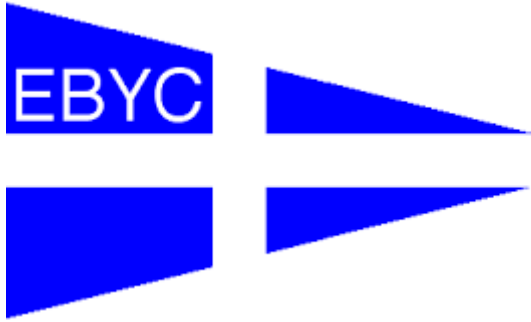




Bylaws

Esperance Bay Yacht Club Inc.

Document Control

Ver 1 – AGM 27 June 2021

The By-Laws of the Association of Esperance Bay Yacht Club Inc.

Definitions and interpretation

The definitions and interpretation in Clause 2 of the Constitution shall have the same meaning when used in these By-Laws.

GENERAL

1. CHANGES TO THE BY-LAWS

In addition to the rules governing changes to the By-Laws as provided in the Constitution:

Once approved, the Secretary shall display changes on the Club notice board for a period of not less than fourteen (14) days.

Changes to the By-laws shall be subject to version control.

2. MEMBERSHIP PRIVILEGES AND RESPONSIBILITIES

Memberships may be offered in the following categories: (S) Senior Member, (L) Life Member, (AS) Associate Member Sailing, (A) Associate Member Non-Sailing, (J) Junior Member, (O) Outport Member, (I) Social Introductory Member, (T) Temporary Member, (H) Honorary Member, (SP) SailPass Member.

The parents or guardians of a junior member may apply for associate membership, providing the junior member is registered for and actively participates in Club organised water-based activities. This membership shall be reviewed annually and shall be withdrawn if the junior member does not meet the annual participation requirement as determined by the Committee. An associate member shall not be entitled to vote at member meetings or in the election of officers of the Club.

Each membership category will have the privileges and responsibilities as determined by the General Committee from time to time and enunciated in the following table:

Constitution

Membership Category S L AS A J O I T H SP

Fees & Chargers:

Exempt membership subscription fees	L H SP
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General Committee:

Eligible to be an Officer	S L
Eligible to sit on the General Committee	S L
Eligible to propose or second a nomination for General Committee	S L
Eligible to sit on sub-committees	S L J

General Meetings:

Eligible to vote in person	S L
Eligible to propose motions or amendments for general meetings	S L

Constitution and By-laws:

The By-Laws of the Association of Esperance Bay Yacht Club Inc.

Propose changes to Constitution	S L
Propose changes to By-Laws	S L

Boating Facilities and Parking:

Eligible for pen / hardstand	S L
Eligible for Junior shed space	S L J
Skipper in Club water-based competitions	S L J T
Crew in Club water-based competitions	S L J T A S O H I S P

Club House:

Use of club house	S L
Conditional use of club house including Hire of facilities for private function	A S A J H I
Invite up to 5 guests without being a private function	S L A S A I
Entitled to member price discount with member card purchases	S L A S A O

Membership:

Eligible to take leave of absence	S
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2.1. SAILPASS MEMBERSHIP

SailPass Membership allows non-members to go sailing at EBYC on a short-term membership (for a day). SailPass members may participate in 3 programmed sailing events (registration is required for each event) in any annual sailing season, if you wish to participate in further sailing activities annual membership shall be required.

Registration for EBYC SailPass Membership is available by contacting the club, filling out a form available from the office or via the SailPass webpage at www.revolutionise.com.au/ebyc/temporary-member/

2.2. APPLICATIONS FOR MEMBERSHIP

All applications for membership shall be made on the appropriate membership application form and shall provide:

- Given names and family name
- Date of birth
- Address for the member register
- Postal address for service of notices and invoices
- Email address for service of notices, invoices and communications
- The name of the proposer and the seconder as appropriate for membership category
- Signature of the applicant

In addition, for Juniors - emergency contact and phone number and the signature of parent or guardian

2.3. TRANSFER OF MEMBERSHIP CATEGORY

Members may apply to change their membership category by lodging the appropriate form with the Secretary.

Permission to change from Senior Membership will only be approved if the member is not in contract for boat storage and does not hold a position on the General Committee.

A downgrade of membership category shall be permitted only at the beginning of the membership year and prior to the payment of fees for that year.

Upgrading of membership category shall be permitted only at the beginning of the membership year unless the purpose for the upgrade is to acquire boat storage rights for a boat owned by the member.

A member permitted to upgrade their membership category during the membership year shall be liable for all fees and charges relevant to the new membership category as if the new membership category had applied for the whole membership year or from the date of joining, whichever is the latter, with an allowance for fees and charges already paid.

In the event of death of a Senior, Life or Social member, a surviving Associate member will be automatically upgraded to Senior or Social membership for the remainder of the membership year, at no additional fee.

2.4. LEAVE OF ABSENCE

Senior Members and Social Recreation members may be granted leave of absence, upon application in writing to the Secretary, for any of the following reasons:

- Residing outside of the Esperance Shire

- Travelling out of the State of Western Australia for a period exceeding three months

- Long term illness

- Financial difficulty

Upon the granting of Leave of Absence all membership rights shall be suspended.

Leave of Absence granted part way through a financial year will not result in a refund of fees, levies or other charges already paid.

2.5. MEMBER CARDS

Member cards shall be issued to Senior, Life, Social, Associate and Junior members and these shall be returned to the club for cancellation on the resignation of membership or on being granted leave of absence.

3. CLUB NAME, LOGO AND BURGEE, USE OF

The club's name, logo or burgee shall not be used by a member, a non-member or other entity without the prior approval of the Secretary or the General Committee.

This prohibition applies in all circumstances, except in the use of logo's used by members on T shirts and boats.

4. COMMITTEES

4.1. GENERAL COMMITTEE

The General Committee shall ensure that the sub-committees referred to in the By-Laws are properly constituted and provided with written authority for any matters delegated to them by the General Committee other than matters specifically referred to in By-Law 4.

The General Committee may appoint any other Sub-Committees as it deems necessary.

All sub committees shall be subordinate to and shall report to the General Committee.

The Commodore shall ex-officio be a member of each sub committee

4.2. SUB- COMMITTEES

The following Standing Sub-Committees shall be appointed:

4.2.1. Finance Committee

The Finance Committee shall be appointed by the General Committee and shall be chaired by the Treasurer. This committee shall be comprised of the Treasurer, one other member of the General Committee and three independent members all of whom should have business experience.

The Finance Committee shall be responsible for all matters delegated to it by the General Committee and in particular the following:

- Review, presentation, and recommendation of the annual Consolidated Budget,
- Review, presentation, and recommendation of the monthly Financial Reports,
- Review, presentation, and recommendation of the Annual Financial Review,
- Establishment of proper accounting and reporting procedures in keeping with current business practice.

4.2.2. Junior Committee

The Junior Committee shall be chaired by the Rear Commodore Dinghy and be comprised of a minimum of four additional members nominated by Junior members and shall act under authority delegated by the General Committee.

The Junior Committee shall be responsible for the management of Junior racing at the Club in compliance with legislation, club regulations and the Racing Rules of Sailing. It shall also be responsible for any other matters delegated to it by the General Committee.

The Rear Commodore Dinghy shall report monthly to the General Committee any matters that should be drawn to its attention.

4.2.3. Sailing Committee

The Sailing Committee shall be chaired by the Vice Commodore and be comprised of a minimum of four additional members and shall act under authority delegated by the General Committee.

The Sailing Committee shall be responsible for the management of club keel boat racing and cruising activities in compliance with legislation, club regulations and the Racing Rules of Sailing.

It shall also be responsible for any other matters delegated to it by the General Committee.

The Vice Commodore shall report monthly to the General Committee any matters that should be drawn to its attention.

4.2.4. House Committee

The House Committee shall be chaired by the Rear Commodore and be comprised of the Rear Commodore, Treasurer and Life Members (as requested by the Commodore).

The House Committee shall be responsible for activities relating to the club day to day running.

The Rear Commodore shall report monthly to the General Committee any matters that should be drawn to its attention.

5. APPOINTMENTS, VOLUNTEERS & STAFF

5.1. PATRON

The Members may on the recommendation of the General Committee from time to time appoint a Patron or patrons of the Club.

The term of appointment of the Patron is twelve months but may be extended at the discretion of the General Committee and is subject to ratification by the members at the AGM.

The role of the Patron is to add weight to the capacity of the Club to progress its purpose, especially its public image and fund-raising capacity, and to add to the credibility and integrity of the Club by lending his name, time, effort, contacts, influence, ideas and inspiration.

The Patron will be a reputable, high-profile person from within or outside the Club membership.

The Patron, if not already a Club member, will automatically be appointed an Honorary Member.

5.2. VOLUNTEERS

Non-members may be permitted to volunteer for specific tasks at the Club, as determined by the General Committee, as long as they have registered for the task and are hosted by a member whilst at the Club.

The General Committee may impose conditions on membership relating to volunteering and participating in Club activities and events.

5.3. STAFF

The Club employs casual, part-time, and full-time staff under the direction of the House Committee.

The House Committee is responsible for staff performance. Any suggestions regarding staff performance should be directed in writing to the Rear Commodore who will act in accordance with their delegated authority.

Members shall not interfere with the duties of staff nor shall they treat a member of staff in any manner other than with respect.

6. CLUB AWARDS

The Club has a structured reward and recognition system to acknowledge the contribution its members make for the betterment of the Club.

The General Committee may from time to time introduce additional levels of reward and new awards in response to changing circumstances and strategic goals.

6.1. *Life Membership* - Life Membership is the highest accolade that the Club can bestow on a member.

The nomination form for recommendation of a suitable Life Member shall state the evaluation criteria.

Nominations should be submitted to the Secretary by 4pm on 1st June or the next working day if a weekend or public holiday.

An evaluation committee shall review the nominations against the evaluation criteria and make its recommendation to the General Committee for discussion and ratification.

On the recommendation of the Commodore, the evaluation committee shall be made up of three (3) members of the General Committee and chaired by the Commodore or his nominee.

The name of the member to be awarded life membership shall be kept confidential other than to advise the engraver and sign maker.

No correspondence shall be entered into as a result of a determination.

The Life Member Award shall be presented for ratification at the AGM or SGM.

6.2. *Club Member of the Year* - A Club Member of the Year Award, if awarded, shall be presented at the AGM, or such other occasion as the General Committee decides.

Any Club member or partnership of members may be nominated for this award.

All nominees for this Award must be nominated by a financial member on the prescribed form with reasons for nomination.

The selection criteria shall be stated on the nomination form.

This form shall be returned to the Secretary or nominated officer, no later than 4pm on the 1st June or the next working day if a weekend or public holiday prior to the AGM.

The nominations shall be presented to the next meeting of the General Committee. The General Committee shall decide whether or not to make an award and, if an award is to be made, determine the winner by secret ballot.

Should a nominee be a partner of an incumbent General Committee member then that Committee Member shall declare a conflict of interest and leave the meeting prior to any discussion or the conduct of a ballot,

The name of the winner or winners shall be kept confidential other than to advise the engraver of the trophy and the sponsor of the trophy as appropriate.

No correspondence shall be entered into as a result of this determination.

7. HOUSE RULES

7.1. LIQUOR CONSUMPTION ON THE PREMISES

The Committee and all members shall observe and comply with the provisions of the *Liquor Control Act 1988* which apply to the Club's activities.

The Club licensed area is defined as the club house, verandas, and the grassed area between the club house and the foreshore cycle path retaining that grassed area.

7.2. ANIMALS

Animals are not allowed inside the Club House unless under permit as Guide Dogs or Personal Assistance Dogs.

Dogs are permitted on the club premises only when attached to a leash which is held by the person controlling the dog.

Failure to properly manage a dog will result in the controlling person being asked to remove the dog from the premises.

7.3. SMOKING

The Club's smoke free policy applies to all Club users and shall comply with *Tobacco Products Control Act (2009)*

The club house, outdoor eating areas, and surrounding boundaries as required by law are total smoke free zones.

7.4. DRESS CODE

The Club's dress code applies to all Club users.

The Duty Manager or Duty Officer may exercise their judgement over the standard of dress.

Members and guests who do not comply with the dress standards may be declined admission to, and declined service within, the club house.

The By-Laws of the Association of Esperance Bay Yacht Club Inc.

As a minimum, attire must be always clean and tidy. After 5pm, singlets & hats are not permitted.

Prohibited at all times in the club house - Bare feet, Lewd or offensive clothing, Dirty or pungent clothing, Uncovered or wet swimwear or Wet clothing.

Failure by a member or guest to comply may result in that person being asked, by the Duty Manager, the Duty Officer or the Secretary to leave the club house.

Members shall not take action other than to remind the non-complying person of the club rules.

Members shall not tell the non-complying person that they must buy for the bar.

7.5. CHILDREN

Children must be always under adult supervision.

7.6. GUESTS

All guests aged 18 and over must be signed in by a member, who may introduce up to five (5) guests at any one time.

Guests may enjoy all the facilities of the Club but may not purchase any liquor to take away.

Members are responsible for their guest's behaviour and dress whilst visiting the Club premises.

Guests are restricted to six (6) visits in any twelve (12) calendar months.

All guests must be recorded on the guest sign-in register, together with the introducing member's name.

When the host member leaves the Club, their guests must leave the Club premises at the same time.

By prior arrangement with the Club, members are permitted to invite more than 5 guests for the purposes of functions and meals in accordance with the *Liquor Control Act*, Constitution and Club policies.

7.7. CLUB BELL

The ringing of the bell will automatically require the person ringing the bell to pay for beverages, to the value of \$50, which are to be distributed among the members in the bar area. Alternately, they may nominate to donate the money to the Junior Development Fund.

The ringing of the bell prior to an official announcement being made shall not invoke the purchase of beverages.

The bell may be rung during Sailing presentations with any fine for such action being applied at the discretion of the responsible section.

When the bell is to be rung to commemorate the death of a member, this must be approved by the Commodore or Secretary prior to the event and must follow the implemented procedure. In these circumstances no financial outlay is required.

7.8. ADVERTISING

No paper or notice, written or printed shall be placed on the tables or placed upon the Club noticeboard or anywhere in or around the Club premises without the approval of the Secretary first being obtained.

8. CLUB PREMISES, PROPERTY, GROUNDS & FACILITIES

8.1. CLUB PROPERTY

Any member who shall wilfully destroy, damage or lose any property belonging to the Club shall pay the full cost of repairing or replacing same.

A member shall not take away from the Club premises upon any pretence whatever any article of Club property unless authorised by the Secretary or their nominee.

8.2. CLUB PREMISES

The club premises are defined as: The club house, lawns to the edge of the cycle path, veranda area, Hardstand area, Jetties and marina, Launching platform and club's car parking area.

The Club management shall have the right to commandeer any part of the Club premises at any time, with reasonable notice to members, for the purposes of club events, functions or competitions.

8.3. VEHICLE PARKING

Parking is available to members and invited guests on a first come first served basis.

Members may leave trailers, jinkers, and other vehicles in the hardstand area for limited periods, as authorised by the Secretary or his nominee.

8.4. DRIVING SAFETY

The speed limit for all vehicles is 5 Kph within the club premises.

Vehicles shall not be driven or ridden on grassed areas or the marina walkways.

A member shall not drive a vehicle within the club premises without due care and consideration for other persons and property. Members shall not allow their vehicle, when it is within club premises, to be driven by a person who is not licensed to operate that type of vehicle.

8.5. MOBILITY AIDS, MARINA

Children shall not be conveyed in prams or strollers on the marina walkways.

Wheelchairs, gophers, or other motorised mobility aids may only be used on the marina walkways following approval by the Secretary, Marina Manager or their designated nominee.

These rules shall not apply to our new floating marina.

8.6. ACCESS GATES

Senior and Life members shall be provided with access to the marina when they have a boat on the Club Boat Register as maintained by the Secretary or his nominee.

Other members may be granted conditional access to the marina by the Secretary or his nominee.

9. BURGEE & FLAGS

9.1. Burgee:

The official Club burgee is a blue pennant, with a horizontal and vertical white line. At the intersection of the white lines is a blue anchor. The letters EBYC is in white at the upper section of the burgee.

The Club burgee shall be flown during day light hours at official functions, during club competitions and whilst other clubs are visiting.

The burgee may be flown from a member's boat during daylight hours when at anchor, and at all times when under way, providing that a member is on board.

The burgee, or its image, is not to be used for any other purpose.

9.2. Australian National Flag:

The Club may fly the Australian National flag at times decided by General Committee. It shall be flown in accordance with the official protocol relating to the flying of the Australian Flag.

9.3. Western Australian State Flag:

The Club may fly the Western Australian State flag at times decided by General Committee. It shall be flown in accordance with the official protocol relating to the flying of the Western Australian State Flag.

10. MARINA OPERATIONS

10.1. GENERAL MARINA, HARD STAND AND SHED FACILITIES (MARINA)

As the Marina is the Clubs major asset and subject to the vagaries of the weather, operational responsibility for its management is vested in the Secretary, the Marina Manager, and their nominee.

All boats in the Club marina shall comply with the Club Constitution, By-Laws and Marina Rules and Policies.

The owner or owners of a boat which does not comply with the Club Constitution and Bylaws, as they relate to the marina, the Marina Rules, Marina Policies, and the provisions of their lease agreement will be in breach and subject to providing a remedy to that breach within thirty (30) days of the date of a breach notice issued by the Secretary, the Marina Manager, or their nominee.

Failure to provide a remedy to a notified breach within the time provided shall result in the breach being referred to the General Committee for further action which may include cancellation of the lease, termination of membership or such other sanction as the General Committee determines.

When the breach poses an immediate danger to the boat, other boats, other property including club property or persons, immediate rectification of the breach may be authorised by the Secretary, the Marina Manager, or their nominee with the cost to be borne by the owner of the boat. The Marina Rules and Policies may be varied as required to meet changing requirements and circumstances, by the Marina Committee at a properly constituted meeting of the Marina Committee, as defined in the Committee's Terms of Reference. Any changes so made will take effect thirty (30) days after ratification of the change by the General Committee.

Financial members in the S, L & J categories may apply for the lease of a wet pen, hard stand space or Junior shed space for boat storage. Junior members may apply to store their boat in the Junior shed or in a hard stand space however, the application and lease must be signed by a Junior member's parent or guardian.

The Club shall not be liable to any member or person for any damage however caused to or sustained by any boat whilst such boat is in or on the Club premises or is participating in any Club event or activity. Members are required to insure their boat for Public Liability for not less than \$10,000,000 or such greater amount as the Club may require.

Boats which are operated or berthed at the Club must be kept in proper repair and maintained so as not to pollute or interfere with the marina waters.

The owner or owners of boats subject to a Marina Lease are expected to participate in Club events and actively use their boat to warrant continued occupancy of the leased space.

Marina leases are for a period of one year and the continuation of that lease is subject to the offer of renewal by the Club.

Complaints about any aspect of the marina shall be directed in writing to the Marina Committee. Complaints will not be directed to any other party or organisation, including Southern Ports.

No member shall cause damage to wildlife.

10.2. CASUAL USE OF MARINA FACILITIES

Members and visitors who do not hold a Marina Lease shall make application to the Secretary, the Marina Manager, or their nominee to use the marina facility on a casual basis.

In the event that permission is granted, the applicant will be subject to the marina rules. A fee, as determined from time to time, may be charged for casual use of marina facilities.

10.3. CLUB BOAT REGISTER

All boats which are the subject of a Marina Lease shall be placed on the Club Boat Register.

Members who own boats which are not the subject of a Marina Lease may apply to have their boat placed on the Club Boat Register so as to provide access to the marina facilities.

The Secretary, or his nominee, shall keep a "Club Boat Register". It shall contain particulars of the name, design, dimensions, distinguishing features, radio carried, and the owner's name of every boat registered therein.

10.4. BOAT SAFETY RULES

All boats must conform to the safety requirements of the relevant Government regulatory authority. As regulations are changed from time to time to suit circumstances and local conditions, it is the responsibility of all boat owners and skippers to acquaint themselves with all rules and changes. The safety of a boat and her crew is the sole and inescapable responsibility of the owner, or the owner's representative, who shall do their best to ensure that the boat is well founded, seaworthy and manned by an experienced crew who have undergone appropriate training and are physically fit to cope with the prevailing conditions and any changes therein.

The owner or owner's representative must be satisfied as to the soundness of the hull, motor, operating and safety equipment, and where appropriate the spars, rigging and sails. He shall ensure that all safety equipment is properly maintained and stowed, and that crew know where it is kept and how it is to be used. Neither the existence of these safety rules, their use by race or event organizers, nor the inspection of a boat under these rules in any way limits or reduces the complete and unlimited responsibility of the owner or the owner's representative for the safety of their boat and crew.

The decision for a boat to participate in a race or event or to continue with the race or event is the sole prerogative of the owner or the owner's representative.

10.5. CLUB OWNED BOATS

Club owned boats may only be operated by Club members who have the following minimum accreditation: Recreational Skippers Ticket. Have passed a Practical on-water test to the satisfaction of an existing approved Club skipper are to be operated only for endorsed Club events.

Additional use may be authorised by the Secretary, the Marina Manager, or their nominee.

The use of boats at events run by another organising authority may be authorised by the Secretary, the Marina Manager or their nominee providing the absence of the boat from the club does not interfere with the proper running of a club event.

A club owned boat used at an event run by another organising authority shall be under the control of an operator authorised by the Secretary, the Marina Manager, or their nominee.

Before leaving the marina, the operator shall perform all inspections and complete all entries as detailed in the logbook.

On return of the boat to the marina, the operator shall perform all inspections and complete all entries as detailed in the logbook. All faults and damages will be recorded and reported to the Marina Manager or his nominee.

The boat shall be refuelled upon its return to the club.

Alcohol is not to be consumed on Club owned boats, unless otherwise authorised by the Secretary, The Marina Manager, or their nominee.

The authorised operator of the boat shall not consume alcohol whilst in control of the boat nor shall they consume alcohol prior to using the boat which would cause them to fail a breath test administered by the recognised authorities.

Smoking is not permitted on Club owned boats.

When RIBS are on water each crew shall wear a flotation device meeting Australian Standards and Department of Transport regulations.

The driver of a RIB shall wear an ignition safety lanyard at all times when afloat where fitted.

11. SAILING RULES

All sailing activities shall be under the direction of the Sailing Committee and the Junior Committee and shall be organised to meet the Objects of the Club.

Sailing Competitions shall be conducted in accordance with the current Racing Rules of Sailing and Special Regulations as published from time to time by Yachting Australia and the Club's Sailing Rules as published in the Sailing Handbook.

Occasional changes to the rules published in the Sailing Handbook may be made by a Notice of Change of Sailing Instructions as provided for in the Sailing Handbook. Permanent changes to the rules published in the Sailing Handbook, as required to meet changing requirements and circumstances, may be authorised by the Sailing Committee and/or the Junior Committees at a properly constituted meeting of those Committees, as defined in the Committee's Charter. Any changes so made shall have effect at a time designated by the relevant committee.

Competitors in club events shall be eligible for an individual prize only if they are a financial member of the club in one of the categories of; Senior, Life or Junior membership.

Boats in club events shall be eligible for a boat prize only if all crew on-board are financial members of the club in one of the categories of Senior, Life, Junior, or Associate Sailing membership.

12. CODES OF CONDUCT

Officers, General Committee members, Staff and Members shall abide by the relevant Codes of Conduct policy as prescribed from time to time by the General Committee.

Infringement of the Codes of Conduct policy may incur disciplinary action and penalties.

Any member may incur disciplinary action for contravention of any By-Law, rule or policy on their own part, or on the part of their guests.