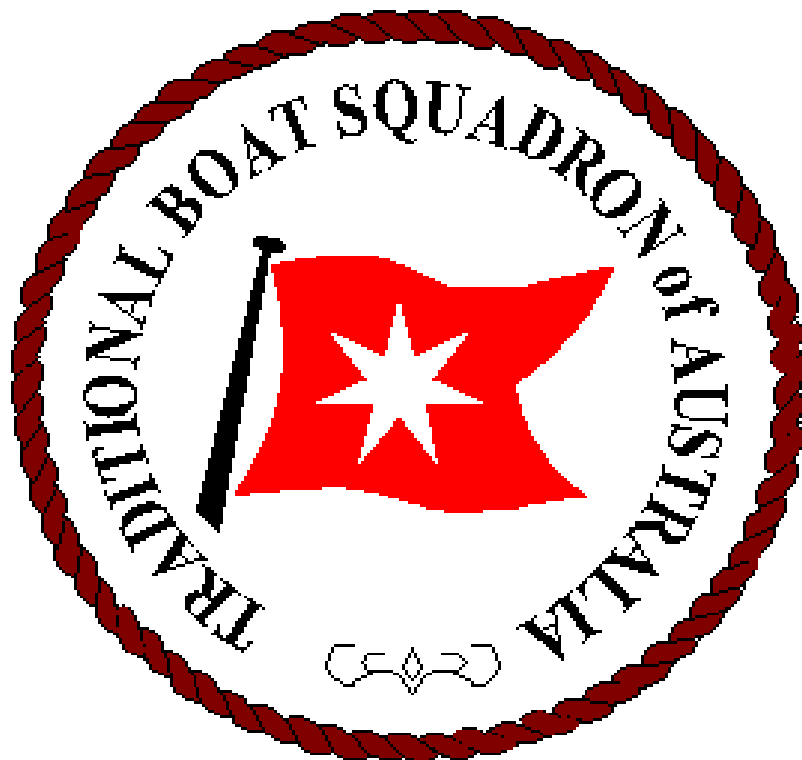


# Constitution of the Traditional Boat Squadron of Australia Inc.



**RULES TO BE READ IN CONJUNCTION WITH THIS CONSTITUTION**

RULE 1: ELIGIBILITY OF VESSELS

RULE 2: BOATING RULES &amp; CONDUCT

**1 DEFINITIONS:**

- 1) In this constitution: (i) “rule”, except as used in subclause 1(ii), means a rule made under clause 23 of this Constitution; (ii) “the Act” means the Associations Incorporation Act (ACT) 1991; (iii) “traditional boat” means a vessel which fulfils the requirements of Rule 1.
- 2) The clauses of this constitution, individually and severally, together with any rule or rules made under Clause 23, shall have the force of rules for the purposes of Division 4 of Part III of the Act.
- 3) The provisions of the Acts Interpretation Act (Cth) 1967 apply to and in respect of this Constitution and any rule made thereunder in the same manner as those provisions would apply to an instrument made under the Act.

**2 NAME:**

The name of the association will be the “TRADITIONAL BOAT SQUADRON of AUSTRALIA” hereinafter referred to as the “Squadron”.

**3 OBJECTS:**

To foster the use, construction, restoration and public display of traditional boats and items associated therewith on a national basis.

**4 POWERS:**

- 1) To organise and participate in regattas and public displays both in the A.C.T. and nationally.
- 2) To liaise with, and advise, various government and non government bodies and other interested parties on matters impacting upon traditional boats and associated matters.
- 3) To act as a national Coordinating body for the various State associations involved with traditional boats of all types or class and propulsive power including oar, sail internal combustion, electric and steam.

**5 INCOME AND PROPERTY:**

- 1) The income of the Squadron shall be derived from
  - (a) the annual subscriptions of members,
  - (b) any special levy which may be imposed on members by the vote of a two thirds majority of eligible members voting at the Annual General Meeting in any year;
  - (c) any gift or consideration, including but not limited to sponsorships, grants, subventions and donations, whether in money or money or kind, paid to the Squadron for a purpose which is consistent with the requirements of the Act and the objects specified in clause 3 of this constitution;
  - (d) any other source approved by the committee, being a source which is not contrary to law or inconsistent with any provision of the Act or of this constitution or any rule thereunder.
- 2)
  - (a) Where any gift or consideration, whether in money or kind, of the kinds specified in subclause 5(1)c above is paid to the Squadron in respect of participation of the Squadron or any or all of its members in any event or activity, being an activity which is consistent with the requirements of the Act and the objects specified in Clause 3 of this constitution, that gift or consideration shall constitute income of the Squadron and shall be recorded, managed or disbursed in accordance with the requirements of this Clause and Clause 8.
  - (b) Where any gift or consideration is received in monetary form, those monies shall be paid or, if paid to any other officer or member of the Squadron, forwarded to the Purser, who shall cause them to be entered within 14 days of receipt into the Squadron's banking account or, if there is more than 1 account, into that account which the committee shall from time to time specify.
  - (c) Where any such gift or consideration is received in material form, custody of that material, unless the committee determines otherwise, shall lie with the purser, who shall in any case cause details of that gift or consideration, together with an estimate of its monetary value, to be entered within 14 days of receipt into a register set up for that purpose.
- 3) Where any gift or consideration, whether money or kind, of the kinds specified in subclause c, is paid to any member in respect of participation of that member, or of a vessel owned by that member, in any event or activity, (being an event or activity which is not contrary to the Act) in which the Squadron has been invited to participate, that

gift or consideration shall be treated for the purposes of this Clause as if it were the property of that member.

- 4) The income and property of the Squadron however derived, shall be solely applied towards the promotion of the objects of the Squadron and no portion thereof shall be paid or transferred, directly or indirectly, by bonus or dividend to any member of the Squadron.
- 5) This does not prevent the payment in good faith to a worker or member of the Squadron of:
  - a) remuneration in return for services rendered to the Squadron by the worker or member in the ordinary course of business;
  - b) interest at current bank overdraft rate on money lent; or
  - c) a reasonable and proper sum by way of rent for premises let to the Squadron by the worker or member.

## **6 MEMBERSHIP:**

### (1) CLASSES:

- a) Associate member:- shall not have any voting rights nor shall any water craft owned or operated by an associate member be recognised for the purposes of this constitution.
- b) Full member:- shall have all rights and responsibilities conferred by this constitution.
- c) Life member: shall be offered to members having 10 years continuous financial membership including 5 years, not necessarily continuous, as an office bearer of the Squadron.
- d) Family Member: This class is to provide for the inclusion of the partner and dependent children to be nominated on a single application form. The application form will also nominate the voting member of the family. In all other respects the family members shall have all the rights and responsibilities conferred by the constitution on a full member.
- e) Limited Member: may be offered at times and or venues that the committee nominate for the purpose of allowing membership of the Squadron at the time or venue nominated by the committee.

2) ELIGIBILITY: Any person interested in the objectives of the Squadron may apply for membership.

(3) ADMISSION TO MEMBERSHIP: An application for membership of the Squadron:

- a) shall be on the proforma provided by the Squadron;

- b) shall not be effective until signed by the Executive Officer or nominated delegate; and
- c) the prescribed fee has been paid; then
- d) the Executive officer is to enter the persons names, address and other relevant details in a register kept for the purpose.

4) RIGHTS OF MEMBERS:

- a) Individual members shall be entitled to attend all annual and special general meetings of the Squadron and shall be entitled to 1 vote at these meetings.
- b) Individual members shall be eligible for election to any office or committee provided that a period of not less than 12 months financial membership has preceded their nomination for election.

(5) TERMINATION OF MEMBERSHIP:

- a) A financial member of the Squadron may at any time resign from the Squadron by written notice addressed to the committee.
- b) Any member whose subscription is more than 12 months in arrears shall be deemed unfinancial. Unfinancial members shall not hold any office, be members of any committee or be entitled to vote at any meeting.
- c) The membership of any person may be suspended or terminated by a two thirds majority vote at a meeting of the committee. A majority of members present at a special general meeting convened for the purpose may restore such membership.
- d) A right, privilege or obligation of a person by virtue of membership of the Squadron:
  - (i) is not capable of being transferred to another person or organisation;
  - (ii) terminates on the cessation of his or her membership.

(6) LIMITED LIABILITY: A member of the Squadron is liable to contribute towards the payment of any debts, however incurred, of the Squadron or the costs, charges and expenses of winding up of the Squadron only to the extent of his or her annual membership subscription.

(7) SUBSCRIPTIONS:

- (a) No entrance fee shall be payable in respect of membership of the Squadron.

- (b) Membership fees shall be due and payable on the first day of the financial year.

Full member	\$50
Associate member	\$12
Limited member	\$5
Life member	No subscription payable

- (c) Membership fees may be adjusted at a regular meeting where a quorum is present and the members have been advised in writing not less than 10 days beforehand.

## **7 ACCOUNTS AND FINANCE:**

- a) True and accurate accounts shall be kept:
- (i) of all moneys received and expended by the Squadron and the manner in which the receipt and expenditure occurred,
  - (ii) of the property, credits, assets and liabilities of the Squadron.
- b) The financial year shall be from the first day of July to the thirtieth day of June next following.
- c) The committee shall cause to be opened with such financial institution as the committee selects a banking account or accounts in the name of the Squadron into which all moneys received shall be paid within 14 days after receipt.
- d) No expenditure from any account of the Squadron shall be made except for expenditure authorised by the committee.
- e) All Cheques and other negotiable instruments shall be signed only by such persons as the committee shall from time to time nominate for that purpose.
- f) Regional fleets will operate with the Regional Coordinator acting as committee and will cause to be paid to the central committee a membership levy of an amount to be determined at the annual general meeting.

## **8 AUDITOR:**

- a) The committee shall appoint a suitably qualified person ( not being a member or Public Officer) as auditor. Once at least in each financial year of the Squadron the auditor shall examine the accounts of the squadron and report the correctness of those accounts to the members.
- b) The auditor:

- (i) has a right of access to the accounts, books, records, vouchers and documents of the squadron;
- (ii) may require from the members of the Squadron such information and explanations as may be necessary for the discharge of the duties of auditor; and
- (iii) may, in relation to the accounts examine any member of the squadron.

#### **9 ANNUAL GENERAL MEETING:**

- a) The Squadron shall in each year hold an annual general meeting on such day (not later than 5 months after the close of the financial year) as the committee may determine.
- b) The ordinary business of the annual general meeting shall be:
  - (i) to confirm the minutes of the preceding annual general meeting;
  - (ii) to receive from the committee, auditor, and members reports upon the activities of the Squadron during the last preceding financial year;
  - (iii) to elect the office bearers and committee of the Squadron.
- c) The annual general meeting may transact special business of which notice is given in accordance with this constitution.

#### **10 SPECIAL GENERAL MEETINGS:**

- a) The committee, may whenever it thinks fit, call a special general meeting of the Squadron.
- b) A special general meeting shall be summoned by the executive officer on the written request of not less than 10 members. The request shall state the objects of the meeting and the meeting shall be held no later than 28 days from the date of request. If the meeting is not convened in 28 days then the requesting members may convene the meeting but must do so within 2 months of the original request.

#### **11 NOTICE OF ANNUAL AND SPECIAL GENERAL MEETINGS:**

The committee shall give at least 14 days notice in writing to members of the day, date, time and venue of the meeting and the nature of the business to be transacted thereat.

## **12 QUORUM AND BUSINESS AT ANNUAL AND SPECIAL GENERAL MEETINGS**

- a) No item of business shall be conducted at a meeting unless a quorum of members entitled to vote is present.
- b) The quorum for the annual general meeting shall be 5 members.
- c) The Commodore or Regional Fleet Coordinator, or nominated delegate, shall preside at annual and special general meetings.

## **13 OFFICERS OF THE SQUADRON:**

- a) The officers of the Squadron shall be:
  - 1. A Commodore
  - 2. Regional Fleet Coordinators (1 elected for each regional fleet - such regions being defined by the committee when required).
  - 3. An Executive Officer.
  - 4. A Purser.
- b) The officers shall be elected annually from among the Squadron members entitled to vote.
- c) Where an officer is not available to carry out his / her duties as provided by this constitution and / or the Act for a period in excess of 14 days, the committee may nominate a member of the Squadron to carry out the duties of that officer for the period of the officer's absence.
- d) The positions of Office bearers may be amalgamated, combined or abandoned as the needs of the Squadron dictate for a finite period as decided by a vote at the AGM or other meeting called for the purpose provided that at any time there shall be at least three office bearers or other committee members duly elected under the provisions of Clause 13 or 15 as the case requires.

## **14 MANAGEMENT:**

- a) The affairs of the Squadron shall be managed by a committee.
- b) The committee:
  - (i) may, subject to this constitution, exercise all such powers and functions as may be exercised by the Squadron other than those powers and functions that are required by the constitution to be exercised by the annual general meeting of the members of the Squadron.



(ii) subject to the Associations Incorporation Act 1953 and this constitution has power to perform all such acts and things as appear to the committee to be desirable for the proper management of the affairs of the Squadron; and

(iii) shall have the power to appoint subcommittees for the purposes of conducting such duties as the committee directs.

## **15 COMPOSITION OF THE COMMITTEE**

- 1) The committee shall consist of;
  - a) The office bearers of the Squadron who shall be the office bearers of the committee;
  - b) Committee members to be coopted on a voluntary basis for performance of particular tasks for a finite period, but in any case not to exceed 12 months or the conclusion of the task whichever is the sooner. Such tasks may include all such duties required to ensure the effective and efficient discharge of the Squadron's business. The Commodore shall have the power to call for such volunteers at an AGM or meeting convened for the purpose and shall take into account the relative skills necessary before appointment to the committee is made
- 2) Casual vacancies:
  - a) All casual vacancies occurring in any office or committee shall be filled by a nominated delegate of the Commodore until the next annual general meeting when the delegate will have the option of nomination for election.

## **16 ELECTION OF MEMBERS OF THE COMMITTEE**

- 1) Nominations of candidates for election as officer bearers or committee members of the Squadron;
  - a) shall be made in writing;
  - b) shall be signed by a nominator and seconder, each of whom shall be eligible to vote;
  - c) shall contain the consent of the candidate; and
  - d) shall indicate the office for which the candidate is nominated.
- 2) Nominations shall be delivered to the Executive Officer before the commencement of the annual general meeting.
- 3) All eligible members shall have 1 vote for each position as officer or on the committee.

- 4) Members may vote in person or by post providing that all postal votes are delivered in reasonable time prior to the ballot and, further, all postal votes are signed by the eligible member.
- 5) The ballot for any election shall be held in such usual and proper manner as the committee shall direct.

#### **17 VACATION OF OFFICE:**

For the purpose of this constitution, the office of a committee member becomes vacant if the member;

- a) dies;
- b) becomes bankrupt or applies to take advantage of any law relating to bankrupt or insolvent debtors with his or her creditors;
- c) becomes of unsound mind;
- d) resigns, in writing, from office;
- e) ceases to be a member of the Squadron;
- f) becomes an unfinancial member of the Squadron.

#### **18 PUBLIC OFFICER:**

- 1) The committee of the Squadron shall, within 14 days after the incorporation of the Squadron, appoint a resident in the Territory to be Public Officer of the Squadron and, if the office becomes vacant, shall within 14 days after it becomes vacant, appoint a resident of the Territory to fill the vacancy.
- 2) The office of the public officer becomes vacant if that person;
  - a) dies;
  - b) becomes bankrupt or applies to take advantage of any law relating to bankrupt or insolvent creditors with his or her creditors;
  - c) resigns, in writing, from office;
  - d) becomes of unsound mind;
  - e) ceases to be a resident of the Australian Capital Territory; or
  - f) ceases to be a member of the Squadron.

**19 NOTICES:**

A notice may be served by or on behalf of the Squadron upon any member either personally or by post to the last known place of abode or postal address.

**20 ALTERATION TO CONSTITUTION:**

This constitution may be amended by resolution passed by a two thirds majority of financial members voting at a meeting convened for the purpose.

**21 COMMON SEAL:**

- 1) The seal of the Squadron shall be a stamp bearing the Squadron insignia surrounded by the words “TRADITIONAL BOAT SQUADRON of AUSTRALIA - SEAL”.
- 2) The seal shall only be affixed to those instruments that are approved by the committee.
- 3) The seal shall remain in the custody of an officer nominated by the committee.

**22 CUSTODY OF BOOKS AND DOCUMENTS:**

- 1) Subject to the Act and any regulations thereunder, the secretary shall keep in his or her control all records and documents, other than financial records and documents, of the Squadron.
- 2) Subject to the Act and any regulations thereunder, the Purser shall keep in his or her control all records and documents pertaining to the finances of the Squadron.
- 3) The responsible officer, as provided in this clause, shall permit any member to inspect any document or record at a general meeting, a committee meeting or the normal place of residence of that officer, as the member shall specify, within 7 days following a request from the member to inspect the documents.

**23 RULES:**

- 1) Subject to subclause 23(3), the Squadron may make rules on any matter covered by or relating to any provision of this constitution.
- 2) A rule may be made or amended by a vote of a simple majority of eligible financial members voting at a general meeting, on the motion of the committee or of three or more eligible financial members, providing that the following notice of the proposed amendment or rule

has been given in writing to all members eligible to vote at that meeting:

- (i) in the case of a new rule - 28 days;
  - (ii) in the case of an amendment - 14 days.
- 3) A rule or amendment may not be made under this clause if it would be in whole or part:
- (i) contrary to law,
  - (ii) contrary to any provision of the Act or of any regulation thereunder, or to any provision of this constitution; or
  - (iii) not consistent with the objects of the Squadron

#### **24 CONSTITUTION AND RULES TO BE SUBJECT TO THE ACT:**

This constitution and any and all rules made pursuant thereto are subject to the provisions of the Act and shall be null and void to the extent that they are contrary to any provision thereof.

#### **25 WINDING UP:**

If upon winding up or dissolution of the Squadron there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to, or distributed among the members of the Squadron, but shall be transferred to a society, institution or organisation covered by the provisions of Item 81 (1)c in the first schedule to the Sales Tax (Classifications and Exemptions) Act, or to some other institution or institutions having similar objects to the Squadron, and which is a fund, authority or institution referred to in paragraph 78 (1)(a) of the Income Tax Assessment Act 1936, such institution or institutions to be decided by members of the Squadron before dissolution, or in default thereof by the Supreme Court of the Australian Capital Territory.

**RULE 1****ELIGIBILITY OF VESSELS**

1. Eligibility under this Rule shall entitle a vessel, owned by a full member or a life member, subject to Clause 2 of this Rule:
  - (a) to fly the burgee of the Squadron;
  - (b) to participate in regattas organised by the Squadron;
  - (c) to represent the Squadron in any regatta, display or other event;
  - (d) to participate in the benefits of any gift, insurance, indemnity, privilege or other benefit applying to vessels of the Squadron.
2. Notwithstanding any provision of Clause 1, a vessel shall not be entitled to participate in any regatta, race, cruise or other event involving the active working of vessels, or to participate in the benefits of any insurance, indemnity or privilege, unless the Committee is satisfied in each instance that
  - (a) it is soundly constructed in respect of fabric, rig and motive power;
  - (b) it is in a sound and seaworthy condition, having regard to the waters and conditions in which it is being operated;
  - (c) it complies with any applicable boating regulations in force in the place where it is being operated;
  - (d) it complies with any applicable rule of the Squadron, or of the body organising the event, with regard to safety or environmental acceptability;
  - (e) it complies with all other applicable Commonwealth, State or local safety requirements;
  - (f) in the case of an insurance it complies with the requirements of the insurer; and
  - (g) it is otherwise fit for the purpose to which it is being put.

Where a vessel fails to comply with any requirement of this clause, the Committee may rule that it is eligible, in respect of such an event, for the purposes of static display only.

**3. Historic, Steam Powered and Traditionally Constructed Vessels:**

Except where Committee expressly rules otherwise, a vessel shall be eligible under this Rule if it meets one or more of the following conditions:

- (a) it was constructed more than 30 years prior to the date of application and either
    - (i) has not been modified within that period in such a way as to alter its basic shape or function; or
    - (ii) has been, is being or will be restored to its original form;
  - (b) it is constructed of wood by any traditional method, e.g. carvel, batten carvel or roved clinker;
  - (c) its principal motive power is a steam engine;
  - (d) it is of special historic significance.
4. Derivatives, replicas and developments of traditional vessels:
- (1) Except where the Committee expressly rules otherwise, a vessel shall be eligible if it meets two or more of the following requirements:
    - (a) it is constructed of wood by any method not covered by subclause 3(b) above;
    - (b) it is constructed of any other material, or by any other means, which the Committee deems to be traditional;
    - (c) the vessel's design replicates or is derived from the functional characteristics of any workboat design or type that was in common use in any part of the world before December 31 1939;
    - (d) the vessel's design replicates or is derived from any design or type of pleasure vessel which has not been commonly constructed in any part of the world since 1 January 1960;
    - (e) it is a true and functional replica of a vessel which would be eligible under subclause 3(a) or (d) of this Rule;
    - (f) the vessel's principal sailing rig sets a gaff, sprit or yard;
    - (g) the vessel's principal motive power is an electric motor;
    - (h) the vessel's principal motive power is an internal combustion engine of a type or model that entered into production before 31 December 1959, or a true and functional replica thereof;
    - (i) it is a vessel primarily intended to be rowed or paddled.
  - (2) The Committee may rule that any vessel meeting any one of the requirements set out in 4(1) above is eligible.

5. Reduced scale replicas:

A reduced scale replica shall be eligible provided:

- (a) it is a true and functional replica of a vessel which would be eligible under any other part of this Rule;
- (b) it is proportionate in all dimensions to the vessel which it replicates, subject only to such modifications as are necessary for safe and efficient navigation;
- (c) it is capable of being safely and efficiently navigated by one or more persons located wholly on board and supported wholly by the buoyancy of the hull, without the agency of any remote, programmed or automatic steering or control mechanism; and
- (d) its means of propulsion comply with the requirements of this Rule.

6. Vessels not ordinarily eligible:

Notwithstanding any provision of clause 4 above, a vessel not fulfilling any of the requirements of clause 3 of this Rule shall not be eligible, unless deemed to be so by specific ruling of the Committee, if:

- (a) the vessel's principal designed motive power is an outboard motor constructed after 31 December 1959 or the outboard motor is of no historic significance;
- (b) it is expressly built to a current racing rule recognised by the AYPF (other than a rule expressly encompassing historic or traditional vessels or designs recognised as such by the Committee);
- (c) it is primarily constructed of Ferro-cement.

7. Committee to Adjudicate in Disputes:

- (a) In the case of any dispute concerning the interpretation of any provision of this Rule, final determination shall lie with the Committee.
- (b) In investigating and determining any such dispute, the Committee shall observe the rules of natural justice.
- (c) The Committee may appoint a Classifications Subcommittee, either on a standing basis or in an individual case, to hear and advise it on any dispute or other matter concerning this Rule.
- (d) The Committee may at any time delegate to a person or persons its powers of determination with regard to any matter covered by Clause 2 of this Rule.

**RULE 2****BOATING RULES & CONDUCT**

- 1) Squadron water craft will be deemed to be covered by this constitution. when in a public place, only when identified as being part of the Squadron, such identity shall;
  - (i) be the Squadron Burgee, or
  - (ii) other identifying means as approved by the committee.
- 2) Members shall operate their water craft in strict accordance with the regulations and rules imposed by the relevant maritime or other controlling body responsible for the body of water in which the water craft is being used.
- 3) Members shall show respect at all times to Naval Vessels of all nationalities, ensigns / flags shall be dipped when appropriate.
- 4) Members are to ensure that safety equipment is carried aboard their water craft at all times when the water craft is in use afloat. The schedule of safety equipment shall be consistent with the requirements of the Boating Handbook published by Roads & Maritime NSW.
- 5) Members are to ensure that their vessels are covered by an appropriate level of Marine 3<sup>rd</sup> party liability insurance whenever the vessel is being used in an activity organised by the squadron
- 6) Notwithstanding provisions of these rules, all possible action shall be taken by members to avoid collision and/or damage to any other water craft.



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