

# CONSTITUTION & REGULATIONS

Seal of the Division



Adopted July 1994

T Went N Phillips B Mitton

Digitally Adapted March 2021

M Salter

- TABLE OF CONTENTS -

<b>- CONSTITUTION -</b> .....	<b>3</b>
1. NAME .....	3
2. DEFINITIONS .....	3
3. OBJECTS .....	3
4. AFFILIATION .....	4
5. MEMBERSHIP CLASSIFICATIONS .....	4
6. TERMINATION OF MEMBERSHIP .....	5
7. DECISION MAKING POWERS .....	5
8. INDEMNIFICATION OF THE OFFICE BEARERS .....	6
9. OFFICE BEARERS OF THE DIVISION .....	6
10. ANNUAL GENERAL MEETING .....	7
11. ANNUAL GENERAL MEETING AGENDA .....	7
12. MEETINGS OF THE DIVISION - GENERAL MEETINGS .....	8
13. VOTING .....	8
14. THE SEAL OF THE DIVISION .....	8
15. FINANCIAL YEAR .....	9
16. REGULATIONS .....	9
17. AMENDMENTS TO THE CONSTITUTION .....	9
18. AMENDMENTS TO THE REGULATIONS .....	10
19. FINANCES .....	10
20. WINDING UP OF THE DIVISION .....	10
<b>- APPENDIX A -</b> .....	<b>11</b>
SAILING REGULATIONS .....	12
<b>- APPENDIX B -</b> .....	<b>14</b>
TROPHIES OF THE DIVISION .....	15

## - CONSTITUTION -

### 1. Name

The name of the body shall be, 'Australian Sharpie Sailing Association - South Australian Division'.

### 2. Definitions

In any document of the 'Australian Sharpie Sailing Association - South Australian Division' the following Definitions shall apply unless expressly stated otherwise,

- 2a 'Division' shall mean Australian Sharpie Sailing Association - South Australian Division Incorporated.
- 2b 'Association' shall mean Australian Sharpie Sailing Association Incorporated.
- 2c 'Class' shall mean Australian Sharpie Class.
- 2d 'ASSA' shall mean Australian Sailing South Australia.
- 2e 'AS' shall mean Australian Sailing limited.
- 2f 'AGM' Shall mean Annual General Meeting of the Division.
- 2g 'GM' shall mean a general meeting of the Division or AGM.

### 3. Objects

The objects of the Division are to,

- 3a Interpret and achieve the objects of the association and ASSA.
- 3b Conduct an annual state championship series.
- 3c Conduct an annual elimination series and nominate a state team for each national title.
- 3d Award such trophies as are specified in the Regulations and any other awards the members determine.
- 3e Nominate representatives to the annual conference of the Association and national measurers' meeting.
- 3f Conduct the Australian national championships on behalf of the association when so rostered.

3g Conduct social events for the pleasure of members.

#### 4. Affiliation

- 4a The Division shall be affiliated with the Australian Sharpie Sailing Association.
- 4b The Division shall be affiliated with Australian Sailing South Australia.
- 4c The Division shall abide by the constitution and regulation of the Association and Australian Sailing.
- 4d In the event that either or both bodies cease to exist the Division's status shall not be affected.

#### 5. Membership Classifications

The Division shall consist members in four classifications,

- 5a Life Member - A Life Member shall be an individual who members believe has made outstanding contributions to Sharpie sailing. Nomination of an individual for Life Membership shall be made by two members and submitted to the Secretary 28 calendar days prior to an AGM. Election shall be limited to one nomination per AGM. Election of Life Members shall be by secret ballot and require a two-thirds majority. There shall be no subscriptions fee for this classification.
- 5b Patron - The Patron shall be an individual who members believe holds an enduring interest in the class. Nomination of an individual as Patron shall be made by two members and submitted to the Secretary 28 calendar days prior to an AGM. Election of Patron shall be by secret ballot and require a two-thirds majority. The Patron shall be elected annually. There shall be no subscription fees for this classification.
- 5c Ordinary Member - Any person may be admitted to the status of ordinary member on the payment of such annual subscription fees as shall be determined at the AGM. Membership shall be for the duration of the financial year.
- 5d Honorary Member - Individuals who contribute to the Division but derive no benefit from the Division may be elected as an honorary ordinary member. Such membership is afforded by simple ballot at a GM.

## 6. Termination of Membership

- 6a A GM may suspend or terminate the membership of any member who is found, on investigation, to have acted contrary to the provisions or spirit of the Constitution or Regulations of the Division, Association or ASSA.
- 6b A GM may suspend or terminate the membership of any member who is found, on investigation, to have acted in a manner unacceptable to a two thirds majority of members.
- 6c Charges of misconduct laid against a member shall be delivered in writing to the secretary within seven days of an alleged incident.
- 6d The secretary shall cause proper notice to members and the member charged of charges to be deliberated at the next GM.
- 6e The member charged may be present while the charges are investigated and may make a statement in their defence. The member shall not be present while the charge is deliberated.
- 6f A charge shall be deemed proven by a two-thirds majority vote by secret ballot at the GM.
- 6g A member whose membership is terminated or suspended may be re-admitted after a written application to the Division and a two-thirds majority vote by secret ballot at a GM.

## 7. Decision Making Powers

- 7a Decisions affecting the Division shall only be made by a majority vote of members at a GM.
- 7b Decisions of a GM must be consistent with the Constitution and Regulations of the Division, Association and AS.
- 7c In exceptional circumstances, all office bearers present (minimum of three) may take any decision not inconsistent with the constitution and regulations of the Division, Association and YSA. The office bearers shall be unanimous in their decision and report the decision to the next GM.
- 7d Decisions of a GM consistent with the constitution and regulations of the Division, Association and ASSA shall be deemed to be valid until reversal by a subsequent GM.

## 8. Indemnification of the Office Bearers

- 8a An office bearer acting under the direction of a GM, on behalf of the Division or under section 7c shall be indemnified of the funds of the Division for all costs incurred by them.
- 8b Indemnification does not extend to costs incurred through the default or improper action of an office bearer.

## 9. Office Bearers of the Division

- 9a Office Bearers shall be the:
- Patron
  - President
  - Vice President
  - Secretary
  - Treasurer
  - Publicity Officer
  - Social Officer
  - Measurer
  - Race Official
  - Assistant Measurer(s)
- 9b In addition, there shall be an Honorary Auditor who shall not be an office bearer.
- 9c The Secretary shall be the 'public officer' of the Division and the office of the Division shall be at their residence.
- 9d Office bearers shall be elected at each AGM except that any later vacancy may be filled at a GM
- 9e Nominations of any position as office bearer shall be accepted up to and including the date of a GM.
- 9f Nominations may be made in writing to the secretary of verbally at a GM.
- 9h Duty statements for each office bearer shall be included in the Regulations.

## 10. Annual General Meeting

- 10a Each year an AGM shall be conducted between the months of April and June inclusive.
- 10b The Secretary shall cause notice of the AGM to be given to members not less than fourteen calendar days prior.
- 10c The quorum shall be 15 members, which number shall include three office bearers.

- 10d In the event that a quorum is not achieved, the secretary shall cause notice to be given to members of a second AGM.
- 10e In the event that a quorum is not achieved for the second AGM, those members present shall constitute a quorum.

## 11. Annual General Meeting Agenda

The following business shall be conducted at each AGM,

- 11a Presentation and confirmation of previous AGM minutes.
- 11b Presentation and reception of reports of the past year's activity by the:       President  
                                          Secretary  
                                          Publicity Officer  
                                          Social Secretary  
                                          Race Official  
                                          Measurer.
- 11c Presentation by the treasurer of an audited financial report for the previous financial year.
- 11d Election of office bearers as specified in section 9a.
- 11e The fixing of subscription fees for ordinary members and boat registration for the ensuing year.
- 11f Deliberation of 'motions with notice'. Motions of this type shall be notified to the Secretary in writing at least one calendar month before the AGM at which they will be moved.
- 11g Deliberations of 'motions without notice'. Motions of this type shall only be deliberated if a simple ballot of members indicates members wish the motion deliberated.
- 11h Discussion of any other business laid before the AGM.
- 11i Notice to members of the next GM and AGM.

## 12. Meetings of the Division – General Meetings

- 12a At least ten GMs of the Division shall be programmed between AGMs.
- 12b Their purpose shall be: Presentation of reports  
                                          Planning and conduct of activities  
                                          Deliberation of decisions  
                                          Management of assets.
- 12c           Dates and venues of GMs shall be fixed at GMs as necessary.

12d The Secretary shall cause at least seven days' notice to be given to members of future GMs.

12e The quorum for a GM shall be four office bearers.

12f If a quorum for a GM is not achieved it shall be cancelled.

### 13. Voting

At any GM, the following procedures shall apply to voting on any election, motion or resolution,

13a Each member shall be entitled to one vote

13b Postal or proxy votes shall not be accepted.

13c Office bearers are ordinary members for voting purposes.

13d The chair may exercise both a deliberative and casting vote.

13e All nominations, motions or resolutions (written or verbal) shall be moved and seconded by members.

### 14. The seal of the Division

14a There shall be a 'Seal of the Division' and the Secretary or Assistant Secretary shall be custodian.

14b The Sealholders shall be the office bearers.

14c No document shall carry the authority of the Division unless the Seal is affixed to it.

14d The Seal shall be affixed to documents by a Sealholder in the presence of at least two other Sealholders.

14e Documents shall bear the date and initials of the Sealholders present when the Seal was affixed.

### 15. Financial Year

15a The financial year of the Division shall be from May 1<sup>st</sup> to April 10<sup>th</sup> inclusive.

15b Financial reports shall be based on this period.

### 16. Regulations

- 16a A GM may form Regulations to administer the Constitution.
- 16b Regulations shall be binding on the Division and its members.
- 16c Regulations shall form appendices to the Constitution.
- 16d Copies of Regulations shall be available to members from the Secretary.

## 17. Amendments to the Constitution

- 17a The constitution shall be amended on the success of a motion to that effect by a majority of two-thirds at an AGM.
- 17b Motions of amendment to the Constitution shall be forwarded to the Secretary one calendar month prior to the AGM.
- 17c Notice of proposed amendment to the Constitution shall be posted to all members fourteen days prior to an AGM.
- 17d If a typographical error exists in the Constitution a GM may rectify the error provided its intent is not altered.
- 17e Members shall be informed of amendments to the Constitution in writing as soon as is practicable.
- 17f Copies of the Constitution shall be available to members from the Secretary.

## 18. Amendments to the Regulations

- 18a Regulations shall be amended on the success of a motion to that effect by a majority of two-thirds at a GM.
- 18b Motions of amendment to a Regulation shall be forwarded to the Secretary one calendar month prior to a GM.
- 18c Notice of proposed amendment to a Regulation shall be posted to all members fourteen days prior to the GM at which the amendment will be moved.
- 18d If a typographical error exists in a Regulation a GM may rectify the error provided its intent is not altered.
- 18e Members shall be informed of amendments to Regulations in writing as soon as is practicable.

## 19. Finances

- 19a All income received and payments made shall be through

the Division's accounts.

19b The Division's accounts shall have three signatories comprising the Treasurer, President and Secretary or their nominees. Two signatories are required for transactions.

19c The assets or income of the Division shall be used exclusively for the achievement of the Divisions objects. No member shall derive pecuniary profit from the Division except where the member receives reasonable payment for services rendered.

## 20. Winding up of the division

20a Members may wind up the Division by a successful 'Motion with Notice' to that effect by a two-thirds majority at an AGM.

20b If wound up, the assets of the Division shall be used to repay outstanding accounts of the Division.

20c Assets remaining after repayment of accounts shall be held in trust by the Association.

- APPENDIX A -

SAILING REGULATIONS

- SAILING REGULATIONS -

1. Unless varied by these regulations, events of the Division shall be in accord with the,
  - World Sailing Rules of Sailing (RRS year) of World Sailing.
  - Prescriptions of the Australian Sailing limited.
  - Rules of the Australian Sharpies Sailing Association.
  - Standard Australian Sailing South Australia Sailing Instructions.
  
2. To Race in events of the Division, boats must,
  - Be registered with the Division
  - Have a current Measurement Certificate.
  - Use only sails which have been measured, stamped and signed by the measurer or their assistant.
  - Use only spars and/or foils which have been measured and approved by the Measurer or their assistant.
  - Or gain dispensation from this rule from the Measurer or Race Official.
  
3. To race in events of the Division, skippers and crews must,
  - Be financial or Life Members of the Division.
  - Be Financial or Life Members of a club affiliated with ASSA.
  
4. To race in events of the Division, non-members must,
  - Sail only as a crew.
  - Pay a visitor's fee as determined by the Division or crew on a boat having a usual crew of financial or Life member.
  
5. A junior boat is defined as one whose skipper is under the age of 21 at the commencement of the National Championship for that season.
  
6. Dates and venues of events of the Division (and resails) are at the discretion of the Division. General Meetings may change the venue / date of events provided seven days' notice of the change is given to members.
  
7. The Division is to select a state team of five open representatives to compete for the Bishops Teams Trophy, the state team shall consist of the first 5 placed boats in the state heat results on the condition that at least 4 races have been sailed. If a team cannot be determined from this criteria then the selection of the team is at the committee discretion.

8. Courses shall be,
  - at a minimum start, windward leg, leeward leg, finish. At the discretion of the "Race official".
9. No race shall be started when the average wind strength (for 30 minutes preceding the start time) exceeds 30 knots.
10. The Measurer shall arrange a measuring day and re-measuring day. Measuring at other times shall be at the Measurer's discretion and only by prior arrangement.
11. Only registered boats belonging to financial Ordinary Members or Life Members shall be measured.
12. For the purposes of racing in the Association's or Division's events, Rule 42.3 ( C ) of the Racing Rules of Sailing is amended to read as,  
  
'When surfing (rapidly accelerating down the front of the wave) planing is possible, (1) to initiate surfing/ planing each sail may be pulled in a maximum of three (3) times for each wave or gust of wind.'

- APPENDIX B -

TROPHIES OF THE DIVISION

- TROPHIES OF THE DIVISION -

1. The Division shall annually programme a State Championship series to determine the South Australian State Champion and to determine the winner(s) of other trophies of the Division.
2. A minimum of four (4) state heat races shall constitute a series.
3. Scoring for the purpose of awarding trophies of the Division shall be in accordance with RRS.
4. The Division shall annually award the A.J. Barclay and E.G. Tilley Trophy to the boat which wins the State Championships.
5. The Division shall annually award the Wales Shield to the club whose boats perform best in Elimination and State Heats. The Wales Shield shall be presented to the Commodore or their proxy of the winning club. Points shall be determined by allocating points to the first four boats finishing from each club equal to their finishing position in all elimination and State heats. At the conclusion of the season, the club with the lowest total points shall be awarded the Wales Shield.'
6. The Division shall annually award a trophy to the boat which finishes second in the State Championship.
7. The Division shall annually award a trophy to the boat which finishes third in the State Championship.
8. The Division shall annually award the Colin Lyons Trophy to the boat in 'B Division' with the highest placing in the State Championship Series. Boats shall qualify for the 'B Division' status in each race that their handicap is in excess of 6%.
9. The Division shall annually award a trophy to the Junior Champion. The Junior Champion shall be the boat skippered by a junior (as defined in the Sailing Regulation) with the highest placing in the states Championships.
10. The Division shall annually award the Lawrie Field Trophy to the boat considered by the Race Official to have been the most consistent taking into account handicap and line positions in all the division's events.
11. The Division shall annually award the George Burly Memorial Trophy to the boat obtaining the highest place taking into account all events of the Division.
12. The Division shall annually award the Derek Hunsley Memorial Trophy to the boat considered by the Race Official to have had the most improved performance, and which has entered all of the Divisions events.
13. The calculation of handicaps, corrected times and points for the Division's events shall be the responsibility of the Race Official. The Race Official shall maintain accurate records of

all events of the Division. The Race Official shall not enter into discussion with individuals regarding his/her decisions.

14. Points toward trophies of the Division shall normally be accrued by a single boat/skipper combination only. In exceptional circumstances, a written application may be made to a General Meeting to allow for a new boat or new skipper combination to continue to accrue points.