provisions shall be deemed to be included in these Rules and in particular the following provisions shall apply.
- (b) The Club must at all times be a bona fide association of not less than one hundred (100) members.
- (c) The Club is established for the purpose of providing facilities and services for the members thereof and their guests upon the premises of which the Club is bona fide occupier and not for the purpose of making profits divisible amongst the members, or any of them nor for the purpose of distributing to members, or any of them, any money, property or otherwise, which are assets of the Club or in support of any Object other than provision of facilities and services of the members or to members and their guests.
- (d) The facilities and services is provided and maintained from the joint funds of the Club, and no person shall be entitled under its rule of articles to derive any benefit or advantage from the Club which is not shared equally by every member thereof.
- (e) The premises upon which the Club is established must be suitable for the purposes of the Club.
- (f) No payment or part payment of any Secretary, Manager, or other officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the Club for liquor supplied.
- (g) A register of Members of the Club for the time being shall be kept on the Club premises as hereunder required.
- (h) Correct accounts and books shall be kept showing the financial affairs of the Club, and the particulars usually shown in books of account of a like nature.
- (i) A guest shall not be supplied with any liquor in the Club premises, unless on the invitation and in the company of a Member.

The maximum number of guests per Member shall not exceed the maximum number permitted under the Liquor Licensing Act 1988 and Amendments.
A guest shall not be supplied with liquor to be consumed other than in the Club premises.
- (j) No liquor shall be sold or supplied for consumption elsewhere than on the Club premises unless such liquor is removed from the premises of the Club by or on the instructions from the member purchasing the same.

- (k) No persons shall be allowed to become Honorary Members of the Club or be relieved of the payment of the regular subscription excepting those possessing the certain qualifications defined in these rules and subject to such conditions and regulations prescribed herein.
- (l) Persons under 18 years of age may be employed by the Club, provided that no person under the age of 18 years shall serve in the bar or handle liquor containers.
- (m) No steward, cook or other employee of the Club shall be employed for a longer period than persons employed in a public house, hotel, restaurant, or coffee place may for a time being be lawfully employed.
- (n) Members may, with the approval of the approved Manager, hold private family, or business functions with or without a meal, with no limitation as to the number of guests. Members wishing to avail themselves of this opportunity must give 48 hours prior notification to the approved Manager.
- (o) A person who is on any day visiting the Club, as a Member or an Official of, or a person assisting, a team that is to contest a pre-arranged event, or at the invitation of a Member, to engage in a sporting activity on that day, shall be accorded temporary Membership in the Club.
- (p) The Club shall nominate, and may from time to time, nominate a person, as provided by the Rules; to be responsible as approved Manager on behalf of the Club.
- (q) No liquor shall be sold or supplied to any person under the age of eighteen years, and no member under the age of eighteen years shall be admitted to any portion of the Club premises where liquor is sold or consumed, except as provided for under the Liquor Licensing Act 1988, Amendments and Regulations.