



**CONSTITUTION  
OF THE  
AUSTRALIAN SPORTS BOAT ASSOCIATION**

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## REVISION HISTORY

ISSUE	COMMENT	CLAUSES			ISSUE DATE
		MODIFIED	ADDED	DELETED	
A	Constitution created	-	-	-	1/9/2007
B	Constitution amended at 2010 AGM	4.1.5 4.1.8 4.1.9 4.1.10	4.1.12 15.7	4.1.6	1/7/2010

## 1. NAME

- 1.1. The name of this body shall be the Australian Sports Boat Association Incorporated and it shall hereinafter be referred to as the "Association".

## 2. OBJECTIVES

- 2.1. To govern, control, regulate and promote the racing of sports boats satisfying a particular criterion (see rule 4) at yachting events throughout Australia.
- 2.2. To promote and conduct racing under a single measurement based handicapping system.
- 2.3. To affiliate with, support and abide by the rules of the appropriate International, National and State Yachting authorities.
- 2.4. To foster the sport of yachting.
- 2.5. To encourage participation in sailing and fellowship throughout Australia and the World.

## 3. ORGANISATION

- 3.1. The Association will seek affiliation with and be subject to the rules of Yachting Australia.

## 4. CRITERIA

- 4.1. Membership to the Association is limited to sports boats with a valid handicap certificate as stipulated in rule 15 hereof and satisfying the following criteria:
  - 4.1.1. Overall length (LOA), excluding spinnaker poles in their extended position, not to be less than 6 metres and not to exceed 8.5 metres.
  - 4.1.2. Total beam, including racks (if fitted), not to exceed 3.5 metres.
  - 4.1.3. Beam of the hull only (for boats with racks fitted) not to be less than 2.3 metres
  - 4.1.4. No trapezes.
  - 4.1.5. Resistant to Capsize as defined in Yachting Australia Special Regulations Appendix B to Part 1 using, at minimum, the values as defined for Safety Categories 5 and 6. Boats with moveable ballast shall also satisfy all requirements pertaining to them in Appendix B. Variable ballast is not permitted.
  - 4.1.6. Deleted.
  - 4.1.7. Able be rigged and de-rigged, launched and retrieved from a boat ramp without requiring the use of manually operated or motorised cranes, slips and like equipment, but excluding the use of gantries and like devices used specifically and only for the purpose of raising and lowering of keels.

- 4.1.8. Have a minimum Time Correction Factor of [0.755] calculated using the handicapping system as set out in rule 15 hereof, or as determined by the Committee from time to time.
- 4.1.9. Capable of satisfying Yachting Australia Safety Category 5 requirements, without modification of the yachts' structure.
- 4.1.10. Must carry an operable motor of at least 3hp. If the safety category shown in the sailing instructions does not require the motor to be in its operating position then the motor may be stowed.
- 4.1.11. Keels shall be fitted with a non friction locking device to ensure that they can be locked down whilst racing
- 4.1.12. Complies with all rules and regulations of the current, externally administered, rating system.
- 4.2. Sports boats that do not meet the criteria in rule 4 hereof may still apply to the Association for exemption to join the Association provided that at the time of the application the applicant has obtained a valid handicap certificate as stipulated in rule 15 hereof, which must be presented at the time of the application. The decision of the Association to either grant or refuse the application for exemption to join the Association is at the sole discretion of the Committee.

## 5. MEMBERSHIP

- 5.1. For each sports boat meeting the criteria in rule 4 hereof only 1 full membership is available.
- 5.2. Only owners or part owners of sports boats can be full members.
- 5.3. Applications for full membership shall be accompanied by the annual subscription.
- 5.4. Any other person may apply for associate membership, which application shall be accompanied by the annual subscription.
- 5.5. Full members may:
  - 5.5.1. Vote at meetings.
  - 5.5.2. Hold office of President, Vice President, Secretary or ordinary Committee member.
  - 5.5.3. Enter and sail in sanctioned events conducted by or on behalf of the Association.
- 5.6. Associate members may:
  - 5.6.1. Attend meetings, but not vote.
  - 5.6.2. Hold office except that associate members shall not hold office of President, Vice President or Secretary.
  - 5.6.3. Enter and sail in sanctioned events conducted by or on behalf of the Association.
- 5.7. Membership is renewed by payment of the annual subscription.
- 5.8. The Committee may reject any application or any renewal for full or associate membership.

- 5.9. A member may resign from membership of the Association by giving written notice to the Secretary of the Association. Any member so resigning shall be liable for any outstanding subscriptions which may be recovered as a debt due to the Association.
- 5.10. Membership is terminated if subscriptions or other payments fall into arrears by more than 3 months.
- 5.11. Expulsion of a member:
  - 5.11.1. Subject to giving a member an opportunity to be heard or to make a written submission, the Committee may resolve to expel a member upon a charge of misconduct detrimental to the interests of the Association.
  - 5.11.2. Particulars of the charge shall be communicated to the member at least 1 month before the meeting of the Committee at which the matter will be determined.
  - 5.11.3. The determination of the Committee shall be communicated to the member and in the event of an adverse determination the member shall cease to be a member 14 days after the Committee has communicated its determination to the member.
  - 5.11.4. It shall be open to a member to appeal to the Association in general meeting against expulsion. The intention to appeal shall be communicated to the Secretary of the Association within 14 days after the determination of the Committee has been communicated to the member.
  - 5.11.5. In the event of an appeal the appellant's membership of the Association shall not be terminated unless the determination of the Committee is upheld by the members of the Association in general meeting after the appellant has been heard by the members of the Association and in such event, membership will be terminated at the date of the general meeting at which the determination of the Committee is upheld.

## 6. GENERAL MEETINGS

- 6.1. At least 28 days notice of any general meeting shall be given to members. The notice shall set out where and when the meeting will be held and particulars of the nature and order of business to be transacted at the meeting.
- 6.2. Notice of a meeting at which a special resolution is to be proposed shall be given at least 42 days prior to the date of the meeting.
- 6.3. 3 full members present personally or by proxy shall constitute a quorum for the transaction of business at any general meeting.
- 6.4. The President of the Association shall be the chairperson at all meetings. Should the President not be present then the Vice-President shall be the chairperson, and if the Vice-President is not present then the members present shall elect a member to be the chairperson for that meeting provided that the elected member is a full member.
- 6.5. At all meetings the chairperson's decision on points of order shall be final.
- 6.6. All full financial members present shall be entitled to a single vote. A member shall be entitled to appoint, in writing, a person who is also a member of the Association to be their proxy and attend and vote at any general meeting of the Association. Written proxy or postal votes may be cast at the discretion of the Committee.

- 6.7. Subject to other rules herein, a question for decision at a general meeting, other than a special resolution, must be determined by a simple majority of full members.
- 6.8. In the event of equality of votes the chairperson shall have a casting vote in addition to a deliberate vote.
- 6.9. Unless a poll is demanded by at least 5 full members, a question for decision at a general meeting must be determined by a show of hands. If a poll is demanded by at least 5 full members, it must be conducted in a manner specified by the chairperson and the result of the poll is the resolution of the meeting on that question.
- 6.10. At the discretion of the chairperson only matters of business specified in the agenda will be voted on at general meetings. Issues raised with other business which requires a vote of the members may be listed on the agenda for a subsequent meeting.

## 7. ANNUAL GENERAL MEETING

- 7.1. The Annual General Meeting of the members shall be held at the National Titles of the Association in each calendar year. In the event of there being no National Title in a particular calendar year, then no later than the month of April in that year. Members shall be given at least 28 days notice in writing before such meeting.
- 7.2. Items for the agenda of the Annual General Meeting shall be provided to the Secretary at least 21 days prior to the Annual General Meeting.
- 7.3. The agenda shall be provided to all members at least 14 days prior to the Annual General Meeting.
- 7.4. The order of the business at the meeting shall be:
  - 7.4.1. The confirmation of the minutes of the previous Annual General Meeting and of any special general meeting held since that meeting.
  - 7.4.2. The consideration of the accounts and reports of the committee.
  - 7.4.3. The election of the Committee for the ensuing 12 months.
  - 7.4.4. Any other business requiring consideration by the Association in general meeting.
- 7.5. The Annual General Meeting may make by-laws necessary for proper administration of the Association. Any by-laws so made shall not be repealed, added to or amended unless and until:
  - 7.5.1. Notice of intention to propose such repeal, addition or amendment is first given in writing by a member of the Association to the secretary of the Association not later than 21 days prior to the date of the Annual General Meeting and included in the agenda for such meeting.
  - 7.5.2. Such repeal or addition shall be proposed at the Annual General Meeting and be approved by not less than a 2/3rds majority of the members of the Association present at such meeting and voting thereon.

## 8. SPECIAL GENERAL MEETINGS

- 8.1. The Committee may call a Special General Meeting of the Association at any time.

- 8.2. Upon a requisition in writing of not less than 10 full members of the Association, the Committee shall, within 28 days of the receipt of the requisition, convene a Special General Meeting for the purpose specified in the requisition.
- 8.3. Every requisition for a Special General Meeting shall be signed by the relevant members and shall state the purpose of the meeting.

## 9. COMMITTEE

- 9.1. Powers:
  - 9.1.1. The affairs of the Association shall be under the management and control of a Committee, which in addition to any powers and authorities conferred by these rules may exercise all such powers and do all such things that are within the objects of the Association and are not, by these rules, required to be done by the Association in general meeting.
  - 9.1.2. The Committee has the management and control of the funds and other property of the Association.
  - 9.1.3. The Committee shall have the authority to interpret the meaning of these rules any other matter relating to the affairs of the Association on which these rules are silent.
  - 9.1.4. The Committee shall have the power to delegate any of its powers to a sub-committee to deal with any particular matter or matters and upon such terms as the Committee may think fit. The President and the Secretary shall be ex-officio members of all sub-committees.
  - 9.1.5. All acts or decisions done or made by any meeting of the Committee or member thereof shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of such member or all or any members of the Committee, be as valid and effective as if they had all been properly appointed, unless it is proved that the appointment was made in fraud or bad faith.
  - 9.1.6. The Association has all powers conferred by section 25 of the Associations Incorporation Act, 1985.
- 9.2. The Committee shall be comprised of a:
  - 9.2.1. President;
  - 9.2.2. Vice President; and
  - 9.2.3. Secretary.
- 9.3. In addition to the President, Vice President and Secretary the Committee may also be comprised of 1 representative (hereinafter referred to as ordinary Committee member) from each State of a residing full member except where that State is already represented by the President, Vice President or Secretary it is unnecessary to also have a State representative.
- 9.4. Should any vacancy occur in the Committee of the Association other than in the normal course of elections:

- 9.4.1. If the President, Vice President and Secretary, the Committee shall fill such vacancy from the full financial members of the Association and such member, duly elected by the Committee, shall hold office for the unexpired portion of the predecessor's term.
- 9.4.2. If an ordinary Committee member, the Committee may fill such vacancy from the financial members of the Association and such member, if duly elected by the Committee, shall hold office for the unexpired portion of the predecessor's term.
- 9.5. Duties:
  - 9.5.1. The President shall:
    - 9.5.1.1. Act as chairperson at all general and Committee meetings.
    - 9.5.1.2. Represent the Association at any function, meeting or event at which the Association is to be represented.
    - 9.5.1.3. Present a report at the Annual General Meeting
  - 9.5.2. The Vice President shall assist the President and in the President's absence act in that role.
  - 9.5.3. The Secretary shall:
    - 9.5.3.1. Keep a true record of all minutes of all meetings.
    - 9.5.3.2. Attend to correspondence, issue notices of meetings and keep records.
    - 9.5.3.3. Carry out such duties as the Committee may from time to time direct.
    - 9.5.3.4. Keep a register of handicap certificates and a roll of members of the Association.
    - 9.5.3.5. Report to meetings of the Association and provide recommendations regarding the conduct of racing for members of the Association and recommend any sub committees necessary for carrying out duties associated with the conduct of racing.
    - 9.5.3.6. Provide information to Officers of the Day or Principal Race Officers (where necessary).
    - 9.5.3.7. Receive all monies payable to the Association and give receipts for same. All monies so received shall be paid into the banking account of the Association.
    - 9.5.3.8. Present at each Annual General Meeting a balance of the finances of the Association.
    - 9.5.3.9. Keep proper books of account of all monies received and disbursed.
- 9.6. Business of the Committee:
  - 9.6.1. The Committee shall meet as often as may be required to conduct the business of the Association. The President or the Secretary or any 3 members of the Committee shall have the power to call a meeting of the Committee.
  - 9.6.2. Except for emergencies, all notices of meetings shall be in writing and posted or sent via email to members of the Committee at least 7 days before the date of such meeting.

- 9.6.3. The quorum for Committee meetings shall be 3 members but shall include, at the least, the President or Vice President and the Secretary.
- 9.6.4. Meetings of the Committee need not occur in person, provided that all members of the Committee sufficient to constitute a quorum are able to communicate contemporaneously.
- 9.6.5. Questions arising at any meeting of the Committee shall be decided by a majority of votes and in the event of equality of votes the chairperson shall have a casting vote in addition to a deliberate vote.
- 9.7. Election of Committee:
  - 9.7.1. The first Committee of the Association shall be appointed from the promoters of the Association, or be comprised of such persons as hold office prior to incorporation. The first Committee shall hold office until the first Annual General Meeting after incorporation.
  - 9.7.2. The first Committee may appoint an ordinary Committee member in accordance with rules 9.4 and 9.4.2, who shall hold office until the first Annual General Meeting after incorporation.
  - 9.7.3. All Committee positions shall be subject to election at each Annual General Meeting. A retiring Committee member shall be eligible to stand for re-election without nomination. No other person shall be eligible to stand for election unless nominated.
  - 9.7.4. Nomination for each candidate for election as Committee member shall be proposed and seconded by 2 full members at the Annual General Meeting.
  - 9.7.5. No persons shall be eligible for any election unless they are financial members of the Association. The conditions outlined in rule 5 also apply.
  - 9.7.6. The election of the Committee shall be by ballot of members present and voting thereon, held at the Annual General Meeting. No ballot shall be required when the number of candidates nominated for each office does not exceed the number of vacancies and they shall be declared duly elected.
- 9.8. Disqualification of Committee Members:
  - 9.8.1. The office of a Committee member shall become vacant if a Committee member:
    - 9.8.1.1. Is expelled as a member under these rules.
    - 9.8.1.2. Becomes permanently incapacitated by health.
    - 9.8.1.3. Is absent without apology from more than three meetings in a financial year.

## 10. FINANCE

- 10.1. The financial year shall be from April 1 to March 30.
- 10.2. The Committee shall make a determination annually as to the amount of membership subscription but no increase to the annual subscription may be made unless ratified by a majority of members at the Annual General Meeting entitled to vote.
- 10.3. Subscriptions shall become due and payable within 4 weeks of the Annual General Meeting or upon a date determined by the Committee.

- 10.4. All monies of the Association shall be paid into the account of the Association at such bank as the Committee may from time to time direct.
- 10.5. No monies shall be drawn from the Association's account save by cheques signed by the bank signatories authorised by the Committee.
- 10.6. The Association shall keep and retain such accounting records as are necessary to correctly record and explain the financial transactions and financial position of the Association.
- 10.7. The accounts shall be laid before the members at the Annual General Meeting.

## **11. AMENDMENTS TO THE CONSTITUTION**

- 11.1. The Constitution may not be altered except by a 2/3rds majority of the full members of the Association present at an Annual or Special General Meeting. A full member shall be entitled to appoint, in writing, a person who is also a member of the Association to be their proxy and attend and vote at the Annual or Special General Meeting of the Association.
- 11.2. All alterations, additions to, suspension, revision or amendment to this Constitution, shall become effective from the date the motion passes.

## **12. COMMUNICATION WITH MEMBERS**

- 12.1. All members are responsible to notify the Secretary of a change of address, contact phone number and email address (if applicable).
- 12.2. A notice may be given by the Association to any member by serving the member with the notice personally, or by sending it by post to the address last appearing in the register of members or by emailing it to the email address last appearing in the register of members.
- 12.3. The accidental omission to give to any member, or the non-receipt by any member of any notice required by this Constitution, shall not invalidate or affect proceedings at such meetings.

## **13. PERPETUAL TROPHIES**

- 13.1. All perpetual trophies owned by or in the custody of the Association and presented at sailing events and regattas remain the property of the Association, and while they may be held for a period by the winners each time such trophies are awarded they shall never become the property of an individual member.

## **14. RACING RULES**

- 14.1. To compete in Association sanctioned events at least one of the crew must be a financial member of the Association and shall comply with ISAF Rule 46. Association sanctioned events are defined as those races, regattas, championships etc. arranged by the Association or conducted on behalf of the Association.

- 14.2. All races arranged by or conducted on behalf of the Association shall be conducted under the current Racing Rules, Safety Regulations of Yachting Australia, Notice of Race and Sailing Instructions, provided always that any Special Rule or Regulation made by the Association for the conduct of its own races shall first apply and provided further that such Special Rule and Regulation is made within the discretionary powers allowed by the current ISAF Rules and Yachting Australia prescriptions, or has been approved by the Racing Rules Committee or appropriate Safety Sub-committee of the Yachting Australia.
- 14.3. All boats competing in Association sanctioned events shall have a current handicap certificate. "Current handicap certificate" is defined to mean the handicap applicable to the boat at the time of the event as specified by the boat's handicap certificate.
- 14.4. Boats which do not conform to the rules of the Association (including rules 4 and 14.2 hereof) or which do not conform to their current handicap certificate may, at the discretion of the Committee, be disqualified from competing in an Association sanctioned event, including during the event (in which case the results for that event will be recalculated), or be subjected to other penalty.
- 14.5. Boats which did not conform to the rules of the Association (including rules 4 and 14.2 hereof) or which did not conform to their current handicap certificate at the time of competing in an Association sanctioned event may, at the discretion of the Committee, be disqualified post that event, in which case the results will be recalculated, or be subjected to other penalty.
- 14.6. Any full financial member may raise an enquiry about any other boat the subject of rules 14.4 and 14.5, provided that:
- 14.6.1. The enquiry is made in writing and delivered to the Committee.
  - 14.6.2. The enquiry stipulates the basis for the enquiry and any supporting evidence.
  - 14.6.3. In relation to an enquiry under rule 14.5, the enquiry is raised within 3 months of the event.
- 14.7. The Committee has the discretion not to proceed with an enquiry in the event the enquiry is deemed to be without merit, frivolous or vexatious. The decision of the Committee is final.
- 14.8. To the extent the enquiry under rules 14.5 and 14.6 pertains to the boat not conforming to their current handicap certificate, the provisions under rules 15.5 and 15.6 shall, where possible, be utilised.
- 14.9. Any boat that becomes subject to an enquiry under rules 14.4 and 14.5:
- 14.9.1. May be given an opportunity to be heard as to the merits of the enquiry.
  - 14.9.2. Shall be given an opportunity to be heard as to disqualification or penalty only.
  - 14.9.3. Hearings under section 14.9 will be convened by the Committee and their decision is final.

- 14.10. Any boat finishing first, second or third at any Association sanctioned race, regatta or championship, etc. may, at the conclusion of the Association sanctioned race, regatta or championship, etc., be required, at the discretion of the Committee, to undergo measurement and/or inspection to ensure compliance with the boat's current handicap certificate, the Racing Rules, Yachting Australia Safety Regulations, the Notice of Race and Sailing Instructions. A refusal and/or failure to undergo measurement and/or inspection upon the request of the Committee may result in disqualification from the Association sanctioned race, regatta or championship, etc (in which case the results for that race, regatta or championship will be recalculated). The decision of the Committee is final.
- 14.11. A boat which undergoes measurement and/or inspection pursuant to rule 14.10 and is found not to comply with the boat's current handicap certificate, the Racing Rules, Yachting Australia Safety Regulations, the Notice of Race and Sailing Instructions may, at the discretion of the Committee, be disqualified from the Association sanctioned race, regatta or championship, etc. (in which case the results for that race, regatta or championship will be recalculated), or be subjected to other penalty.
- 14.12. A boat the subject of rule 14.11:
- 14.12.1. Shall be given an opportunity to be heard as to disqualification or penalty only.
- 14.12.2. Hearings under section 14.12 will be convened by the Committee and their decision is final.

## 15. HANDICAPS

- 15.1. All Association sanctioned events shall be raced under an externally administered (i.e. by an independent body to the Association) single measurement based handicapping system agreed upon by the first Committee of the Association (hereinafter referred to as the primary handicap system).
- 15.2. The primary handicap system shall not be replaced with an alternative handicapping system except by a majority vote of the full members present at an Annual or Special General Meeting.
- 15.3. A handicap sub-committee may be appointed to control, manage, review and regulate the primary handicap system and any alternative handicapping system. The handicap sub-committee shall do all such things necessary or expedient to achieve the objectives of the Association.
- 15.4. In the absence of a handicap sub-committee, the Committee shall control, manage and regulate the primary handicap system and any alternative handicapping system and shall do all such things necessary or expedient to achieve the objectives of the Association.
- 15.5. Any boat may, at any time, be subjected to a request for re-measurement by a member provided that:
- 15.5.1. The request is made in writing and delivered to the handicap sub-committee and in the absence of a handicap sub-committee, the Committee, who shall forward the request in writing to the boat within 30 days.
- 15.5.2. The member making the request stipulates the basis for the request and the nature of the re-measurement sought (i.e. only sails, etc).

- 15.5.3. The member making the request undertakes, in the written request, to reimburse the boat the cost for the re-measurement by an authorised official of the Association's handicapping system and upon request for reimbursement by the boat, makes payment within 30 days.
- 15.6. Upon receiving a request for re-measurement the boat shall:
  - 15.6.1. Arrange for a re-measurement by an authorised official of the Association's handicapping system as soon as possible and in any event within 30 days.
  - 15.6.2. Provide the handicap sub-committee and in the absence of a handicap sub-committee, the Committee, within 30 days of the receipt of the handicap certificate, a copy of the handicap certificate following the re-measurement.
  - 15.6.3. Undertake not to seek reimbursement from the member making the request for the cost of the re-measurement in the event the re-measurement demonstrates a handicap different from the boat's current handicap certificate.
  - 15.6.4. Provide, within 30 days of the receipt of the handicap certificate, written explanation to the handicap sub-committee and in the absence of a handicap sub-committee, the Committee in the event the re-measurement demonstrates a handicap different from the boat's current handicap certificate.
- 15.7. A boat may not apply to alter (nor apply for the first time) its measurement certificate within 7 days of a state championship or 14 days from a national championship except by application to the ASBA handicapping committee.

## 16. WINDING UP OF THE ASSOCIATION

- 16.1. If at any time membership falls to nil persons, the Association shall be disbanded and the assets of the Association shall be disposed of at reasonable market value. The proceeds of the disposal shall be given to a not for profit organisation. At no time will any member be entitled to receive a distribution of the assets of the Association upon winding up or otherwise.