



CRUISING YACHT CLUB OF SA INC

**REGULATIONS
RACING ASSOCIATION**

(Incorporating amendments made 30 July 2010)

1. TITLE

The full title of the Association shall be the Cruising Yacht Club of South Australia Racing Association, hereinafter referred to as the “**Association**”.

2. STATUS

It is acknowledged and recognised that the Association has been formed as a division of the Cruising Yacht Club of South Australia Incorporated (“the **Club**”) to further support and foster particular activities within the Club and its members and as such is subject to the Constitution of the Club and that all assets and liabilities of the Association are assets and liabilities of the Club.

3. OBJECTS

The objects of the Association shall be:

- (a) To encourage, promote and control yacht racing and social activities associated with such racing amongst the members of the Club;
- (b) To liaise with the peak South Australian yachting authority and affiliated clubs and associations on all matters concerning yacht racing;
- (c) To represent the members of the Association in negotiations with other yachting bodies in relation to combined racing;
- (d) To program suitable events for Association members, to maintain records of such events, to provide appropriate trophies for single events and series of events and to declare winners of Club Championship in appropriate classes or groups;
- (e) To raise funds by subscription or otherwise in order to carry out the objects of the Association; and
- (f) To do all such acts and things as may be necessary to carry out the above objects.

4. MEMBERSHIP

- (a) Membership of the Association is open to all financial members of the Club interested in yacht racing.
- (b) An interested person can apply for membership of the Association by submitting to the Racing Manager an application form in the form prescribed from time to time and paying such membership fee as may be prescribed.
- (c) Membership of the Association may be refused or terminated by the Racing Executive.

5. SUBSCRIPTIONS

- (a) The Associations year shall commence on the first day of June in each year. The amount of the entrance fees and annual subscriptions to the Association (if any) shall be determined by the Racing Executive. All annual subscriptions shall become due on the last day of May in each year and shall be payable before the first day of August.
- (b) A member who does not pay their annual subscription within four (4) months after the Annual General Meeting shall, unless the Racing Executive otherwise determines, automatically cease to be a member of the Association.

6. MANAGEMENT

- (a) The affairs of the Association shall be managed by the Racing Executive to be known as the “Racing Executive” consisting of up to six members of the Association and up to two ex officio members. The Racing Executive shall include a Chairperson, Deputy Chairperson, and up to four other members. The Racing Executive may also invite suitably experience persons to

assist them and attend meetings in an ex officio capacity. The Racing Manager will attend meetings and contribute as directed and act in accordance with item 16 of these regulations.

- (b) At the Annual General Meeting in each year all members of the Racing Executive shall retire but shall be eligible for re-election.
- (c) Members of the Association who are Senior Members, Life Members or Members of the Club shall be eligible for election to the Racing Executive.
- (d) No eligible Member of the Association shall be elected to office unless he/she has been nominated by a financial Member of the Association (other than the nominee) and such nomination shall have been seconded by another financial Member of the Association (other than the nominee) and he/she shall have agreed to accept such nomination in accordance with these regulations.
- (e) Nomination forms for the election of the Racing Executive shall be forwarded to all members of the Association not less than thirty (30) days prior to the Association Annual General Meeting. Duly completed nomination forms must be returned in the envelope provided to the Executive Officer of the Club no later than twenty one (21) days prior to the Annual General Meeting.
- (f) If there are more candidates than there are vacancies then a secret ballot shall be conducted at the Annual General Meeting. The Chairperson shall appoint scrutineers for such a ballot prior to the ballot.
- (g) Every Member of the Association shall be entitled to vote for as many candidates as there are vacancies to be filled and no more.
- (h) In the event that insufficient nominations are received to fill the vacancies on the Racing Executive at the close of nominations, those who have nominated shall be deemed elected to the Racing Executive and the elected Racing Executive shall have the power to appoint members to fill the vacancy from the members of the Association for the period of office.
- (i) Within seven (7) days of the closing of nominations, a poll may be demanded by written notice signed by not less than six eligible members and delivered to the Racing Manager. If a poll is demanded then the provisions of paragraphs (g) and (h) shall not apply but the provisions of paragraphs (j) and (k) shall apply in lieu thereof.
- (j) If a poll is demanded in accordance with paragraph (i) the Chairperson shall forthwith direct that the ballot be conducted as a poll in such manner as the Chairperson shall direct and on such poll:
 - i. each boat owning Member shall be entitled to vote for as many candidates as there are vacancies to be filled and no more and shall place the ballot paper in the envelope marked "Ballot Paper" for that purpose;
 - ii. each boat owning Member shall have one vote for each candidate for whom he/she votes pursuant to paragraph (i) hereof;
 - iii. for the purposes of this clause a "boat owning Member" shall be a member who is entered as the owner of a boat in the register kept by the Racing Manager pursuant to Clause 18 of these regulations; and
 - iv. notwithstanding any other provision of this clause where there is more than one person registered as the owner of a boat the person whose name stands first in the register in respect of such boat shall alone be entitled to vote as a boat owner on a poll.
- (k) Whenever the number of candidates who receive an equal number of votes exceeds the number of vacancies to be filled, the Chairperson of the Association or the Chairperson of the meeting (whether or not he/she is a candidate) shall have a second or casting vote for as many candidates as there are vacancies to be filled.

- (l) The Chairperson, Deputy Chairperson will be elected by the Racing Executive at the first Racing Executive Meeting following the Annual General Meeting. Any Flag Officer or the Executive Officer of the Club shall act as Chairperson for the election of office bearers.
- (m) If there is any casual vacancy in the office of a Racing Executive Member, the Racing Executive shall as soon as practicable after the occurrence of such vacancy appoint an eligible Member of the Association to fill such casual vacancy until the next Annual General Meeting.
- (n) All activities of the Association are subject to the ultimate control and direction of the Board of the Club.
- (o) The Racing Executive may appoint delegates to affiliated bodies as required from time to time.

7. MEETINGS

- (a) The Annual General Meeting shall be held during the months of June or July. Notice shall be given to members at least thirty days prior to the meeting.
- (b) Special General Meetings may be called at any time by giving at least thirty days notice either by the Racing Executive or upon receipt by the Racing Manager of a written request signed by a minimum of ten members of the Association.
- (c) A quorum of five members is required at any meeting of the Association.
- (d) The Racing Executive shall hold meetings at such time and place as it may from time to time determine but without derogating from the foregoing any two Racing Executive Members may call for a meeting of the Racing Executive at any time by giving written notice signed by each of the members convening the meeting to the Racing Manager who shall forthwith convene a meeting of the Racing Executive at such time and place as may be convenient but in any event not later than one calendar month after the date upon which he/she received the said notice.
- (e) A quorum of three committee members is required at any meeting of the Racing Executive.
- (f) If, within thirty minutes after the time appointed for a meeting of either the Racing Executive or the Association, the necessary quorum of members is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place. If at such adjourned meeting the necessary quorum of members is not present within thirty minutes of the time appointed for the meeting, the members present shall form a quorum.
- (g) If the Chairperson is not present within five minutes after the time appointed for holding the meeting, the members present may choose one of their number to be the Chairperson.
- (h) If a committee member does not attend three consecutive meetings without an apology or good cause then they may be removed as a committee member by the Racing Executive.

8. VOTING

- (a) Procedure at General Meetings

Save as specifically provided for in clause 6 relating to the election of the Racing Executive:

- v) At all general meetings of the Association the chair shall be taken by the Chairperson or as otherwise determined by a poll conducted at the meeting.
- vi) Every question shall be determined by a majority of votes unless otherwise provided by these regulations and if there is an equality of votes, the Chairperson shall have a second or casting vote.
- vii) Every member present who is entitled to vote shall have one (1) vote.
- viii) No member may vote by proxy.
- ix) Only financial members of the Association shall be entitled to vote at any general meeting of the Association.
- x) Voting at any general meeting may be by show of hands or by ballot.

(b) Procedure at Racing Executive Meetings

At Racing Executive meetings questions arising shall be decided by a simple majority of votes of the Racing Executive members present.

9. AMENDMENTS TO REGULATIONS

The Regulations of the Association may be amended by a majority of at least two-thirds of those members present and voting thereon at a General Meeting of the Association and subsequent approval of the Board of the Club. Such amendments must be proposed by four financial members, in writing, and forwarded at least twenty one (21) days prior to the meeting to the Racing Manager who shall notify all members of the amendment in a Notice of Meeting at least fourteen (14) days prior to the meeting.

10. INDEMNITY

- (a) To the extent permitted by law, the Club shall indemnify every Racing Executive member and every Officer of the Association against any liability incurred by them in such capacity.
- (b) To the extent permitted by law, the Club shall indemnify every Racing Executive member and every Officer of the Association against costs and any liability incurred by him/her in such capacity in defending any proceedings whether civil or criminal in which judgment is given in his/her favour or in which he/she is acquitted.
- (c) No member of the Association shall be required to contribute towards the payment of any liabilities of the Association (whether on dissolution or otherwise) beyond meeting any personal liabilities to the Association arising in the normal way.

11. DISPUTE

In the event of any dispute which cannot be resolved by the Racing Executive, the matter shall be referred to the Board of the Club for determination and their decision shall be final.

12. ACCOUNTS

- (a) The Management of the Club shall keep such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Association.
- (b) In the event of the Association being wound up, if an amount remains after the satisfaction of all debts and liabilities, that amount shall be transferred to the general revenue of the Club to further the general aims of the Club.
- (c) In April each year, the Association shall prepare and submit to the Board of the Club for approval a budget for the forthcoming financial year.
- (d) All funds raised by the Association through subscription, fundraising, sponsorship or donation are subject to the ultimate control and direction of the Board of the Club but only for the exclusive use of the Association to further the objects of the Association.

13. FUND RAISING

The Racing Executive may from time to time conduct such activities as it deems appropriate to raise funds for its program of events or for specified charitable purposes. Any sponsorship shall be subject to the approval of the Board of the Club.

14. CLUB RULES

In any circumstances not provided for in these Regulations, the Constitution and Rules and by laws of the Club for the time being in force may be adopted and applied to such particular circumstances with such modifications as the circumstances of the particular case may require.

15. TRANSITIONAL

The officeholders, committee members and members of the Association immediately before these Regulations came into effect shall continue in office or remain members, as the case may be upon these Regulations commencing.

16. RACING MANAGER

- (a) The Racing Executive shall be consulted in relation to the appoint of a Racing Manager who shall have such duties, responsibilities, obligations and privileges as the Racing Executive and the Board of the Club shall from time to time determine.
- (b) The Racing Manager shall be an employee of the Club and shall be subject to the control and direction of the Executive Officer of the Club.
- (c) The Executive Officer may delegate to the Racing Executive some or all of his power to direct the work to be performed by the Racing Manager.
- (d) Subject to any directions from the Racing Executive, the Racing Manager shall recruit and appoint all race officials, officers of the day, handicappers, safety officers, protest committee personnel and all other personnel required for the conduct of yacht racing.
- (e) The Racing Manager shall produce and maintain such financial records and budgets as the Racing Executive shall require.
- (f) The Racing Manager shall act as the Secretary of the Association and shall keep minutes of meetings, maintain a record of correspondence and other records of the Association.

17. RACING RULES

All races conducted by or on behalf of the Association shall be conducted under the current Racing Rules and Safety Regulations of Yachting Australia ("Y.A") and the South Australian Government Boating Regulations in force from time to time but any special rule or regulation may be made within the discretionary powers allowed under the ISAF and YA Prescriptions in force from time to time or as may be approved by the Racing Rules Committee or the appropriate Sub-committee of Yachting South Australia Inc.

18. REGISTER OF BOATS & SKIPPERS OF BOATS

- (a) The Racing Manager shall keep a register of all boats owned by members and shall keep in the register the name or names of the owners of all boats so registered.
- (b) In any case in which the owner of the boat is not the usual skipper or helmsperson of a boat during races, the usual skipper of the boat must be a Senior Member, Life Member, Member or Racing Member of the Club.