

## PROPOSED CONSTITUTION AMENDMENTS – DRAFT - FOR MEMBER CONSULTATION

FEBRUARY 2019

**Informal Q&A session: 5PM MONDAY 18 FEB – all interested senior members invited to attend.**

**Feedback: Please send any feedback, commentary or enquiries (using clause references) to this tabled document to the Secretary or GM BY 08 MARCH 2019.**

CURRENT WORDING (Complete Constitution)	PROPOSED WORDING
The name of the Association shall be DINAH BEACH CRUISING YACHT ASSOCIATION INCORPORATED (hereinafter called 'the Association')	The name of the incorporated association ( <b><i>the Association</i></b> ) is Dinah Beach Cruising Yacht Association
<p>2. OBJECTS</p> <p>The principal objects of the Association are:-</p> <p>(a) To encourage the sailing, development and building of cruising yachts and small craft in Darwin and the surrounding waters.</p> <p>(b) To provide facilities for members.</p> <p>(c) To promote the social life of the Association.</p>	<p>2. OBJECTS</p> <p>The principal objects of the Association are:-</p> <p>(a) To encourage the sailing, development and building of cruising yachts and small pleasure craft in Darwin and the surrounding waters.</p> <p>(b) To provide facilities and services for members at reasonable rates.</p> <p>(c) To be a welcoming and inclusive Association where people can connect with likeminded people.</p>
<p>3. In addition to the basic objects of the Association the objects and purposes of the Association shall be deemed to include:-</p> <p>(a) The purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association.</p> <p>(b) The buying, selling and supply of, and dealing in goods of all kinds.</p> <p>(c) The construction, maintenance and alteration of building or works necessary or convenient for any of the objects or purposes of the Association.</p> <p>(d) The accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association.</p>	<p>3. PURPOSES</p> <p>Subject to the Associations Act (hereafter referred to as The Act), the Association may do all things necessary or convenient for carrying out its objects or purposes, in particular:</p> <p>(a) Purchase, take on, lease, exchange, hire or otherwise acquire and maintain any real or personal property and any related rights and privileges;</p> <p>(b) Sell, exchange, lease, mortgage, hire, dispose of or otherwise deal with any part of the real or personal property of the Association;</p> <p>(c) Buy, sell, supply and deal in goods of all kinds;</p> <p>(d) Erect improve, repair, pull down and rebuild buildings and other structures of the Association;</p> <p>(e) Accept any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;</p>

<p>(e) The taking of such steps from time to time as the committee or procuring contributions to the funds of the Association, whether by way of donation, subscription or otherwise.</p> <p>(f) The printing and publishing of such newspapers, periodicals, books, leaflets or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects or purposes of the Association.</p> <p>(g) The borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at general meeting, and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Association by giving mortgages, charges or securities upon or over all or any of the real or personal property of the Association.</p> <p>(h) Subject to the provisions of the Trustee Act, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the committee may from time to time determine.</p> <p>(i) The making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax assessment Act 1936, as amended, of the Commonwealth relates.</p> <p>(j) The establishment and support, or aiding in the establishment and support of associations, institutions, funds, trusts, schemes and convenience calculated to benefit servants or past servants of the Association and their dependents, and the granting of pensions, allowances or other benefits to servants or past servants of the Association and their dependents, and the making of payments towards insurance in relation to any of those purposes.</p> <p>(k) The granting of pensions, allowances or other benefits to servants or past servants of the Association and their dependents and the making of payments towards insurance in relation to any of those purposes.</p>	<p>(f) Apply for and obtain contributions to the funds of the Association, whether by the way of donations, grants and funding from Government departments or otherwise;</p> <p>(g) Promote the objects and purposes of the Association through various forms of printed and electronic media;</p> <p>(h) Borrow, raise or secure the payment of money in any manner the Association thinks fit, and with the power to issue debentures and grant mortgages, charges or any other class of security against any real or personal property, both present and future, of the Association and to redeem or pay off any existing or future security;</p> <p>(i) Subject to the provisions of the Trustee Act, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the Management Committee may from time to time determine;</p> <p>(j) The making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax assessment Act 1936, as amended, of the Commonwealth relates;</p> <p>(k) Appoint, employ, pay, dismiss and suspend officers, employees and servants;</p> <p>(l) Amalgamate, cooperate, affiliate and enter into reciprocal arrangements with other clubs in the manner determined from time to time and allowed by the Act;</p> <p>(m) Apply a special levy or charge to enable the Association to meet its liabilities from time to time; and</p> <p>(n) Do any lawful thing which in the Association's opinion is incidental or conducive to the attainment of the objects and exercise of powers of the Association.</p>
---	--

<p>(l) The establishment and support or aiding in the establishment or support of any other association formed for any of the basic objects of the Association.</p> <p>(m) The making of any special levy or charge to enable the Association to meet its liabilities from time to time.</p> <p>(n) The doing of all such lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects or purposes specified in the foregoing provisions of this sub-rule.</p>	
<p><b>4. RULES</b></p> <p>4.1 In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form.</p> <p>4.2 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation Act 1937-1959 and that Act as in force on the date on which these rules are adopted by the Association.</p>	<p><b>4. Definitions</b></p> <p>4.1 In this Constitution, unless the contrary intention appears:</p> <p><b>Act</b> means the <i>Associations Act</i> and regulations made under that Act.</p> <p><b>Committee</b> means the Management Committee of the Association.</p> <p><b>Financial institution</b> means an authorised deposit-taking institution within the meaning of Section 5 of the Banking Act 1959 of the Commonwealth.</p> <p><b>Member</b> means a member of the Association.</p> <p><b>Register of members</b> means the register of the Association's members established and maintained under section 34 of the Act.</p> <p><b>Rules</b> means rules, regulations or policies made for the advancement, management and administration of the Association;</p> <p><b>Special resolution</b> means a resolution notice of which is given under clause 18.4 and passed in accordance with section 37 of the Act.</p> <p>4.2 In this Constitution expressions referring to writing will, unless the contrary intention appears, be construed as including references to printing, photography, electronic and other modes of representing or reproducing words in a visible form.</p> <p>4.3 In this Constitution, any reference to a particular gender includes the other genders.</p>
<p><b>5. MEMBERSHIP OF THE ASSOCIATION</b></p> <p>5.1 There shall be the following categories of membership in the Association:</p> <p>(a) Ordinary Members who shall be either:</p>	<p><b>5. MEMBERSHIP OF THE ASSOCIATION</b></p> <p><b>5.1 Categories of membership</b></p> <p>The Association will have two categories of membership; Ordinary Members and Associate Members.</p>

<ul style="list-style-type: none"> <li>• Senior Members</li> <li>• Family Members</li> <li>• Junior Members</li> <li>• Company Members</li> </ul> <p>(b) Life Members (c) Honorary House Members (d) Visiting Yachtsmen Members (e) Country Members (f) Social Members</p>	<p>5.2 Ordinary Members consist of the following:</p> <ul style="list-style-type: none"> <li>(a) Senior Members</li> <li>(b) Partner Members</li> <li>(c) Life Members</li> </ul> <p>Only financial Ordinary Members may use the facilities of the Association, vote at any General Meeting of the Association or hold office in the Association.</p> <p>5.3 Associate Members consist of the following:</p> <ul style="list-style-type: none"> <li>(a) Junior Members</li> <li>(b) Sailing Crew Members</li> <li>(c) Visiting Yachtsperson Members</li> <li>(d) Honorary House Members</li> <li>(e) Social Members</li> </ul> <p>Associate Members have no right to vote at any General Meeting or hold office in the Association.</p>
<p>5.2 Senior Members</p> <p>The following provisions shall apply to Senior Members:</p> <p>(a) Any person over the age of 18 years and who can satisfy the Committee that he or she is a bona fide cruising yacht person or who can satisfy the committee that he or she can contribute to the objects of the Association as stated in clause 2 (a) of this constitution may become a Senior Member;</p> <p>(b) Husband and wife of a family holding Family Membership and Life Members shall be deemed Senior Members for purposes of voting at any general meeting of the Association and shall be eligible to hold office in the Association;</p> <p>(c) Only financial Senior Members may vote at any general meeting of the Association or hold office in the Association.</p>	<p>5.4 A Senior Member is a person who is over the age of 18 years and:</p> <ul style="list-style-type: none"> <li>(a) Can satisfy the Management Committee that they are a bona fide cruising yacht person; or</li> <li>(b) Can satisfy the Management Committee that they can contribute to the objects of the Association as stated in clause 2 (a) of this constitution.</li> <li>(c) Either member of a Partner Membership and Life Members will be deemed Senior Members for the purposes of voting at a General Meeting and may hold office.</li> </ul> <p>Senior Members may use all member related facilities of the Association including access to shore, showers, laundry, careening poles, hard stand, waste disposal facilities and car parking, subject to relevant terms and conditions.</p>
<p>5.3 Family Membership</p>	<p>5.5 Partner Membership</p>

<p>(a) Any person eligible to become a Senior Member may nominate himself and his wife and children for Family Membership.</p> <p>(b) Husband and wife includes persons living in a de facto relationship and children includes children of one or other of the persons in a de facto relationship.</p> <p>(c) Subject to these Rules all members of a family holding Family Membership are entitled to exercise the rights and privileges attached to Ordinary membership of the Association.</p>	<p>(a) Any person eligible to become a Senior Member may nominate themselves and their partner for Partner Membership.</p> <p>(b) Partner includes spouse or persons living in a de facto relationship</p> <p>(c) Subject to these Rules both members of a Partner Membership are entitled to exercise the rights and privileges attached to Ordinary Membership of the Association.</p>
<p>5.4 Junior Members</p> <p>(a) Any person under the age of 18 years shall be a Junior Member.</p> <p>(b) Members of a family who are under the age of 18 years and in respect of which such family holds Family Membership shall be deemed Junior Members.</p>	<p>5.7 Junior Members</p> <p>(a) Any person under the age of 18 years will be a Junior Member.</p> <p>(b) Any Senior Member may nominate their children for Junior Membership.</p> <p>(c) Junior Members have no right to vote at any General Meeting or hold office in the Association, but subject to these rules have all other rights in common with Ordinary Members of the Association.</p>
	<p>5.8 Sailing Crew Members</p> <p>(a) A Sailing Crew Member is a person who is over the age of 18 years and regularly participates as active sailing crew on any Senior Members' vessel/s in any races organised by the Association.</p> <p>(b) A Sailing Crew Member is subject to the Rules of the Association</p> <p>(c) A Sailing Crew Member has no right to hold office or vote at a General Meeting of the Association, but subject to these rules will have all other rights in common with Ordinary Members of the Association.</p> <p>(d) Any Senior Member of the Association may by leave of the Management Committee and upon filling in and signing of the appropriate document, nominate any person to Sailing Membership</p>
<p>5.5 Company Members</p> <p>(a) Companies incorporated anywhere in Australia and carrying on business in the Northern Territory are eligible for membership of the Association.</p>	<p>DELETED – Nobody has taken this level of membership for a number of years</p>

<p>(b) A company member shall nominate one employee who, subject to acceptance by the Management Committee, shall enjoy all the privileges held by a Senior Member of the Association.</p> <p>(c) The families of a nominated company member shall be deemed to hold Family Membership of the Association.</p> <p>(d) Where a company withdraws a nomination of its nominee that nominee and, if applicable, his family, shall cease to be members of the Association unless such person and/or his family otherwise become members of the Association.</p>	
<p>5.6 Life Members</p> <p>(a) Any Ordinary Member of the Association may at an annual general meeting of the Association be elected a Life Member of the Association.</p> <p>(b) A Life Member may only be elected if nominated by the Management Committee.</p> <p>(c) In determining eligibility of a member to a Life Member the Management Committee shall have regard to:</p> <ul style="list-style-type: none"> <li>• exceptional or special or meritorious service to the Association;</li> <li>• exceptional or special or meritorious service to sailing or endeavour in that sport,</li> <li>• any other factors considered relevant.</li> </ul> <p>(d) A Life Member shall enjoy all the rights and privileges of a Senior Member of the Association free of any fees or subscriptions.</p> <p>(e) A register of Life Members shall be kept by the Public Officer.</p> <p>(f) A Life Member shall be subject in all respects to these Rules.</p>	<p>5.6 Life Members</p> <p>(a) Any Ordinary Member of the Association may at an Annual General Meeting of the Association be elected a Life Member of the Association.</p> <p>(b) A Life Member may only be elected if nominated by the Management Committee.</p> <p>(c) In determining eligibility of a member to a Life Member the Management Committee will have regard to:</p> <ul style="list-style-type: none"> <li>• exceptional or special or meritorious service to the Association;</li> <li>• exceptional or special or meritorious service to sailing or endeavour in that sport,</li> <li>• any other factors considered relevant.</li> </ul> <p>(d) A Life Member will enjoy all the rights and privileges of a Senior Member of the Association free of any fees or subscriptions.</p> <p>(e) A register of Life Members will be kept by the Public Officer.</p> <p>(f) A Life Member will be subject in all respects to these Rules.</p>
<p>5.7 Honorary House Members</p> <p>(a) Any member of the Association may upon filling in and signing the Register of Honorary House Members admit any person to Honorary House Membership for a period of twenty four (24) hours.</p> <p>(b) No person is eligible for 24 hour Honorary House Membership more than three (3) times in a calendar year.</p>	<p>5.11 Honorary House Members</p> <p>(a) Any member of the Association may upon filling in and signing the Register of Honorary House Members admit any person to Honorary House Membership for a period of twenty four (24) hours.</p> <p>(b) No person is eligible for 24 hour Honorary House Membership more than three (3) times in a calendar year.</p>

<p>(c) Any Senior Member of the Association may by leave of the Management Committee and upon filling in and signing the Register of Honorary House Members admit any person to Honorary House Membership for a period not exceeding twenty eight (28) days. No person is eligible for 28 day Honorary House Membership more than once in a calendar year.</p> <p>(d) An Honorary House Member shall be deemed a visitor and shall have no rights as Ordinary Members of the Association.</p> <p>(e) An Honorary House Member shall be subject to the Rules of the Association.</p> <p>(f) Any member of the Management Committee may cancel an Honorary House Membership at any time without giving any reason.</p>	<p>(c) Any Senior Member of the Association may by leave of the Management Committee and upon filling in and signing the Register of Honorary House Members admit any person to Honorary House Membership for a period not exceeding twenty eight (28) days. No person is eligible for 28 day Honorary House Membership more than once in a calendar year.</p> <p>(d) An Honorary House Member will be deemed a visitor and have no rights as Ordinary Members of the Association.</p> <p>(e) An Honorary House Member is subject to the Rules of the Association.</p> <p>(f) Any member of the Management Committee may cancel an Honorary House Membership at any time without giving any reason.</p>
<p>5.8 Visiting Yachtsmen Members</p> <p>(a) Any Officer of the Association may grant visiting yachtsmen and their crews and families Social Membership for a period not exceeding twenty eight (28) days upon payment of the prescribed subscription fee.</p> <p>(b) Visiting yachtsmen shall include members of any sailing or boating club (whether Australian or elsewhere) and exclude any person ordinarily resident in Darwin.</p> <p>(c) Visiting yachtsmen shall be deemed Social Members for the purpose of these Rules.</p> <p>(d) A visiting yachtsman shall produce any card or other identification issued to him by the Management Committee on the demand of any member of the Management Committee.</p>	<p>5.10 Visiting Yachtsperson Members</p> <p>(a) The Association may grant visiting yachtspersons and their crews and families Visiting Membership for a period not exceeding twenty eight (28) days upon payment of the applicable subscription fee.</p> <p>(b) Visiting yachtspersons include members of any sailing or boating club (whether Australian or elsewhere) or bona fide cruising yachts people and exclude any person ordinarily resident in Darwin.</p> <p>(c) Visiting Yachtsperson Members have no right to hold office or vote at a General Meeting of the Association, but subject to these rules have all other rights in common with Ordinary Members of the Association.</p> <p>(d) A visiting yachtsperson must produce any card or other identification issued to him by the Association on the demand of any member of the Management Committee.</p>
<p>5.9 Country Members</p> <p>(a) Any person whose normal place of residence is more than 160 kilometres from the Association premises may be elected as a Country Member.</p> <p>(b) A Senior Member who changes his normal place of residence to a place more than 160 kilometres from the Association premises shall on</p>	<p>DELETED – Nobody has taken this option for a number of years</p>

<p>notification to the Management Committee in writing of that fact and requesting that he become a Country Member shall become a Country Member upon the 1st day of January next after the date on which he so changed his residence.</p> <p>(c) A Country Member shall become a Senior Member upon payment of the difference between the annual subscription payable as a Country Member and the amount which would be payable by him as a Senior Member, provided that the Management Committee may remit such portion of such payment as it may think fit.</p> <p>(d) A Country Member shall have no right to hold office or vote at a general meeting of the Association, but subject to these rules shall have all other rights in common with Ordinary Member of the Association.</p>	<p>CHANGES - DRAFT</p>
<p>5.10 Social Members.</p> <p>(a) any person over the age of 18 years who can satisfy the Committee that he or she is a fit and proper person may become a Social Member.</p> <p>(b) any person eligible to become a Social Member may nominate his or her spouse and children for Social Family Membership.</p> <p>(c) 'spouse' includes a person living in a de facto relationship and children includes children of one or the other of the persons living in the de facto relationship.</p>	<p>5.12 Social Members.</p> <p>(a) any person over the age of 18 years who can satisfy the Management Committee that they are a fit and proper person may become a Social Member.</p> <p>(b) A Social Member is subject to the Rules of the Association</p> <p>(c) A Social Member has no right to hold office or vote at a General Meeting of the Association and has no rights as an Ordinary Member of the Association.</p>
<p>6. ADMISSION TO ORDINARY MEMBERSHIP OF THE ASSOCIATION</p> <p>6.1 A person who is nominated and approved for membership as provided in these Rules is eligible to be a member of the Association on payment of entrance fee and the annual subscription prescribed in, or fixed under, these Rules.</p> <p>6.2 A person who is not a member of the Association at the time of the incorporation of the Association shall not be admitted to membership:</p> <p>(a) unless he is nominated as provided in sub-rule 3 of this rule; and</p> <p>(b) his admission as a member is approved by the Management Committee.</p>	<p>6. ADMISSION TO ORDINARY MEMBERSHIP OF THE ASSOCIATION</p> <p>6.1 A person who is nominated and approved for membership as provided in these Rules is eligible to be a member of the Association on payment of entrance fee and the annual subscription prescribed in, or fixed under, these Rules.</p> <p>6.2 A person who is not a member of the Association will not be admitted to membership unless:</p> <p>(a) they are nominated as provided in clause 6.3; and</p> <p>(b) their admission as a member is approved by the Management Committee.</p>



<p>6.3 A nomination of a person for membership of the Association: -</p> <p>(a) shall be made in writing, signed by two members of the Association;</p> <p>(b) shall be accompanied by the written consent of the person nominated (which may be endorsed on the form of nomination);</p> <p>(c) shall be lodged with the Public Officer of the Association, and</p> <p>(d) shall be accompanied by payment of the prescribed entrance and membership fee.</p> <p>6.4 As soon as is practicable after the receipt of a nomination, the Public Officer shall refer the nomination to the Management Committee.</p> <p>6.5 Upon a nomination being approved by the Management Committee, the Public Officer shall, with as little delay as possible, notify the nominee, in writing, that he has been approved for membership of the Association and shall enter the nominee's name in a Register of Members to be kept by the Public Officer, where upon the nominee becomes an Ordinary Member of the Association.</p> <p>6.6 A Member of the Association may, at any time, resign from the Association by delivering or sending by post to the Public Officer a written notice of resignation.</p> <p>6.7 Upon receipt of a notice under sub-rule 6 of this rule, the Public Officer shall remove the name of the Member by whom the notice was given from the Register of Members, where upon that Member ceases to be a Member of the Association.</p> <p>6.8 A right, privilege or obligation of a person by virtue of his membership of the Association:</p> <p>(a) is not capable of being transferred or transmitted to another person; and</p> <p>(b) terminates upon the cessation of his membership, whether by death, resignation or otherwise.</p> <p>6.9 A Member of the Association shall not be liable to contribute towards payment of liabilities of the Association on a winding-up.</p> <p>6.10 The Management Committee may grant leave of absence without payment of subscriptions to any Member of the Association who will be absent from Darwin whilst sailing/cruising for a period of not less than one</p>	<p>6.3 A nomination of a person for Ordinary Membership of the Association will be: -</p> <p>(a) made in writing on the form approved by the Management Committee, signed by two members of the Association;</p> <p>(b) signed by the person nominated (which may be endorsed on the form of nomination);</p> <p>(c) lodged with the Public Officer of the Association, and</p> <p>(d) accompanied by payment of the prescribed entrance and membership fee.</p> <p>6.4 The Management Committee must consider any application made under clause 6.3 at the next available Management Committee meeting and must accept or reject the application at that meeting or the next.</p> <p>(a) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.</p> <p>(b) If an applicant gives notice of an appeal against the rejection of his or her application, the Management Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.</p> <p>(c) If after reconsidering an application the Management Committee reaffirms its decision to reject the application, the decision is final.</p> <p>6.5 Upon a nomination being approved by the Management Committee, the Association will notify the nominee, in writing, that he has been approved for membership of the Association and enter the nominee's name in a Register of Members.</p> <p>6.6 A Member of the Association may, at any time, resign from the Association by delivering or sending by post or email to the Association or Management Committee Member a written notice of resignation.</p> <p>6.7 Upon receipt of a notice under sub-rule 6 of this rule, the Public Officer will remove the name of the member by whom the notice was given from the Register of Members, and that member ceases to be a member of the Association.</p>
---	---

<p>(l) year nor more than five (5) years or for such longer period at the discretion of the Management Committee and who applies for such leave prior to departure and declares an intention to resume membership and residency in Darwin upon completion of travels.</p>	<p>6.8 A right, privilege or obligation of a person by virtue of his membership of the Association:</p> <p>(a) is not capable of being transferred or transmitted to another person; and</p> <p>(b) terminates upon the cessation of his membership, whether by death, resignation or otherwise.</p> <p>6.9 A member of the Association will not be liable to contribute towards payment of liabilities of the Association on a winding-up.</p> <p>6.10 The Management Committee may grant leave of absence without payment of subscriptions to any member of the Association who will be absent from Darwin whilst sailing/cruising for a period of not less than one (1) year nor more than five (5) years or for such longer period at the discretion of the Management Committee and who applies for such leave prior to departure and declares an intention to resume membership and residency in Darwin upon completion of travels.</p> <p>6.11 The Management Committee may exercise the right to review a Senior Member's membership category at renewal if deemed the member no longer meets the eligibility criteria of Senior Membership.</p> <p>6.12 A member of the Association may, at any time, nominate to amend their category of membership due to a change in circumstance, by the process outlined in rule 6.3, including the payment of any additional fees required.</p>
<p><b>7. INCOME AND PROPERTY OF THE ASSOCIATION</b></p> <p>7.1 The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly, or indirectly by dividend, bonus or otherwise, to any member of the Association.</p> <p>7.2 The Association shall not:</p> <p>(a) appoint a person who is a Member of the Management Committee to any position in the Association to the holder of which there is payable any remuneration by way of salary, fees or allowances: or</p>	<p><b>7. INCOME AND PROPERTY OF THE ASSOCIATION</b></p> <p>7.1 The income and property of the Association, however derived, must be applied solely towards the promotion of the objects and purposes of the Association and no portion will be paid or transferred, directly, or indirectly by dividend, bonus or otherwise, to any member of the Association.</p> <p>7.2 The Association must not:</p> <p>(a) appoint a person who is a member of the Management Committee to any position in the Association to the holder of which there is payable any remuneration by way of salary, fees or allowances: or</p>

<p>(b) pay to any such person any remuneration or other benefit in money or moneys worth (other than the repayment of out-of-pocket expenses).</p> <p>7.3 Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or Member of the Association, other than a Member of the Management Committee of:</p> <p>(a) remuneration in return for services actually rendered to the Association by the servant or Member for goods supplied to the Association by the servant or Member in the ordinary course of business;</p> <p>(b) interest at current bank overdraft rate on money lent; or</p> <p>(c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or Member.</p>	<p>(b) pay to any such person any remuneration or other benefit in money or money's worth (other than the repayment of out-of-pocket expenses).</p> <p>7.3 Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association, other than a member of the Management Committee of:</p> <p>(a) remuneration in return for services actually rendered to the Association by the servant or member for goods supplied to the Association by the servant or member in the ordinary course of business;</p> <p>(b) interest at current bank overdraft rate on money lent; or</p> <p>(c) a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.</p>
<p><b>8. BOOKS OF ACCOUNT</b></p> <p>8.1 True accounts shall be kept:</p> <p>(a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and</p> <p>(b) of the property, assets and liabilities of the Association and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, these accounts shall be open to the inspection of the Members of the Association.</p> <p>8.2 The Treasurer of the Association shall faithfully keep all general records, accounting books and records of receipt and expenditure connected with the operations and business of the Association in such a form and manner as the Committee may direct.</p> <p>8.3 The accounts, books and records referred to in sub-rules 1 and 2 of this rule shall be kept at the Association's office or at such other place as the Committee may decide.</p>	<p><b>8. BOOKS OF ACCOUNT</b></p> <p>8.1 True accounts must be kept by the Association:</p> <p>(a) of all sums of money received and expended by the Association and the matter in respect of which the receipt or expenditure takes place; and</p> <p>(b) of the property, assets and liabilities of the Association and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Association for the time being, these accounts will be open to the inspection of the members of the Association.</p> <p>8.2 The Treasurer of the Association must ensure the accounting records of the Association are kept in accordance with section 41 of the Act and in such a form and manner as the Management Committee may direct.</p> <p>8.3 The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a General Meeting.</p> <p>8.4 The accounts, books and records referred to in sub-rules 1 and 2 of this rule shall be kept at the Association's office or at such other place as the Management Committee may decide.</p>
<p><b>9. BANKING AND FINANCE</b></p>	<p><b>9. BANKING AND FINANCE</b></p> <p><b>Funds and accounts</b></p>

<p>9.1 The Treasurer of the Association shall, on behalf of the Association, receive all moneys paid to the Association and forthwith after the receipt thereof issue official receipts therefore.</p> <p>9.2 The Committee shall cause to be opened with such bank as the Committee selects a banking account in the name of the Association into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.</p> <p>9.3 The Committee may receive from the Association's bank or bankers for the time being the cheque drawn by the Association on any of its accounts with a bank or bankers and may release and indemnify the bank or bankers from and against all claims, actions, suits or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Association.</p> <p>9.4 Except with the authority of the Committee, no payment of a sum exceeding fifty dollars (\$50.00) shall be made from the funds of the Association otherwise than by cheque drawn on the Association's bank account, but the Committee may provide the Treasurer with a sum to meet urgent expenditure, subject to the observance of such conditions in relation to the use and expenditure thereof as the Committee may impose.</p> <p>9.5 No cheques shall be drawn on the Association's bank account except for the payment of expenditure that has been authorised by the Committee.</p> <p>9.6 All cheques, drafts, bills of exchange, promissory notes and other negotiable Instruments shall be signed by the Treasurer or, in his absence, by such other Member or Members of the Committee as the Committee may nominate for that purpose, and shall be countersigned by the Public officer or such other Member or Members of the Committee as the Committee may nominate for such purpose.</p> <p>9.7 Notwithstanding rule 9.6 cheques drawn to cover the day to day running expenses of the licensed facilities of the Association may be signed by such person as the Management Committee shall nominate.</p>	<p>9.1 The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.</p> <p>9.2 Subject to any restrictions imposed by the Association at a General Meeting, the Management Committee may approve expenditure on behalf of the Association within the limits of the Association's ratified annual budget and subject to the Association's internal financial delegation policy.</p> <p>9.3 All cheques, drafts, bills of exchange, promissory notes, electronic transactions and other negotiable instruments must be signed or authorised by 2 members of the Management Committee.</p> <p>9.4 All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt or as soon as practicable after that day.</p> <p>9.5 Despite rule 9.3 negotiable instruments drawn to cover the day to day running expenses of the licensed facilities of the Association may be signed by such person as the Management Committee nominate, subject to the Association's internal financial delegation policy.</p> <p>9.6 Except with the authority of the members at a Special General Meeting, the Management Committee must not expend nor commit the Association to expend an amount in excess of \$50,000 on any one item.</p>
---	--

<p>9.8 Except with the authority of the members at a Special General Meeting, the Committee of Management shall not expend nor commit the Association to expend an amount in excess of \$50,000.</p>	
<p><b>10. APPOINTMENT OF AUDITOR</b>  10.1 At each Annual General Meeting of the Association, the Members present shall appoint a person who is not a member or the Public Officer of the Association as the auditor of the Association.  10.2 A person so appointed shall hold office until the Annual General Meeting next after that at which he is appointed and is eligible for re-appointment.  10.3 The first auditor of the Association may be appointed by the Committee before the first Annual General Meeting and, if so appointed, shall hold office until the first Annual General Meeting, unless previously removed by a resolution of the Members at a general meeting, in which case the Members at that general meeting may appoint an auditor to act until the first Annual General Meeting.  10.4 If an appointment is not made at an Annual General Meeting the Committee shall appoint an auditor of the Association for the then current financial year of the Association.  10.5 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association the Committee may appoint a person as the auditor and the person so appointed shall hold office until the next succeeding Annual General Meeting.</p>	<p><b>10. APPOINTMENT OF AUDITOR</b>  10.1 At each Annual General Meeting of the Association, the members present must appoint a person who is not a member of the Association as the auditor of the Association.  10.2 A person so appointed will hold office until the Annual General Meeting next after that at which he is appointed and is eligible for re-appointment.  10.4 If an appointment is not made at an Annual General Meeting the Management Committee will appoint an auditor of the Association for the then current financial year of the Association.  10.5 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Association the Management Committee may appoint a person as the auditor and the person so appointed shall hold office until the next Annual General Meeting.</p>
<p><b>11. AUDIT OF ACCOUNTS</b>  11.1 Once at least in each financial year of the Association the accounts of the Association shall be examined by the auditor.  11.2 The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the Members present at the Annual General Meeting.</p>	<p><b>11. AUDIT OF ACCOUNTS</b>  11.1 Once at least in each financial year of the Association the accounts of the Association shall be examined by the auditor.  11.2 The auditor will certify as to the correctness of the accounts of the Association and will report thereon to the members present at the Annual General Meeting.  11.3 In his report, and in certifying the accounts, the auditor must state:</p>

<p>11.3 In his report, and in certifying the accounts, the auditor shall state: (a) whether he has obtained the information required by him, (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the explanations given to him and as shown by the books of the Association, and (c) whether the rules relating to the administration of the funds of the Association have been observed.</p> <p>11.4 The Public Officer of the Association shall cause to be delivered to the auditor a list of all the accounts, books and records of the Association.</p> <p>11.5 The auditor: - (a) has a right of access to the accounts, books, records, vouchers and documents of the Association, (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of his duties as auditor; (c) may employ persons to assist him in investigating the accounts of the Association; and (d) may, in relation to the accounts of the Association, examine any Member of the Committee or any servant of the Association.</p>	<p>(a) whether he has obtained the information required by him, (b) whether, in his opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at his disposal and the explanations given to him and as shown by the books of the Association, and (c) whether the rules relating to the administration of the funds of the Association have been observed.</p> <p>11.4 The Public Officer of the Association must cause to be delivered to the auditor a list of all the accounts, books and records of the Association.</p> <p>11.5 The auditor: - (a) has a right of access to the accounts, books, records, vouchers and documents of the Association, (b) may require from the servants of the Association such information and explanations as may be necessary for the performance of his duties as auditor; (c) may employ persons to assist him in investigating the accounts of the Association; and (d) may, in relation to the accounts of the Association, examine any member of the Management Committee or any servant of the Association.</p>
<p>12. ANNUAL GENERALMEETING</p> <p>12.1 The Association shall, in each year, hold an Annual General Meeting.</p> <p>12.2 The Annual General Meeting shall be held on the third Sunday in September in each year or on such day as the Committee may determine (being not later than three [3] months after the close of the financial year of the Association).</p> <p>12.3 The Annual General Meeting shall be in addition to any other general meeting that may be held in the same year.</p> <p>12.4 The Annual General Meeting shall be specified as such in the notice convening it.</p>	<p>12. ANNUAL GENERAL MEETING</p> <p>12.1 The Association must, in each year, hold an Annual General Meeting.</p> <p>12.2 The Annual General Meeting will be held on such day as the Management Committee may determine (being not later than three [3] months after the close of the financial year of the Association).</p> <p>12.3 The Annual General Meeting will be in addition to any other General Meeting that may be held in the same year.</p> <p>12.4 The Annual General Meeting will be specified as such in the notice convening it.</p> <p>12.5 The ordinary business of the Annual General meeting will be:</p>

<p>12.5 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 general meeting held since that meeting;</p> <p>(b) to receive from the Committee, auditor and servants of the Association reports upon the transactions of the Association during the last preceding financial year;</p> <p>(c) to elect the officers of the Association and the ordinary committeemen,</p> <p>(d) to appoint the auditor and determine his remuneration.</p> <p>12.6 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.</p> <p>12.7 All general meetings other than the Annual General Meeting shall be called Special General Meetings.</p>	<p>(a) to confirm the minutes of the last Annual General Meeting and of any general meeting held since that meeting;</p> <p>(b) to receive from the Management Committee, auditor and servants of the Association reports upon the transactions of the Association during the preceding financial year;</p> <p>(c) to elect the officers of the Association and the ordinary committee members,</p> <p>(d) to appoint the auditor and determine his remuneration.</p> <p>12.6 The Annual General Meeting may transact special business of which notice is given in accordance with these rules.</p> <p>12.7 All General Meetings other than the Annual General Meeting will be called Special General Meetings.</p>
<p>13. SPECIAL GENERALMEETING</p> <p>13.1 The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.</p> <p>13.2 The Committee shall, on the requisition in writing of not less than 10.0% of the Ordinary Members of the Association eligible to vote, convene a Special General Meeting of the Association.</p> <p>13.3 A requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the requisitionist and deposited at the office of the Association and may consist of several documents in the like form, each signed by one or more of the requisitionists.</p> <p>13.4 If the Committee does not cause a Special General Meeting to be held within twenty one (21) days from the date on which a requisition therefore is deposited at the office of the Association, the requisitionists or any of them may convene the meeting, but any meeting so convened shall not be held after three (3) months from the date of the deposit of the requisition.</p> <p>13.5 A Special General Meeting convened by requisitionists in pursuance of these rules shall be convened in the same manner, as nearly as possible, to that in which those meetings are convened by the committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring them.</p>	<p>13. SPECIAL GENERAL MEETING</p> <p>13.1 The Management Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.</p> <p>13.2 Not less than 10.0% of the Ordinary Members of the Association eligible to vote may make a written request to the Management Committee for a Special General Meeting.</p> <p>13.3 A request for a Special General Meeting is required to meet the conditions of the Association's internal <i>Matters to be Dealt With Under Section 36B of the DBCYA Constitution Policy</i> and must state the objects of the meeting and be signed by the members making the request and deposited at the office of the Association. The request may consist of several documents in the like form, each signed by one or more of the members making the request.</p> <p>13.4 The Management Committee reserves the right to decline to accept and ratify requisitions that have not been produced in accordance with the Association's <i>Matters to be Dealt With Under Section 36B of the DBCYA Constitution Policy</i>.</p> <p>13.5 The Management Committee must, within 30 days after it receives a request under clause 13.3 convene a Special General Meeting for the purpose specified in that request.</p>

	<p>13.6 If the Management Committee fails to convene a Special General Meeting within the time allowed the members who made the request may convene a Special General Meeting as if they were the Management Committee.</p> <p>13.7 If a Special General Meeting is convened under subclause 13.6 the Association must meet any reasonable expenses of convening and holding the Special General Meeting.</p> <p>13.8 The Secretary must give to all members not less than 21 days' notice of a Special General Meeting.</p> <p>13.9 The notice must specify:</p> <ul style="list-style-type: none"> <li>(a) when and where the meeting is to be held; and</li> <li>(b) the particulars of and the order in which business is to be transacted.</li> </ul>
<p>14 The Public Officer of the Association shall, at least fourteen (14) days before the date fixed for holding a general meeting of the Association cause to be inserted once in a newspaper published daily in the Northern Territory an advertisement specifying the place, day and time for the holding of the meeting.</p> <p>14.1. All business to be transacted at an Annual or General Meeting including changes to the Constitution shall be displayed on the Club's notice board 14 days prior to that meeting.</p>	<p>14 The Public Officer of the Association must, at least twenty-one (21) days before the date fixed for holding a General Meeting of the Association place an advertisement in a newspaper published daily in the Northern Territory specifying the place, day and time for the holding of the meeting.</p> <p>14.1. All business to be transacted at an Annual or General Meeting including changes to the Constitution must be displayed on the Club's notice board no less than twenty-one (21) days prior to that meeting.</p>
<p>15.1 All business that is transacted at Special General Meetings and all business that is transacted at Annual General Meetings with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting shall be deemed to be special business.</p> <p>15.2 No item of business shall be transacted at a general meeting unless a quorum of Members entitled under these rules to vote is present during the time when the meeting is considering that item.</p>	<p>15.1 All business that is transacted at Special General Meetings and all business that is transacted at Annual General Meetings with the exception of that specially referred to in these rules as being the ordinary business of the Annual General Meeting will be deemed to be special business.</p> <p>15.2 No item of business will be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.</p>



<p>15.3 One tenth (1/10) of the members of the Association (being members entitled under the rules to vote thereat) constitute a quorum for the transaction of the business of a general meeting.</p> <p>15.4 If within one (1) 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 it shall stand adjourned to the same day in the next week, at the same time (unless another place is specified by the Chairman at the time of the adjournment or by written notice to Members given before the day to which to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within one (1) hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.</p>	<p>15.3 One tenth (1/10) of the members of the Association (being members entitled under the rules to vote) constitute a quorum for the transaction of the business of a general meeting.</p> <p>15.4 If within 30 minutes after the time specified in the notice for the holding of a General Meeting a quorum is not present:</p> <p>(a) for an Annual General Meeting or Special General Meeting convened under clause 13.1 – the meeting stands adjourned to the same time on the same day in the following week and to the same place, unless another date is specified by the Chair and approved by majority vote of the members present;</p> <p>(b) for a meeting convened under clause 13.3 – the meeting lapses.</p> <p>15.5 If within 30 minutes after the time appointed by subclause (15.4)(a) for the resumption of an adjourned General Meeting a quorum is not present, the members who are present in person or by written absentee vote may proceed with the business of that General Meeting as if a quorum were present.</p>
<p>16.1 The Commodore, or in his absence the Vice-Commodore, shall preside as Chairman at every general meeting of the Association.</p> <p>16.2 If the Commodore and the Vice-Commodore are absent from a general meeting the Members present shall elect one of their number to preside as Chairman thereat.</p>	<p>16.1 The Commodore, or in his absence the Vice-Commodore, shall preside as Chairperson at every General Meeting of the Association.</p> <p>16.2 If the Commodore and the Vice-Commodore are absent from a General Meeting the members of the Management Committee present will elect one of their number to preside as Chairperson.</p>
<p>17.1 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 to place, but no business shall be transacted at an adjourned meeting other than business left unfinished at the meeting at which the adjournment took place.</p> <p>17.2 Where a meeting is adjourned for fourteen (14) days or more, the like notice of the adjourned meeting shall be given as in the case of the original meeting.</p> <p>17.3 Except as provided in the foregoing provisions of this rule it is not necessary to give any notice of an adjourned meeting.</p>	<p>17.1 The Chairperson may, with the consent of a General Meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that General Meeting from time to time and from place to place.</p> <p>17.2 There must not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.</p> <p>17.3 If a General Meeting is adjourned for a period of 14 days or more, the Secretary must give notice of the adjourned General Meeting as if that were a fresh General Meeting.</p>

<p><b>18. VOTING AT GENERALMEETINGS</b>  A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the Chairman that the resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority or lost, and an entry to that effect in the minute book of the Association is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.</p> <p>19.1 Upon any question arising at a general meeting of the Association a Member has one (1) vote only.</p> <p>19.2 All votes shall be given personally or by written absentee vote delivered prior to the commencement of the meeting</p> <p>19.3 In the case of an equality of voting on a question the Chairman of the meeting is entitled to exercise a second or casting vote.</p>	<p><b>18. VOTING AT GENERAL MEETINGS</b>  18.1 Subject to clause 5.2 and clause 5.3, each member is entitled to one vote at General Meetings of the Association.</p> <p>18.2 All votes must be given personally or by written absentee vote delivered prior to the commencement of the meeting</p> <p>18.3 Any general business put to the vote is decided by a majority of votes made in person or by written absentee vote</p> <p>18.4 A special resolution put to the vote is passed if three-quarters (75%) of the members who are present in person or by written absentee vote are in favour of the resolution.</p> <p>18.5 In the case of an equality of voting on a question the Chairperson of the meeting is entitled to exercise a second or casting vote.</p> <p>18.6 Taking of poll - If at a meeting a poll on any question is demanded it must be taken at that meeting in the manner the Chairperson directs.</p> <p>18.7. A poll that is demanded on the election of a Chairperson or on a question of adjournment must be taken immediately and a poll that is demanded on any other question may be taken at any time before the close of the meeting as the Chairperson directs.</p>
<p>20. Taking of poll - If at a meeting a poll on any question is demanded it shall be taken at that meeting in such a manner as the Chairman may direct and the result of the poll shall be deemed to be the resolution of the meeting on that question.</p> <p>21. When poll to be taken - 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.</p>	<p>See 18</p>
<p><b>22. AFFAIRS OF THE ASSOCIATION TO BE MANAGED BY ACOMMITTEE</b></p>	<p><b>19. AFFAIRS OF THE ASSOCIATION MANAGED BY A COMMITTEE</b></p>

<p>22.1 The affairs of the Association shall be managed by a Committee of Management (hereinafter referred to as ‘the Management Committee’) constituted as provided in rule 24 hereof.</p> <p>22.2 The Management Committee:</p> <p>(a) shall control and manage the business and affairs of the Association,</p> <p>(b) may subject to these rules, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of Members of the Association, and</p> <p>(c) subject to the ordinance and these rules, has power to perform all such acts and things as appear to the Management Committee to be essential for the proper management of the business and affairs of the Association.</p>	<p>19.1 The business of the Association must be managed by or under the direction of a Management Committee.</p> <p>19.2 The Management Committee may exercise all the powers of the Association except those matters that the Act or this Constitution requires the Association to determine through a General Meeting of members.</p> <p>19.3 The Management Committee, subject to the ordinance and these rules, has power to perform all such acts and things as appear to the Management Committee to be essential for the proper management of the business and affairs of the Association.</p>
<p><b>23. OFFICERS OF THE ASSOCIATION</b></p> <p>23.1 The officers of the Association shall be:</p> <p>(a) a Commodore,</p> <p>(b) a Vice-Commodore,</p> <p>(c) a Rear Commodore</p> <p>(d) a Treasurer,</p> <p>(e) a Secretary, and</p> <p>(f) a Public Officer (who is a person resident in the Northern Territory) for the purposes of the Associations Incorporation Act.</p> <p>23.2 The provisions of sub-rules 2, 3 and 4 of rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the officers mentioned in sub-rule 1 of this rule.</p> <p>23.3 Each officer of the Association shall hold office until the Annual General Meeting next after the date of his election but is eligible for re-election.</p> <p>23.4 In the event of a casual vacancy in any office mentioned in sub-rule 1 of this rule the Management Committee may appoint one of its Members to the vacant office, and the Member so appointed may continue in office</p>	<p><b>20. OFFICERS OF THE ASSOCIATION</b></p> <p>20.1 The officers of the Association are:</p> <p>(a) a Commodore;</p> <p>(b) a Vice-Commodore;</p> <p>(c) a Treasurer;</p> <p>(d) a Secretary;</p> <p>(e) a Rear Commodore</p> <p>(f) a Volunteer Coordinator; and</p> <p>(g) a Public Officer (who is a person resident in the Northern Territory) for the purposes of the Associations Incorporation Act</p> <p><b>21 Delegation</b></p> <p>21.1 The Management Committee may delegate to a subcommittee or staff any of its powers and functions other than:</p> <p>(a) this power of delegation; or</p> <p>(b) a duty imposed on the Management Committee by the Act or any other law.</p> <p>21.2 The delegation must be in writing and may be subject to the conditions and limitations the Management Committee considers appropriate.</p>

<p>up to and including the conclusion of the Annual General Meeting next following his appointment.</p>	<p>21.3 The Management Committee may, in writing, revoke wholly or in part the delegation.</p> <p><b>22. Retirement of Management Committee members</b></p> <p>22.1 A Management Committee member holds office until the next Annual General Meeting unless the member vacates the office under clause 28.</p> <p>22.2 Subject to subclause 22.3, at an Annual General Meeting the office of each Management Committee member becomes vacant and elections for a new Management Committee must be held.</p> <p>22.3 The Chairperson of the outgoing Management Committee must preside at the Annual General Meeting until a new member is elected as Chairperson.</p> <p>22.4 Members may serve consecutive terms on the Management Committee unless otherwise provided in the Schedule.</p> <p><b>23. Eligibility of Management Committee members</b></p> <p>23.1 A Management Committee member must be a financial Senior Member.</p> <p>23.2 Management Committee members must be elected to the Management Committee at an Annual General Meeting or appointed under clause 24.2.</p>
<p><b>24. COMPOSITION OF MANAGEMENT COMMITTEE</b></p> <p>24.1 The Management Committee shall consist of the officers of the Association and four (4) ordinary committeemen.</p> <p>24.2 In the event of a casual vacancy occurring in the office of ordinary committeemen, the Management Committee may appoint a Member of the Association to fill the vacancy and the Member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of his appointment.</p>	<p><b>24. COMPOSITION OF MANAGEMENT COMMITTEE</b></p> <p>24.1 The Management Committee consists of the officers of the Association and three (3) ordinary committee.</p> <p>24.2 In the event of a casual vacancy occurring in the office of ordinary committeemen, the Management Committee may appoint a Senior Member of the Association to fill the vacancy and that person will hold office, subject to these rules, until the conclusion of the next Annual General Meeting.</p>
<p>25.1 Nominations of candidates for election as officers or ordinary committeemen of the Association:</p>	<p><b>25 Nominations for election to Management Committee</b></p> <p>25.1 A member is not eligible for election to the Management Committee unless the Secretary receives a written nomination for that</p>

<p>(a) shall be made in writing signed by two (2) Members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and</p> <p>(b) shall be delivered to the Public Officer of the Association at least three (3) days before the date fixed for the holding of the Annual General Meeting.</p>	<p>member by another member not less than 3 days before the date of the next Annual General Meeting.</p> <p>25.2 The nomination must be signed by:</p> <p>(a) the nominator and a seconder; and</p> <p>(b) the nominee to signify his or her willingness to stand for election.</p> <p>25.3 A person who is eligible for election or re-election under this clause may:</p> <p>(a) propose or second himself or herself for election or re-election; and</p> <p>(b) vote for himself or herself.</p>
<p>25.2 If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated shall be deemed to have been elected and further nominations shall be received at the Annual General Meeting.</p> <p>25.3 If the number of nominations received is equal to the number of vacancies to be filled the persons nominated shall be deemed to be elected.</p> <p>25.4 If the number of nominations exceeds the number of vacancies to be filled a ballot shall be held.</p> <p>25.5 The ballot for the election of officers and ordinary committeemen shall be conducted at the Annual General Meeting in such usual and proper manner as the Management Committee may direct.</p>	<p><b>26.Election by default</b></p> <p>26.1 If the number of persons nominated for election to the Management Committee under clause 25 does not exceed the number of vacancies to be filled, the Chairperson must declare the persons to be duly elected as members of the Management Committee at the Annual General Meeting.</p> <p>26.2 If vacancies remain on the Management Committee after the declaration under subclause 25.1, additional nominations of Management Committee members may be accepted from the floor of the Annual General Meeting.</p> <p>26.3 If the nominations from the floor do not exceed the number of remaining vacancies, the Chairperson must declare those persons to be duly elected as members of the Management Committee.</p> <p>26.4 If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Management Committee in accordance with Clause 24.2.</p> <p><b>27 Election by ballot</b></p> <p>27.1 If the number of nominations exceeds the number of vacancies on the Management Committee, ballots for those positions must be conducted.</p>

	<p>27.2 The ballot must be conducted in a manner determined from time to time by resolution at a General Meeting.</p> <p>27.3 The members chosen by ballot must be declared by the Chairperson to be duly elected as members of the Management Committee.</p>
<p>26. For the purposes of these rules the office of an Officer of the Association or of an ordinary committeemen becomes vacant if the officer or committeeman:</p> <p>(a) dies;</p> <p>(b) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his creditors;</p> <p>(c) becomes of unsound mind;</p> <p>(d) resigns his office by writing under his hand addressed to the Management Committee;</p> <p>(e) ceases to be a resident of the Northern Territory;</p> <p>(f) fails, without leave granted by the Management Committee, to attend three (3) consecutive meetings of the Management Committee;</p> <p>(g) ceases to be a member of the Association; or</p> <p>(h) fails to pay all arrears of subscription or debts due by him within fourteen (14) days after he has received a notice in writing signed by the Public Officer stating that he has ceased to be a financial Member of the Association.</p>	<p><b>28 Vacating office</b></p> <p>The office of a member of the Management Committee becomes vacant if:</p> <p>(a) the member</p> <p>(i) is disqualified from being a committee member under section 30 or 40 of the Act;</p> <p>(ii) resigns by giving written notice to the Management Committee;</p> <p>(iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;</p> <p>(iv) ceases to be a resident of the Territory; or</p> <p>(v) ceases to be a member of the Association;</p> <p>(vi) fails to pay all arrears of subscription or debts due by him within fourteen (14) days after he has received a notice in writing signed by the Public Officer stating that he has ceased to be a financial Member of the Association.</p> <p>(b) the member is absent from more than:</p> <p>(i) 3 consecutive Management Committee meetings; or</p> <p>(ii) 3 Management Committee meetings in the same financial year without tendering an apology to the Chairperson;</p> <p>of which meetings the member received notice and the Management Committee has resolved to declare the office vacant.</p>
	<p><b>29 Removal of committee member</b></p> <p>29.1 The Management Committee may seek to remove a committee member from office if, in the majority opinion of the Management Committee, that person has been guilty of conduct detrimental to the interests of the Association, through a Special General Meeting in accordance with Clause 13.1.</p>

	<p>29.2 At a Special General Meeting convened for the purpose of this rule:</p> <p>(a) no business other than the question of the removal must be transacted;</p> <p>(b) the Management Committee may place before the meeting details of the grounds of the removal;</p> <p>(c) the committee member or their appointed representative must be given an opportunity to be heard and;</p> <p>(d) the members present must vote by secret ballot on the question of whether or not the committee member be removed from office.</p> <p>29.3 If at the Special General Meeting a majority of the members present vote in favour of the committee member remaining on the Management Committee, the committee member is entitled to continue in office on the Management Committee.</p> <p>29.4 If a vacancy arises through removal under subclause (2), the unfilled vacancy must be filled by the Management Committee in accordance with Clause 24.2.</p>
	<p><b>29 B Collective responsibility of Management Committee</b></p> <p>(1) As soon as practicable after being elected to the Management Committee, each committee member must become familiar with the Act and regulations made under the Act.</p> <p>(2) The Management Committee is collectively responsible for ensuring the Association complies with the Act and regulations made under the Act.</p>
<p>27.1 The Management Committee shall meet at such place and at such times as the Management committee may determine.</p> <p>27.2 Special meetings of the Management Committee may be convened by the Commodore.</p> <p>27.4 Any four (4) Members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Management Committee.</p>	<p><b>29 Frequency and calling of Management Committee meetings</b></p> <p>29.1 The Management Committee must meet together for the conduct of business not less than 4 times in each financial year at a place and time determined by the Management Committee.</p> <p>29.2 The Commodore, or at least half the Management Committee members, may at any time convene a special meeting of the Management Committee.</p>

<p>27.5 No business shall be transacted unless a quorum is present and if within thirty (30) minutes of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.</p> <p>27.6 At meetings of the Management Committee:</p> <p>(a) the Commodore or in his absence the Vice-Commodore; or</p> <p>(b) if the Commodore and his Vice-Commodore are absent such one of the remaining members of the Management Committee as may be chosen by the members present shall preside.</p> <p>27.7 Questions arising at meeting of the Management Committee or of any subcommittee appointed by the Management Committee 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.</p> <p>27.8 Each member present at a meeting of the Management Committee or of any subcommittee appointed by the Management Committee (including the person presiding at the meeting) is entitled to one ( 1) vote and in the event of an equality of votes of any question the person presiding may exercise a second or casting vote.</p> <p>27.9 Notice of each Management Committee meeting shall be notified verbally or served on each Member of the Management Committee by delivering to him at a reasonable time before the meeting or by sending it by post in prepaid letter addressed to him at his usual or last known place of abode in time to reach him in due course of post before the date of the meeting.</p>	<p>29.3 Notice must be given to Members of the Management Committee of any special meeting, specifying the general nature of the business to be transacted and no other business may be transacted at such a meeting.</p> <p>29.4 Any four (4) Members of the Management Committee constitute a quorum for the transaction of the business of a meeting of the Management Committee.</p> <p>29.5 No business may be transacted unless a quorum is present and if within thirty (30) minutes of the time appointed for the meeting a quorum is not present the meeting will be adjourned to the following week unless the meeting was a special meeting in which case it lapses.</p> <p>30.1 Subject to subclauses 30.2 and 30.3, the Commodore must preside at all General Meetings and Management Committee meetings.</p> <p>30.2 If the Commodore is absent from a meeting, the Vice-Commodore must preside at the meeting.</p> <p>30.3 If the Commodore and the Vice-Commodore are both absent, the presiding member for that meeting must be:</p> <p>(a) a member elected by the other members present if it is a general meeting; or</p> <p>(b) a Management Committee member elected by the other committee members present if it is a Management Committee meeting.</p> <p><b>31 Voting and decision making</b></p> <p>31.1 Each member of the Management Committee present at the meeting has a deliberative vote.</p> <p>31.2 A question arising at a Management Committee meeting must be decided by a majority of votes.</p> <p>31.3 If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.</p>
<p>28. DISCLOSURE OF INTEREST IN CONTRACTS. ETC.</p>	<p><b>32. Disclosure of interest</b></p>



<p>28.1 A Member of the Management Committee who is interested in any contract or arrangement made or proposed to be made with the Association shall disclose his interest at the first meeting of the Management Committee at which the contract or arrangement is first taken into consideration, if his interest then exists, or, in any other case, at the first meeting of the Management Committee after the acquisition of his interest.</p> <p>28.2 If a Member of the Management Committee becomes interested in a contract or arrangement after it is made or entered into he shall disclose his interest at the first meeting of the Management Committee after he becomes so interested.</p> <p>28.3 No member of the Management Committee shall vote as a member of the Management Committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote shall not be counted.</p>	<p>32.1 A Management Committee or Sub-Committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Association must disclose the nature and extent of the interest to the Management Committee in accordance with section 31 of the Act.</p> <p>32.2 The Secretary must record the disclosure in the minutes of the meeting.</p> <p>32.3 The Commodore or Chairperson must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.</p> <p>32.4 No member of the Management Committee may vote as a member of the Management Committee in respect of any contract or arrangement in which he is interested and if he does so vote his vote must not be counted.</p>
<p>SUB-COMMITTEES</p> <p>29.1 Save for the Race Committee and Social Committee as hereinafter provided, the Management Committee may at any time appoint a sub-committee from the Management Committee as it may think fit and shall prescribe the powers and functions thereof</p> <p>29.2 The Management Committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those members are Members of the Association but a person so co-opted is not entitled to vote.</p> <p>29.3 Three (3) appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.</p> <p>29.4 The Public Officer of the Association is responsible for calling meetings of a subcommittee.</p> <p>29.5 Written notice of each sub-committee meeting shall be notified verbally or served on each member of the sub-committee by delivering it to him at a reasonable time before the meeting or by sending it by post in a</p>	<p>33 SUB-COMMITTEES</p> <p>33.1 The Management Committee may establish one or more subcommittees consisting of the Senior Members of the Association or invited guests the Management Committee considers appropriate.</p> <p>33.2 The Management Committee may co-opt as members of a sub-committee such persons as it thinks fit, whether or not those members are Ordinary Members of the Association.</p> <p>33.3 Half of the appointed members of a sub-committee constitute a quorum at a meeting of the sub-committee.</p> <p>33.4 Sub-committees must report to the Management Committee at each committee meeting and abide by the Association's internal Delegated Authorities policy.</p> <p>34 EXECUTIVE COMMITTEE</p> <p>34.1 The Commodore, the Vice-Commodore, the Treasurer and the Secretary constitute an Executive Committee, which may issue instructions to the Public Officer and the servants of the Association in matters of</p>

<p>pre-paid letter addressed to him at his usual or last known place of abode in time to reach him in due course of post before the date of the meeting.</p> <p>29.6 The Commodore, the Vice-Commodore, the Treasurer and the Secretary constitute an Executive Committee, which may issue instructions to the Public Officer and the servants of the Association in matters of urgency connected with the management of the affairs of the Association during the intervals between meeting of the Management Committee and where any such instructions are issued shall report thereon to the next meeting of the Management Committee.</p>	<p>urgency connected with the management of the affairs of the Association during the intervals between meeting of the Management Committee and where any such instructions are issued must report them at the next meeting of the Management Committee.</p>
<p>RACE COMMITTEE (currently clause 39)</p> <p>39.1 If deemed necessary the Management Committee will appoint or call for nominations for a Race Committee from senior members.</p> <p>39.2 This Committee shall comprise the Vice-Commodore (as Chairman) and four (4) Senior Members, one of whom shall be the secretary of the Committee.</p> <p>39.3 The Race Committee shall be responsible to the Management Committee for the organization and running of all sailing events and for all matters relating to sailing.</p> <p>39.4 (a) The Race Committee may make racing rules binding on all members engaged in racing.</p> <p>(b) In this sub-clause 'racing' includes all races and sailing events organized by the Race Committee.</p>	<p>36 RACE COMMITTEE</p> <p>36.1 If deemed necessary the Management Committee will appoint or call for nominations for a Race Committee from Senior Members.</p> <p>36.2 This Committee will comprise the Vice-Commodore (as Chairman) and up to four (4) Senior Members</p> <p>36.3 (a) The Race Committee may make racing rules binding on all members engaged in racing.</p> <p>(b) In this sub-clause 'racing' includes all races and sailing events organized by the Association.</p>
<p>SOCIAL COMMITTEE</p> <p>40.1 There shall be a Social Committee which shall comprise of a Chairman and three (3) committee members.</p> <p>40.2 The Chairman of the Social Committee shall be the Rear Commodore.</p> <p>40.3 The Chairman shall call for or nominate three (3) committee members.</p> <p>40.4 The Social Committee is responsible to the Management Committee for all social events, and shall inform the Management Committee of all planned events.</p>	<p>SOCIAL COMMITTEE</p> <p>37.1 If deemed necessary the Management Committee will appoint or call for nominations for a Social Committee from Senior Members.</p> <p>37.2 This Sub-Committee will comprise the Rear-Commodore (as Chairman) and up to three (3) Senior Members.</p> <p>37.3 The Social Committee will work with the General Manager to effectively deliver an active annual social calendar of diverse events aimed at encouraging member involvement, club profile awareness and attraction of new members.</p>

<p><b>29ATRUSTS AND ASSOCIATIONS</b></p> <p>The Association may be represented on any association trust etc. which is established for purposes which are in accord with those of the Association such representatives shall be the Commodore or his/her delegate as approved by the Management Committee.</p>	<p>Delete</p>
<p><b>SUBSCRIPTIONS</b></p> <p>30.1 Until otherwise fixed pursuant to sub-rule 2 of this rule the annual subscription payable by Members shall be prescribed by the Management Committee.</p> <p>30.2 The amount of the annual subscription may be altered from time to time by the Members in general meeting by special resolution.</p> <p>30.3 The annual subscription of a Member is due and payable on or before the first day of the financial year of the Association.</p> <p>30.4 The Management Committee may reduce an annual subscription in the case of hardship or if in its opinion the length of the remainder of the Association year warrants it.</p> <p>30.5 The subscription payable by a person applying for or renewing senior membership who is in receipt of a Pensioner and Carer Concession card or an NT Concession Scheme Card shall be 50% of that normally paid.</p> <p>30.6 Any Ordinary Member of the Association who fails to pay his annual subscription by the 15th day of August in each Association year shall cease to be a Member. Late payment may be accepted in the discretion of the Management Committee.</p> <p>30.7 An unfinancial Member shall not be entitled to any of the rights and privileges of the Association.</p> <p>30.8 Any Member who fails to renew his membership by the date specified in rule 30.3 hereof shall be unfinancial.</p> <p>30.9 Special Levies - Should the need arise the Management Committee may impose a special levy on all Senior Members of the Association not exceeding an amount equal to 25% of the annual subscription payable by Senior Members. Any Member who fails to pay such a levy within two (2)</p>	<p><b>Annual membership fees</b></p> <p>38.1 The annual membership fee is the amount determined by the Management Committee</p> <p>38.2 The amount of the annual membership fee may be altered from time to time by the Management Committee.</p> <p>38.3 Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Management Committee from time to time.</p> <p>38.4 A member whose subscription is not paid by August 15 of that financial year ceases to be a member unless the Management Committee determines otherwise.</p> <p>38.5 The Management Committee may reduce an annual fee in the case of hardship or if in its opinion the length of the remainder of the Association year warrants it.</p> <p>38.6 The fee payable by a person applying for or renewing Senior Membership who is in receipt of a Pensioner and Carer Concession card or an NT Concession Scheme Card shall be 50% of that normally paid, on presentation of the Concession Card to the Association.</p> <p>38.7 Special Levies - Should the need arise the Management Committee may impose a special levy on all Senior and Partner Members of the Association not exceeding an amount equal to 50% of the annual subscription payable by Senior Members. Any member who fails to pay such a levy within two (2) months of written notice requiring him to do so being sent to him via email or posted to the address as shown In the</p>

<p>months of written notice requiring him to do so being sent to him in a pre-paid envelope to his last known address as shown In the Membership Register shall have his membership cancelled unless the Management Committee specifies otherwise.</p> <p>30.10 The Management Committee may levy individual Members of the Association for the provision of dry boat storage and living facilities, power, water, garbage and sewerage in respect of which the Association has or incurs liabilities to any relevant authority providing services to the Association.</p>	<p>Membership Register will have his membership cancelled unless the Management Committee specifies otherwise.</p> <p>38.9 The Management Committee may levy individual members of the Association for the provision of facilities and services including dry boat storage and living facilities, careening poles, land access, power, water, waste disposal and car parking in respect of which the Association has or incurs liabilities to any relevant authority providing services to the Association.</p>
<p><b>ENTRANCE FEES</b></p> <p>31.1 The amount of entrance fee shall be decided from time to time by the members at Special General Meeting or A.G.M. by special resolution</p> <p>31.2 No person who has paid the appropriate entrance fee shall be required to pay another entrance fee, provided that this sub-clause shall not apply to a person who, having previously been a Member, is elected after a period of non-membership.</p> <p>31.3 No person being a financial Member at the date of adoption of this Constitution whilst he remains a Member shall be required to pay an entrance fee.</p>	<p><b>JOINING FEES</b></p> <p>39.1 If an application for membership is approved by the Management Committee, the applicant becomes a member on payment of the joining fee for the applicable membership category.</p> <p>39.2 The amount of the joining fee will be decided from time to time by the Management Committee.</p> <p>39.3 No person who has paid the appropriate joining fee will be required to pay another joining fee, unless that person is re-joining after a period of non-membership.</p> <p>39.4 No person who remains a financial member of the Association at the date of adoption of this Constitution will be required to pay a joining fee.</p>
<p><b>32 ANNUAL SUBSCRIPTIONS</b></p> <p>The amount of Annual Subscription shall be decided from time to time by the members in Special General Meetings or the A.G.M. by special resolution</p>	<p>Deleted as it contradicts clause 30 in current constitution and is addressed in clause 38 of the proposed constitution</p>
<p><b>33 FINANCIAL YEAR</b></p> <p>The financial year of the Association is the period beginning on 1 st July in each year and ending on the 30th June next following.</p>	<p><b>40 FINANCIAL YEAR</b></p> <p>The financial year of the Association is the period beginning on 1st July in each year and ending on the 30th June next following.</p>
<p><b>34 NOTICES</b></p>	<p><b>41 NOTICES</b></p> <p>A notice may be served by or on behalf of the Association upon any member either personally or by sending it via email or through the post in</p>

<p>A notice may be served by or on behalf of the Association upon any Member either personally or by sending it through the post in a pre-paid letter addressed to the Member at his usual or last known place of abode.</p>	<p>a letter addressed to the member at his usual or last known place of abode.</p>
<p><b>EXPULSION OF MEMBERS</b></p> <p>35.1 Subject to this rule the Management Committee may expel a member from the Association if, in the opinion of the Management Committee, the Member has been guilty of conduct detrimental to the interests of the Association.</p> <p>35.2 The expulsion of a Member pursuant to sub-rule 1 of this rule does not take effect: (a) until the expiration of fourteen ( 14) days after the service on the member of a notice under sub-rule 3 of this rule; or (b) if a Member exercises his right to appeal under the rule until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.</p> <p>35.3 Where the Management Committee expels a Member from the Association the Public Officer of the Association shall without undue delay cause to be served on the Member a notice in writing: (a) stating that the Management Committee has expelled the Member; (b) specifying the grounds for the expulsion; and (c) informing the Member that if he so desires he may, within fourteen ( 14) days after the service of the notice on him, appeal against the expulsion as provided in this rule.</p> <p>35.4 A Member on whom a notice under sub-rule 3 of this rule is served may appeal against the expulsion at a Special General Meeting by delivering or sending by post to the Public Officer of the Association within fourteen (14) days after the service of that notice a requisition in writing demanding the convening of such a meeting for the purposes of hearing his appeal.</p> <p>35.5 Upon the receipt of a requisition under sub-rule 3 of this rule the Public Officer shall forthwith notify the Management Committee of its receipt and the Management Committee shall thereupon cause a Special General Meeting of Members to be held within twenty one</p>	<p><b>42 Expulsion of members</b></p> <p>42.1 Subject to this rule the Management Committee may expel a member from the Association if, in the opinion of the Management Committee, the member has been guilty of conduct detrimental to the interests of the Association.</p> <p>42.2 The expulsion of an Associate Member of the Association takes immediate effect when the member has been served a notice in writing : (a) stating that the Management Committee has expelled the member; and (b) specifying the grounds for the expulsion</p> <p>42.3 The expulsion of an Ordinary Member pursuant to sub-rule 1 of this rule does not take effect: (a) until the expiration of seven (7) days after the service on the member of a notice under sub-rule 4 of this rule; or (b) if a member exercises his right to appeal under the rule until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.</p> <p>42.4 Where the Management Committee expels an Ordinary Member from the Association the Public Officer of the Association will without undue delay cause to be served on the member a notice in writing: (a) stating that the Management Committee has expelled the member; (b) specifying the grounds for the expulsion; (c) informing the member that e if he so desires he may, within five (5) days after the service of the notice on him, appeal against the expulsion as provided in this rule.</p> <p>42.5 An Ordinary Member on whom a notice under sub-rule 4 of this rule is served may appeal against the expulsion at a Special General Meeting by delivering or sending by email or post to the Association within five (5) days after the service of that notice a requisition in writing demanding the convening of such a meeting for the purposes of hearing his appeal.</p>

<p>(21) days after the date on which the requisition is received by the Public Officer.</p> <p>35.6 At a Special General Meeting convened for the purpose of this rule:</p> <p>(a) no business other than the question of the expulsion shall be transacted;</p> <p>(b) the Management Committee may place before the meeting details of the grounds of the expulsion and the Management Committee's reasons for the expulsion;</p> <p>(c) the expelled Member shall be given an opportunity to be heard and;</p> <p>(d) the Members present shall vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.</p> <p>35.7 If at the Special General Meeting a majority of the Members present vote in favour of the lifting of the expulsion the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his membership of the Association.</p> <p>35.8 If at the Special General Meeting a majority of the Members present vote in favour of the confirmation of the expulsion the expulsion takes effect and the expelled Member ceases to be a Member of the Association.</p>	<p>42.6 Upon the receipt of a requisition the Management Committee must hold a Special General Meeting of members within thirty (30) days after the date on which the requisition of appeal is received.</p> <p>42.7 At a Special General Meeting convened for the purpose of this rule:</p> <p>(a) no business other than the question of the expulsion must be transacted;</p> <p>(b) the Management Committee may place before the meeting details of the grounds of the expulsion and the Management Committee's reasons for the expulsion;</p> <p>(c) the expelled member or their appointed representative must be given an opportunity to be heard and;</p> <p>(d) the members present must vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.</p> <p>42.8 If at the Special General Meeting a majority of the members present vote in favour of the lifting of the expulsion the expulsion will be deemed to have been lifted and the expelled member is entitled to continue his membership of the Association.</p> <p>42.9 If at the Special General Meeting a majority of the members present vote in favour of the confirmation of the expulsion the expulsion takes effect and the expelled member immediately ceases to be a member of the Association.</p>
	<p><b>43 TEMPORARY SUSPENSION</b></p> <p><b>Suspension of members</b></p> <p>43.1 If the Management Committee considers that a member's conduct is detrimental to the interests of the Association, but the behaviour or action is not significant enough to warrant expulsion, the Management Committee may determine to suspend the person's membership effective immediately and for a time commensurate with the behaviour or action committed, up to a maximum of one month.</p> <p>43.2 A member who is temporarily suspended according to Clause 44.1 will be deemed to be a non-member of the Association for the period of</p>

	<p>suspension, and may not utilise any of the Association's facilities until the period of suspension has ended.</p> <p>43.3 The Management Committee must give notice of the suspension to the member and the notice must:</p> <ul style="list-style-type: none"> <li>(a) be in writing and include the particulars of the conduct; and</li> <li>(b) be given to the member not more than 5 days after the date of the action being committed.</li> </ul> <p>43.4 A member who is temporarily suspended under clause 44.1 may appeal against that suspension by giving notice to the Secretary within 5 days after receipt of the Committee's decision.</p> <p>43.5 The appeal must be considered at a special meeting of the Management Committee and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing for consideration at the meeting.</p> <p>43.6 The Management Committee members present at the special meeting must by majority vote, confirm, edit or set aside the decision of the Management Committee to suspend the member.</p>
<p><b>36. TEMPORARY EXCLUSION</b></p> <p>Any two officers or committeemen of the Association may exclude any Member from the Association for a period of up to twenty four (24) hours in the case of fighting, drunkenness or obnoxiousness. Any Member so excluded shall immediately leave the Association's premises and shall so remain until the period of expulsion is ended.</p>	<p><b>44 TEMPORARY EXCLUSION</b></p> <p>Any two Management Committee Members of the Association may exclude any member from the Association for a period of up to twenty four (24) hours in the case of fighting, drunkenness or obnoxiousness or if the member has been guilty of any other minor conduct detrimental to the interests of the Association. Any member so excluded must immediately leave the Association's premises until the period of expulsion is ended.</p>
<p><b>36B GRIEVANCE AND DISPUTES</b></p> <p>(1) This clause applies to disputes between-</p> <ul style="list-style-type: none"> <li>a) a member and another member; or</li> <li>b) a member and the Committee</li> </ul>	<p><b>45. Grievance and disputes procedures</b></p> <p>45.1 This clause applies to disputes between:</p> <ul style="list-style-type: none"> <li>(a) a member and another member; or</li> <li>(b) a member and the Committee.</li> </ul> <p>45.2 Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.</p>

<p>(2) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.</p> <p>(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend the meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.</p> <p>(4) The mediator must be-</p> <p>a) a person chosen by agreement between the parties; or</p> <p>b) in the absence of agreement- i)for a dispute between a member and another member- a person appointed by the Committee; or</p> <p>ii)for a dispute between a member and the Committee- a person who is a mediator appointed or employed by the department administering the Act.</p> <p>(5) A member of the Association can be a mediator.</p> <p>(6) The mediator cannot be a party to the dispute.</p> <p>(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.</p> <p>(8) The mediator, in conducting mediation, must-</p> <p>a) give the parties to the mediation process every opportunity to be heard;</p> <p>b) allow due consideration by all parties of any written statement submitted by any party; and</p> <p>c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.</p> <p>(9) The mediator must not determine the dispute.</p> <p>(10) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.</p>	<p>45.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.</p> <p>45.4 The mediator must be:</p> <p>(a) a person chosen by agreement between the parties; or</p> <p>(b) in the absence of agreement:</p> <p>(i) for a dispute between a member and another member – a person appointed by the Committee; or</p> <p>(ii) for a dispute between a member and the Management Committee – a person who is a mediator appointed or employed by the department administering the Act.</p> <p>45.5 A member of the Association can be a mediator.</p> <p>45.6 The mediator cannot be a party to the dispute.</p> <p>45.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.</p> <p>45.8 The mediator, in conducting the mediation, must:</p> <p>(a) give the parties to the mediation process every opportunity to be heard;</p> <p>(b) allow due consideration by all parties of any written statement submitted by any party; and</p> <p>(c) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.</p> <p>45.9 The mediator must not determine the dispute.</p> <p>45.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.</p>
<p><b>37 ALTERATION OF THE CONSTITUTION AND BY-LAWS (if any)</b></p> <p>37.1 The rules and/or by-laws (if any) from time to time may only be amended or varied by resolution passed by two thirds (2/3) majority of financial Members present at a General Meeting.</p> <p>37.2 Notice of the proposed amendment shall be included in the notice calling the Special General Meeting.</p>	<p><b>46 Altering the Constitution</b></p> <p>46.1 The Association may alter this Constitution by special resolution as per clause 18.4 but not otherwise.</p> <p>46.2 If the Constitution is altered, the public officer must ensure compliance with section 23 of the Act.</p>



<p>37.3 An amendment to the objects and purposes of the Association shall not be effective until approved by the Registrar.</p> <p>37.4 An alteration of the objects, purposes or rules is of no effect until a copy of the alteration is lodged with the Registrar of Companies in the Northern Territory.</p>	<p>46.3 An amendment to the objects and purposes of the Association will not be effective until approved by the Registrar.</p> <p>46.4 An alteration of the objects, purposes or rules is of no effect until a copy of the alteration is lodged with the Registrar of Companies in the Northern Territory.</p>
<p><b>SEAL OF THE ASSOCIATION</b></p> <p>38.1 The seal of the Association shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word 'seal'.</p> <p>38.2 The seal of the Association shall not be affixed to any instrument except by the authority of the Management Committee and the affixing thereof shall be attested by the signature either of two (2) members of the Management Committee or of one member of the Management Committee and of the Public Officer of the Association or such other person as the Management Committee may appoint for that purpose and that attestation is sufficient for all purposes that the seal was affixed by authority of the Management Committee.</p> <p>38.3 The seal shall remain in the custody of the Public Officer</p>	<p><b>47 Common seal</b></p> <p>47.1 The common seal of the Association must not be used without the express authority of the Management Committee and every use of that common seal must be recorded by the Secretary.</p> <p>47.2 The affixing of the common seal of the Association must be witnessed and attested by the signature of two members of the Management Committee or such other person as the Management Committee may appoint for that purpose.</p> <p>47.3 The common seal of the Association must be kept in the custody of the Public Officer or another person the Management Committee from time to time decides.</p>
<p><b>BY-LAWS</b></p> <p>41.1 The Management Committee may make repeal and amend such by-laws as it may from time to time consider necessary in the interests of the Association and are consistent with this Constitution.</p> <p>41.2 All members of the Association shall be bound by such by-laws.</p>	<p><b>48 BY-LAWS, CLUB RULES, POLICIES AND PROCEDURES</b></p> <p>48.1 The Management Committee may make repeal and amend such by-laws, club rules, policies and procedures as it may from time to time consider necessary in the interests of the Association and which are consistent with this Constitution.</p> <p>48.2 All members of the Association will be bound by such by-laws.</p>
<p><b>42. APPOINTMENT OF PATRON</b></p> <p>At each Annual General Meeting a patron shall be appointed.</p>	<p><b>49. APPOINTMENT OF PATRON/S</b></p> <p>At each Annual General Meeting a patron or patrons will be appointed.</p>
<p><b>LIQUIDATION OF THE ASSOCIATION</b></p> <p>43.1 The Association shall not be dissolved except by a resolution of not less than four fifths (4/5) of those present and eligible to vote at a Special General Meeting to that effect.</p>	<p><b>50 Distribution of surplus assets on winding up</b></p> <p>50.1 The Association will not be dissolved except by a resolution of not less than four fifths (4/5) of those present and eligible to vote at a Special General Meeting to that effect.</p>

<p>43.2 After repayment of all debts and liabilities including costs of liquidation and repayment of loans and any interest due thereon of all Members, all assets including properties, stocks on hand, plant, chattels, utensils and other goods shall be sold by private treaty or public auction or tender for the best price and the Liquidator shall pay the balance of the proceeds of the sale to any club/association in Darwin which has its main object in the promotion of sailing.</p> <p>43.3 Notwithstanding sub-rule 2 of this rule, no property of the Association shall be an asset in its winding-up if that property was acquired (a) from; or (b) using funds obtained in a grant from, the Northern Territory of the Commonwealth. (Property in this sub-rule includes an interest, whether legal or equitable, in property so acquired).</p> <p>43.4 No proceeds of liquidation shall be payable directly or indirectly to Members, relatives of Members or their heirs except repayment of debts or loan moneys.</p>	<p>50.2 If on the winding up or dissolution of the Association, and after satisfaction of all its debts and liabilities, there remains any assets, the assets must not be distributed to the members or former members.</p> <p>50.3 The surplus assets must be given or transferred to another association incorporated under the Act that:</p> <ul style="list-style-type: none"> <li>(a) has similar objects or purposes;</li> <li>(b) is not carried on for profit or gain to its individual members; and</li> <li>(c) is determined by resolution of the members.</li> </ul> <p>50.4 Notwithstanding sub-rule 2 of this rule, no property of the Association will be an asset in its winding-up if that property was acquired</p> <ul style="list-style-type: none"> <li>(a) from; or</li> <li>(b) using funds obtained in a grant from, the Northern Territory of the Commonwealth. (Property in this sub-rule includes an interest, whether legal or equitable, in property so acquired). <p>50.5 No proceeds of liquidation will be payable directly or indirectly to members, relatives of members or their heirs except repayment of debts or loan moneys.</p> </li></ul>
<p>44. ASSOCIATION ARCHIVIST</p> <p>44.1 The Management Committee shall at its first meeting appoint a member as the Association Archivist for its term of office.</p> <p>44.2 The Association Archivist shall be responsible for the keeping of all Association histories, documents and other records which relate to the Association and its activities.</p> <p>44.3 These records shall be kept and maintained on the premises or in security at the Association's Bank at all times.</p>	<p>Delete this clause as these duties are now carried out by the General Manager, staff and Management Committee.</p>