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WEST AUSTRALIAN 14 FOOT DINGHY SAILING
ASSOCIATION CONSTITUTION

TITLE

The Association to be titled the West Australian 14 Foot Dinghy Sailing Association.

ASSOCIATION ADDRESS

Shall be the address of the duly nominated Secretary or President.

OBJECTS OF THE ASSOCIATION

- (a) To promote and encourage the 14ft. Dinghy Class in Western Australia.
- (b) To promote and control Annual State Championship and selection races.
- (c) To control Registrations of the 14ft. Dinghy Class in W.A.
- (d) To affiliate with and support the Australian 14 Foot Sailing Council.

Lodged in the Office of the
Commissioner for Corporate
Affairs on the
- 6 FEB 1987
A. D. Smith
Commissioner for Corporate Affairs

POWERS OF THE ASSOCIATION

To do all such things as are necessary incidental or conducive to the attainment of the objects of the Association.

NON PROFIT

The income and property of the Association shall be applied solely towards the promotion of the objects of the Association. No portion of the income or property shall be paid.

transferred or distributed directly or indirectly to members of the Association, provided that nothing shall prevent the payment in goodfaith of remuneration to any officer or employee of the Association or to any person other than a member, in return for services rendered to the Association.

MEMBERSHIP

Any interested person who is a financial member of an affiliated yacht club can become a member of the Association upon payment of the Annual Association fee.

AFFILIATED CLUBS

Yacht Clubs sailing the 14ft. Dinghy Class shall be known as Affiliated Yacht Clubs and shall be required to allow only those 14ft. Dinghies registered with the W.A. 14ft. Dinghy Sailing Association to take part in the Official races for 14ft. Dinghies.

AFFILIATED WITH Y.A. OF W.A.

The Association shall at all times remain Affiliated with the Yachting Association of Western Australia.

OFFICE BEARERS

To be elected at the Annual General Meeting as the Committee and shall comprise of:

(a) President

Presides at all monthly meetings and the Annual General Meeting.

(b) Hon. Secretary

Keeps minutes of meetings and performs such duties as

pertain to the office.

(c) Hon. Treasurer

Shall keep a true and accurate record of the financial affairs of the Association. The Treasurer will also be the Chairman of a Sub-Committee, elected at each Annual General Meeting, which will be responsible for organising fund raising events to assist in sending boats to Australian Championships.

(d) Hon. Measurer/Registrar

Will act as the Deputy for the Australian Secretary and is responsible for ensuring that all sails, hulls and spars of boats registered with the Association are measured and conform to the Class Rules. Where necessary, the Hon. Measurer can appoint assistants but he still maintains responsibility.

(e) Hon. Publicity Officer

To promote the 14ft. Dinghy Class in Western Australia.

POWERS OF THE COMMITTEE

The business and the affairs of the Association shall be under the management of the Committee. Without prejudice to or limiting the powers conferred by other rules, the Committee shall have the power to do any or more of the following acts:

- (a) To control and manage the Association subject to a general meeting and the rules contained herein.
- (b) To make repeal or amend the by-laws not inconsistent with this Constitution or with the provisions of the Associations Incorporation Act (1895-1969) to carry out

the objects of the Association provided that all by-laws made by the Committee shall have effect only fourteen days after being publicised and shall be subject to disallowance or amendment at a general meeting.

- (c) To appoint dismiss and fix a salary in terms and conditions of employment of such employees as the Committee may from time to time determine and to delegate to any person so appointed any of its powers or duties and to fix and pay any honorariums it deems fit.
- (d) To appoint such committees and boards composed of those persons as the Committee may think fit to investigate any matter in any way relating to the affairs of the Association or to perform such duties as the Committee may determine.
- (e) Subject to the approval of the Trustees to invest monies of the Association not immediately required for the purposes thereof in the form of investment thought appropriate by the Committee and from time to time to vary or realise such investments.
- (f) To purchase, take on lease or in exchange and to buy or otherwise acquire any land, buildings, easements, rights or privileges or other property whether real or personal which the Association may think necessary or convenient for the purposes of or capable of being used in connection with any of the objects of the Association.
- (g) To borrow (with or without security) and raise and give security for money by the issue or upon bonds, debentures, promissory notes or other securities or by mortgage or charge upon all or any part of the property of the Association.

- (h) To institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or against any other persons to refer any claims or demands by or against the Association to arbitration and to observe and perform the awards.
- (i) To enter into all such negotiations and contracts and rescind and vary all such contracts and execute and do all such acts, deeds and things as the Committee may consider desirable for the performance of their duties.
- (j) To investigate at its discretion any protest, dispute or other matter which may arise.
- (k) To register the Association under the Association Incorporation Act (1895-1969) and to adopt the common seal of the Association.
- (l) To do any other business not required to be done at a general meeting.
- (m) To do all such lawful things as the Committee may deem to be incidental or conducive to the attainment of the above objects or any of them.

MEETINGS

(a) Monthly

To be held normally on the third Monday of each month.

(b) Annual General Meeting

This meeting will coincide with the last monthly meeting at the Perth Dinghy Sailing Club in May.

VOTING**(a) Alterations to Constitution**

No alterations, additions, amendments or deletions shall be made or introduced into this Constitution except by way of a resolution passed by at least two-thirds majority of members present at the Annual General Meeting.

(b) Proposed Changes to 14ft. Dinghy Class Rules

(i) A "Notice of Motion" of such a proposal must be given at a monthly meeting of the Association.

(ii) This "Notice of Motion" can then be put to a vote at the next monthly meeting of the Association.

(iii) Any such proposal will be carried on the basis of one vote per member present by a simple majority.

(iv) Any such changes will not be eligible for further changes until the next season.

(c) Any Other Matters

Matters other than Constitution or proposed Class Rule changes shall be voted on at monthly meetings and will be decided on the basis of one vote per member present, by a simple majority.

QUORUMS

(a) For an Annual General a Quorum shall consist of (20) twenty Members.

(b) For all other monthly meetings a Quorum shall consist of (10) ten members.

REGISTRATION

The Measurer/Registrar shall keep a Registration Book for the purpose of Boat Registration.

A Boat Registration can only take place when:

- (a) The boat conforms to all the requirements of the Class Rules of the Australian 14ft. Sailing Council Constitution.
- (b) The payment of Registration and Measurement fees to the Association.
- (c) The owner/skipper and a crew are financial members of the Association.

FEES

- (a) A Member of the Association shall be deemed financial upon the payment of an Annual Association fee due and payable no later than the first State Selection Heat.
- (b) Registration and Measurement fee shall be payable by each boat annually.
- (c) Racing fees shall be paid by the first State Selection Heat.
- (d) All fees will be determined at the Annual General Meeting.

TRANSFER OF BOAT OWNERSHIP

Upon the Sale or Transfer of a Boat to another person, written notice shall be given to the Secretary of the

Association, stating the name of the Boat, Registration Number, Name, Address and Telephone Number of Seller and Purchaser. This information to be given immediately upon the transfer of the Boat, forwarded by the Seller.

SAILING PROGRAMME

- (a) A Programme shall be drawn up prior to the commencement of each Sailing Season stating races to be conducted and sailing instructions.
- (b) All races shall be conducted in accordance with the International Yacht Racing Union rules as adapted and/or amended by the Australian Yachting Federation and the Yachting Association of Western Australia.
- (c) Officer of the day to be appointed by the President.
- (d) A protest committee shall be approved by the State President.

SAFETY

The Association does not accept responsibility for safety of boats of helmsmen or crews in any event, formal or informal, organised or sponsored by them and members must be responsible themselves for their own safety and that of their boat's crews.

STATE TEAM

The Criteria for the selection of the State Team will be decided once each year at the meeting following the Annual General Meeting for the next Australian Championships.

FINANCIAL YEAR

The financial year of the Association shall commence on the

_____ day of _____ and conclude on the _____
day of _____ in the following year.

AMENDMENT OF CONSTITUTION

This Constitution may be amended or repealed by a three quarters majority of delegates present and eligible to vote at a general meeting.

INTERPRETATION OF CONSTITUTION

In case of any question arising not provided for in the Constitution, or as to the interpretation of the Constitution, the majority decision of the Committee shall be taken and acted upon.

TRUSTEES

Trustees of the Association shall be appointed by the Committee and they shall hold office until death, resignation or removal. The number of Trustees shall be three provided that a Trustee may be removed by a three fifths of the members present and voting at a general meeting of the Association. Trustees shall not be members of the Committee and any vacancy may be filled by the Committee.

COMMON SEAL

When incorporated the Association shall have a common seal which shall be kept in the custody of the Secretary and shall not be affixed to any document or paper writing except by the authority of the Committee and in the presence of two Trustees who shall then sign such document or paper writing.

AUDITORS

One or two auditors shall be elected at the Annual General

Meeting. They shall examine the books, accounts, receipts, vouchers etc. for the year following their election and compare the same with a statement of income and expenditure in the balance sheet. They shall certify as to the correctness or otherwise of the statement of income and expenditure and balance sheet and furnish the secretary with a report as to the state of the funds. The auditors finding any deficiency in money or effect shall state the particulars in their report.

DISSOLUTION

The Association may at any time with the consent of the majority of the members present at a general meeting called for the purpose be dissolved. If upon the dissolution or winding up of the Association there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to some association or institution having objects similar, wholly or in part to the objects of the Association and shall prohibit the distribution of its or their income and property amongst its or their members some charitable objects or objects which association, institution or objects shall be determined by the members of the Association at or before the time of dissolution or winding up, and which shall be an association or object which the provisions of Section 71(1) of the Income Tax Assessment Act complies or in default thereof or if and so far as effect cannot be given to such determination that such payment or distribution shall be determined by a judge of the Supreme Court.

EXPULSION OF MEMBERS

- (a) If in the opinion of the Committee the conduct of any member is injurious to the interests of the Association or a subscription is more than three months over due then the Committee may after due investigation request the

member to resign. If the member fails to resign within fourteen days from the request, the Committee may upon giving at least seven days notice to the member call the member before the Committee to show cause why they should not be expelled from the Association. If the member fails to show such cause then they shall be expelled from the date of decision of the Committee and their name erased from the register of members. Upon expulsion the members shall forfeit their subscription (if paid) and all rights of membership but shall still remain liable for any unpaid subscription.

- (b) The expelled member shall have the right to appeal to a general meeting and the appeal is to be in writing and lodged at the registered office of the Association within seven days of receipt of notice of expulsion together with a fee as declared by the Committee. The appeal shall be dealt with at a general meeting called for the purpose of discussing this expulsion and the expelled member shall appear and state his case. The appeal shall only be upheld by three quarters majority at a general meeting.

This is the writing marked 'B' and referred to in the affidavit of Blair Alexander Robert Duncan attached hereto