PORT CURTIS SAILING CLUB INC

BY-LAWS

1. VALIDITY

(1) These By-laws have been approved by the Management Committee of the Port Curtis Sailing Club Inc (club) on the 16th of July 2009. They shall replace all previous By-laws.

(2) These By-laws shall be read in conjunction with the Model Rules (Constitution) of the club. These By-laws have been prepared in accordance with the provisions of clause 30 of the club rules.

2. MEMBERSHIP

(1) As provided in clause 5 of the club rules, membership shall consist of the following classes:

(a) Ordinary members.

(b) Associate members.

(c) Life members.

(d) Honorary members.

(2) Ordinary Members.

(a) Any person over the age of eighteen (18), and who has an interest in the sport of sailing, may apply for membership.

(b) Ordinary members have the right to:

(i) Vote at general meetings;

(ii) nominate other members for positions on committees;

(iii) be nominated for positions on committees;

(iv) apply for racing nomination; and

(v) apply for the use of the club facilities (boat storage, winches, etc).

(c) A member who participates regularly in club events must be an ordinary member.

(3) Associate Members.

(a) Any person who has an interest in the sport of sailing may apply for membership. Application for associate membership shall be the same as applications for ordinary membership.

(b) For the reason of fees, associate membership is subdivided into the following categories:

(i) Associate members (senior); and

(ii) Junior members (under the age of 18).

(c) Associate members do not have the right to:

(i) Vote at general meetings;

(ii) nominate other members for positions on committees;

(iii) be nominated for a position on the Management Committee;

(iv) apply for Racing Nomination, except for junior members; and

(v) apply for the use of the club facilities (boat storage, winches, etc), except for junior members.

(4) Life Members.

A member who has given constant and meritorious service the club over a period of at least ten years may be proposed for life membership. A proposal for life membership shall be signed by five members and submitted to a general meeting. Should the motion be passed by the general meeting, the proposal shall then be submitted to the next Annual General Meeting (A.G.M.) or to a Special General meeting called for this purpose.

Life members shall be entitled to all the rights and privileges of an ordinary member, without having to pay and membership fees.

(5) Honorary Members.

The Management Committee shall have the power to grant honorary membership to any person who is:

(a) Members of Australian Yachting Federation (AYF) and Queensland Yachting Association (QYA) affiliated Sailing or Yacht Clubs; or

(b) Assisting in the organisation of a sailing sporting event.

Such membership shall be issued for the limited period of thirty (30) days beyond which the visitors would be expected to apply for membership as an ordinary member. Honorary members do not have any voting powers and are not required to pay any membership fee. The Management Committee may withdraw any honorary membership at any time.

3. MANAGEMENT COMMITTEE

The Management Committee has the general control and management of all club activities and affairs. The Management Committee shall consist of a minimum of 5 members, as follows:

1. President (or Commodore)
2. Vice President (or Vice Commodore)
3. Treasurer
4. Club Captain
5. Business Officer

The A.G.M. may elect additional members, if required, up to a total for the Management Committee of 8 members. It is desirable for the Rear Commodore (president for the past year) to be a member of the Management Committee. The Management Committee shall have formal meetings every month, or more often, if required.

(1) President (Commodore).

The main duties of the club president are as follows:

(a) In representing the club, shall at all times consider the best interests of the club, with due regard to its function, purpose, objects, aims, future development and place within the community.

(b) Shall act as chairperson at Management Committee meetings and General meetings of the club.

(2) Vice President (Vice Commodore).

The main duties of the club vice president are as follows:

(a) In the absence of the president, officiate and chair Management Committee meetings and General meetings of the club.

(b) Chair Sailing Committee meetings and represent the Sailing Committee at the Management Committee meetings of the club.

(c) Make recommendations to the Management Committee on operational and financial matters relating to the sailing activities of the club.

(3) Treasurer.

The main duties of the club treasurer are as follows:

(a) Ensure the club financial affairs are conducted in accordance with the requirements of the club Model Rules.

(b) Ensure that up-to-date financial statements showing the position of the finances of the club as recorded in the accounts are submitted to the Management Committee at regular intervals as directed by the Management Committee.

(c) Ensure that all monies received by the club are deposited in bank accounts of the club with all practical dispatch. Issue signed receipts for all monies received where appropriate (membership fees, racing nominations, boat storage fees, etc), and ensure duplicate of all receipts are retained.

(d) Ensure proper books of accounts are kept of all receipts and payments on behalf of the club and also of the assets, credits and liabilities of the club.

(e) Ensure all expenditures are approved or ratified by the Management Committee in accordance with Management Committee directions.

(4) Club Captain.

(a) The club captain or his nominee has the power to control the following:

(i) Allocate and control boat storage space, bays, etc within the clubhouse and surrounding areas;

(ii) the use and maintenance of club equipment including boats, winches, trolleys, etc;

(iii) parking and rigging areas;

(iv) use of club ramps, yards and pontoons; and

(v) club premises.

(b) The main duties of the club captain are as follows:

(i) Chair the Works Committee meetings and represent the Works Committee at Management Committee meetings; and

(ii) make recommendations to the Management Committee on operational and financial matters regarding the club assets and facilities.

(5) Business Officer.

The main duties of the business officer are as follows:

(a) Monitor the commercial operations of the club and liaise with the club manager.

(b) Assist the club manager with day to day matters relating to the commercial operations.

(c) Make recommendations to the Management Committee on operational and financial matters relating to the commercial operations of the club.

4. CLUB SECRETARY

(1) The club secretary is appointed by the Management Committee. The secretary does not need to be a member of the club, but must comply with the requirements outlined in the club Model Rules.

(2) Unless an elected member of the Management Committee, the club secretary does not have the right to vote at Management Committee meetings.

(3) In addition to the functions stipulated in the club Model Rules, the main duties of the club secretary are as follows:

(a) Keep an up-to-date register of members.

(b) Keep an up-to-date copy of the club Model Rules and By-laws.

(c) Keep an up-to-date copy of the club insurance policies, leases and other legal documents.

(d) Ensure the safe custody of books, documents, instruments of title and securities of the club.

(e) Take, type and keep minutes of all Management Committee meetings and club General meetings.

(f) Regularly clear the mail box and circulate correspondence to members of the Management Committee.

(g) Assist the club president with the running of meetings.

(h) Assist the club treasurer with the preparation of the Annual Report.

(i) Do all things and write all letters as directed by the Management Committee.

5. COMMERCIAL OPERATION

(1) The commercial operation of the club shall include the bar trading, gaming machines and other trading activities as nominated by the Management Committee.

(2) The Club Manager.

(a) The club manager shall be appointed by the Management Committee. The Management Committee shall have the power to dismiss the club manager in accordance with the club manager's terms of employment.

(b) The club manager shall report to, and take instructions from the Management Committee. Individual members of the Management Committee, members of other committees and club members shall not give the club manager direct instructions.

(c) Exceptions to rule 5. (b) above apply to the treasurer and the club business officer who may liaise and assist the club manager in the day to day operation of the club.

(d) The main duties of the club manager are as follows:

(i) Manage the club commercial operation, including paid staff;

(ii) employ and dismiss paid staff;

(iii) prepare a Profit and Loss Statement at least every month, or as required by the Management Committee; and

(iv) attend Management Committee meetings when required by the Management Committee.

(e) The club manager shall not have voting rights at Management Committee meetings.

(f) The club manager shall not commit club funds without prior authorisation by the Management Committee, unless the expenditure is part of a procedure approved by the Management Committee.

6. SAILING COMMITTEES

(1) The Sailing Committee consists of the following members:

(a) Chairperson (Vice President).

(b) Club handicapper.

(c) Club coach.

(d) Club social officer.

(e) Representatives of the various racing divisions.

(f) Other members, as required (measurer, publicity officer, newsletter, etc).

(2) Members of the Sailing Committee are elected at the first general meeting of the club.

(3) Should some positions become vacant, or some additional positions become necessary, the Management Committee may appoint additional members to the Sailing Committee.

(4) Only elected or appointed members of the Sailing Committee have the right to vote. Other club members may attend committee meetings, but shall have no voice unless requested and shall have no voting rights.

(5) The main duties of the Sailing Committee are as follows:

(a) Organise and take charge of all club sailing events.

(b) Ensure up-to-date, approved sailing instructions are made available to all members prior to the start of the sailing season. Sailing instructions shall be approved by the Management Committee. Special sailing instructions may be issued for special events.

(c) Ensure the calendar of club events is issued early in the sailing season.

(d) Issue Notices of Race, Acceptance of Entries, etc.

(e) Ensure each club sailing event is managed by an officer of the day who shall:

(i) Post courses on the notice board;

(ii) conduct briefings;

(iii) ensure sufficient rescue boats and crews are available;

(iv) ensure the start boat is available and manned;

(v) ensure all courses are laid with adequate marks;

(vi) check the weather and cancel racing if weather unsuitable;

(vii) ensure all boats racing sign on the nominated sheet and check that all racing boats have returned; and

(viii) ensure the boathouse and the canteen are secured at the end of the day.

(f) Ensure suitable handicaps are issued.

(g) Ensure learn-to-sail programs and other junior sailing activities are catered for.

(h) Ensure a protest committee is established when required.

(i) Ensure the club has an effective involvement in other sailing events starting or finishing in Gladstone (Brisbane to Gladstone Yacht Race, etc).

(j) Organise club social events, including Christmas party, trophy presentation, social sailing events, winter series, etc.

(k) Issue suitable press releases.

(l) Publish the club newsletter.

(m) Operate a canteen and bar downstairs when required.

(n) Prepare expenditure forecast (sailing activities) for planning purposes by the Management Committee.

(6) The club handicapper shall prepare handicaps prior to each race and adjust them in accordance with established formula. Results of each race shall be posted on the day of the race. Any member shall be entitled to enquire of the Sailing Committee the basis of his/her boat handicap or aggregate standing.

(7) The club coach shall ensure that junior sailing activities (division five (5), learn-to-sail, school sailing, etc) are conducted in accordance with approved club procedures. Club procedures shall be approved by the Management Committee. The club coach shall chair any subcommittee set up to oversee junior sailing.

(8) The club social officer shall be in charge of the club social events. The social officer shall chair any subcommittee set-up to oversee social activities, publicity activities, canteen and other such activities.

7. WORKS COMMITTEE

(1) The Works Committee consists of the club captain (chairperson) and a minimum of two (2) members elected by the first General meeting of the club.

(2) The main duties of the Works Committee are as follows:

(a) Ensures the orderly conduct and proper functioning of activities in and about the clubhouse and its grounds, as directed by the Management Committee.

(b) Ensure that a register of assets is maintained for all main club assets, including buildings, club boats, machinery, trolleys, winches, motors, etc.

(c) Ensure that club assets are maintained on a regular basis in accordance with statutory requirements and good practice.

(d) Keep a record of maintenance expenditures for the main club assets.

(e) Prepare and maintain operating procedures for the use of main club assets. Procedures are to be approved by the Management Committee.

(f) Keep a register of locks and keys.

(g) Prepare expenditure forecast for planning purposes by the Management Committee.

8. DEVELOPMENT COMMITTEE

(1) A committee of three senior members of the club including Chairman may be appointed by the Management Committee.

(2) The function of the Development Committee shall be to consider matters effecting future development and direction of the club and to advise the Management Committee on such matters. It shall include preparing such plans, proposals, schemes and draft documents necessary for the club to make known its requirements to the various authorities with which it deals. The Development Committee shall assist with planning the development and expansion of the club’s facilities, to meet the present and future needs.

9. FEES

(1) Membership and other fees shall be set annually at the A.G.M. of the club upon the recommendation of the Management Committee, and shall become immediately payable after such meeting.

(2) Any member whose fees remain unpaid after the 31st October in any year shall be given notice by the secretary of such financial status and if at the expiration date of fourteen (14) days from the posting of such notice the fees be still unpaid, such person shall cease to be a member of the club. Any person ceasing to be a member shall forfeit all benefits and privileges conferred by his previous membership.

(3) Any person who ceases to be a member and wishes subsequently to rejoin shall be deemed to be a new applicant for new membership and shall submit new applications and joining fee. Only financial members may vote at meetings.

(4) The Management Committee shall have the power to forego not more than one-half of the first year's membership subscription in the event of a member joining after the first day of January in any year.

(5) An application for new membership shall be accompanied by a joining fee and the first year's membership not being granted to the applicant such fees shall be refunded.

10. REGISTRATION OF BOATS

(1) Every boat owner being a member of the club must apply for measurement and registration of his/her boat before he/she may participate in any race controlled by the club.

(2) All particulars of owner's name, measurement of boats, name of boat and type or description, shall be given to the club secretary in application for registration.

(3) The club may issue a registration number in respect to any boat accepted. Numbers and names shall be fixed in accordance with the prescription of the I.Y.R.U. and/or the A.Y.F. from time to time.

(4) In the event of a registered boat changing ownership or name, the club must immediately be notified.

(5) Should any member of the club being a boat owner become unfinancial his/her boat shall be de-registered and barred from competing in any race organised by the club. Upon readmittance to membership or upon becoming financial, he/she may apply for re-registration.

11. USE OF CLUB FACILITIES

(1) Use of club facilities is a privilege, not a right.

(2) Only ordinary or life members shall be entitled to use the slipping facility unless authorised by the Management Committee.

(3) Use of the slipping facility shall be by prior arrangement with the club captain or nominee.

(4) The club's Goondoon Street facility is provided for normal inspection and servicing of members yachts and for club vessels. It is not available for commercial operators, or lengthy overhauls of yachts.

(5) Slipping facilities are available only to race nominated yachts that have competed in a minimum of five PCSC races in the previous season. Slipping for other race nominated yachts is at the discretion of the management committee. Slipping is not available to other vessels.

(6) Yachts on trolleys shall be located only where directed by the club captain and may be moved to provide access on race days.

(7) The club shall be entitled to charge fees for slippage, storage and other use of club facilities.

(8) Members shall use club facilities at their own risk. A condition for the use by members of the club facilities is that members shall wave and release all claims they may have against the club, its officials, members and administrators arising out of the use of the club facilities.

(9) The pontoon is provided for access to member's yachts only. By arrangement with the club captain a yacht may be brought alongside for maintenance work for limited duration for which use the club may charge a fee. Not withstanding such arrangement, such yachts shall be clear of the facility on race days and days of other club organised events.

(10) No member or visitor shall be permitted to live aboard a yacht moored to the facility unless specifically approved by the Management Committee.

(11) At all times members shall endeavour to keep one bay of the pontoon clear to enable other member's yachts short term access for loading.

(12) Yachts shall be moved at the request of the club captain.

(13) Dinghies shall not be tied to the pontoon for other than reasons of immediate access to a member's yacht, and then shall not prejudice the use of the facility by yachts.

(14) Parking is restricted within the club grounds on weekends (Saturday and Sunday), at Easter and on other days of organised events.

(15) Only vehicles attached to trailers for the purpose of launching and retrieval may be brought into the grounds on sailing days.

(16) Dinghy and catamarans may be parked on their trailers for rigging purposes but the vehicle shall be parked outside of the grounds.

(17) Visitors to the club shall not be permitted to park within the grounds on sailing days.

(18) The roadway in front of the clubhouse shall be kept clear for access to the grounds by trailer yachts.

12. AUDITOR

(1) One auditor shall be appointed at the A.G.M in each year, who shall hold office until the next A.G.M.

(2) Should a vacancy occur in the position of auditor during any year, an alternative auditor shall be appointed by the Management Committee.

(3) The auditor shall at the end of each financial year and prior to the next A.G.M., audit the club treasurer's books of account, the treasurer's statement of receipts and expenditures and assets and liabilities for presentation at such meeting and shall sign the same and shall if the auditor thinks fit report thereunto such A.G.M.

13. ANNUAL GENERAL MEETING

(1) The Annual General Meeting (A.G.M.) shall be held as soon as possible after the end of the financial year. The A.G.M. shall be held on a convenient date determined by the Management Committee. Such a date is to be set to ensure adequate time is given to new committees to prepare to prepare for the coming sailing season commencing in September each year. The A.G.M. shall not be held without a completed auditor's report.

(2) Notice of the A.G.M. and the date set shall be advised by the Management Committee to all members fourteen (14) days in advance by the most appropriate means.

(3) The business to be transacted at every A.G.M. and the order of business shall be:

(a) Confirmation of the Minutes of the previous A.G.M.

(b) President's report for the year.

(c) Treasurer's report and presentation of financial statements.

(d) Presentation of the Auditor's reports on the books and accounts.

(e) Presentation of Committee Reports.

(f) Election of Management Committee members:

(i) President;

(ii) vice president;

(iii) treasurer;

(iv) club captain;

(v) business officer, and

(vi) other members, as required, up to a total of eight (8).

(g) Setting of annual fees.

(h) Appointment of Auditor.

14. USE OF HARDSTAND AND BOAT PARKING

(1) Members shall not park nor store their boats and trailers on club grounds, parking areas, hardstand and grassed areas unless authorised by the club captain.

(2) Storage of boats or trailers on hardstand and parking areas shall be on an annual basis and shall attract a fee.

(3) Minimum allocation is one bay (3 metres wide) per vessel with a maximum of two bays per vessel. Bays may be allocated on a ½ bay basis if required.

(4) Members shall use hardstand and parking areas at their own risk. A condition for the use by members of the hardstand and parking areas is that members shall waive and release all claims they may have against the club, its officials, members and administrators arising out of the use of the hardstand and parking areas.

(5) Hardstand and parking areas are intended for division one (1) and two (2) trailer sailors and a limited number of fixed keel yachts on trailers. Number and size of fixed keel yachts will depend on availability of suitable parking areas.

(6) Members wishing to store their boats on hardstand and parking areas must nominate each year by filling out and returning a nomination form. At the start of each sailing season, the club captain will allocate storage bays to successful applicants.

(7) Storage bay allocation shall be based on the following criteria:

(a) Applicants must be ordinary or life members and have their boat race nominated.

(b) Applicants must have paid their fees for the coming season.

(c) Preference will be given to active members who race regularly.

(d) First priority will be given to members who hired a storage bay the previous season, and who have raced at least sixty percent (60%) of the nominated races for that season.

(e) Second priority will be given to members who have not hired a storage bay the previous season.

(f) Third priority will be given to members who have not hired a storage bay the previous season, but have raced less than sixty percent (60%) of the nominated races the previous season.

(g) Members who miss out will go onto a waiting list. Storage bays will be allocated to them as storage bays become available, starting with members who applied first.

(h) Nominated races shall include all handicap event series, championship events, round the islands race, ORC series and fairway buoy/tripod series, as per the calendar of events.

(i) Yachts which cannot race on a nominated race because the skipper and/or crew is doing rescue boat/Toot duties will be given points for this race provided they notify the club captain.

(j) Yachts which cannot race on a nominated race because of their participation in other race events out of town will be given points for that race provided they notify the club captain.

15. BUILDING FUND

(1) The Building Levy funds must only be used for significant capital improvements (greater than $10,000) which may include servicing of loans for capital improvements of the club premises.

(2) Funds collected from members will be placed in a specific account called “Building Levy Fund”.

(3) The funds in the account must be reviewed yearly at the time of budget preparations and capital expenditure.

(4) The levy must be reviewed each year when the Management Committee set the fees and charges for the forthcoming year.

(5) The levy as a minimum should increase in line with CPI (in particular construction/building CPI).

(6) All such capital improvements must be approved by the Management Committee.

(7) The Building Levy cannot be used for asset replacement of plant and equipment.