

**Constitution and Rules of
THE HARTLEY TRAILER SAILER 16 ASSOCIATION OF AUSTRALIA Inc.**

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Constitution and Rules of THE HARTLEY TRAILER SAILER 16 ASSOCIATION OF AUSTRALIA Inc.

PART I

Objectives.

The objectives of the Association shall be-

- (a) to encourage the growth of the Class as a "One-Design".
- (b) to ensure racing on equal terms by making rules for the regulation of racing among boats belonging to the Class.
- (c) to ensure that all such racing takes place under the rules of the International Sailing Federation, the prescriptions and regulations of the Australian Yachting Federation, the regulations of the Yachting Authorities of the States of the Commonwealth of Australia, and these Rules.
- (d) to allow the State Associations to control the racing of the Class within their respective States and to represent the Class in all dealings with the Sailing Authorities of these States.
- (e) to maintain and foster family participation in all aspects of the Association's activities.
- (f) to apply property and income of the Association solely towards the promotion of these objectives.

PART II

Preliminary.

1. Interpretation

1 (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires-
"the Association" means The Hartley Trailer Sailer 16 Association of Australia Inc;

"ordinary member" means a member of the Committee who is not an office bearer of the Association,
as referred to in rule 14(2);

"Secretary" means -

- (a) the person holding office under these rules as Secretary of the Association; or
- (b) where no such person holds that office, the Public Officer of the Association;

"Special General Meeting" means a general meeting of the Association other than an Annual General Meeting;

"the Act" means the Associations Incorporation Act 1984 of NSW;

"the Regulation" means the Associations Incorporation Regulation, 1985 of NSW;

"the Committee" means the Committee of Management of the Association as defined in Rules 13 & 14;

"TS.16" means the Hartley Trailer Sailer 16.

1 (2) In these Rules -

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

1 (3) The provisions of the Interpretation Act, 1897, apply to and in respect of these Rules.

2. Interpretation – Member's Presence at a Meeting

2 (1) In these Rules a member will be deemed to be present in person at a duly constituted meeting if:

- (a) that member is personally present at a meeting connected by telephone to the meeting; and
- (b) the telephone connection has been duly authorised by the Association.

PART III

Membership.

3. Membership Qualifications.

- 3 (1) A person is qualified to be a member of the Association if, but only if -
- (a) the person is a person referred to in section 15(2)(a), (b) or (c) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act; or
 - (b) the person is a natural person who -
 - (i) has applied for membership of the Association as provided by Rule 4; and
 - (ii) has been approved for membership of the Association by the Committee of the Association; and
 - (iii) has his name entered in the Register of Members.
- 3 (2) The following grades of membership shall exist -
- (a) Sole TS.16 owners.
 - (b) Deleted
 - (c) Deleted
 - (d) Life members, who shall have been duly elected by a two-thirds majority at an Annual General Meeting. Such members shall have completed no less than ten years membership, with a minimum of five years in office of National or State Association and who have given outstanding service in promoting the class.
 - (e) Persons who do not own a TS.16.

4. Application for Membership.

- 4 (1) Application for membership of the Association-
- (a) shall be made by a person in writing in the form set out in Appendix 1 to these rules; and
 - (b) shall be lodged with the Registrar of the Association; and
 - (c) shall include the sum payable under these rules by a member as entrance fee and annual subscription.
- 4 (2) As soon as practical after receiving an application for membership, which complies with all membership qualifications, the Registrar shall notify the applicant of that approval and enter the applicant's name in the register of members. Upon the name being so entered, the applicant becomes a member of the Association.

5. Cessation of Membership.

- 5 (1) A person ceases to be a member of the Association if the person -
- (a) dies;
 - (b) resigns that membership;
 - (c) is expelled from the Association; or
 - (d) fails to pay the sum payable under these rules as annual subscription, within a period of ninety days from the date the subscriptions fall due.

6. Membership Entitlements Not Transferable.

- 6 (1) A right, privilege or obligation, which a person has by reason of being a member of the Association -
- (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon cessation of the person's membership.

7. Resignation of Membership.

- 7 (1) A member of the Association is not entitled to resign that membership except in accordance with this Rule.
- 7 (2) A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from membership of the Association by first giving notice (being not less than 1 month or not less than such other period as the Committee may determine) in

writing to the Secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

8. Register of Members.

- 8 (1) The Registrar of the Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.
- 8 (2) The register of members shall be kept at the principal place of administration of the Association.
- 8 (3) Subject to the provisions of relevant privacy legislation and any privacy strategy for the time being implemented by the Association, the register of members shall be open for inspection, free of charge, to any member of the Association at any reasonable hour.
- 8 (4) A member may require the registrar to correct or edit any particulars of his membership on the register.

9. Fees, Subscriptions, etc.

- 9 (1) A person applying for membership of the Association shall pay to the Association a fee of an amount determined from time to time by the Committee.
- 9 (2) In addition to any amount payable by the member under clause (1), a member of the Association shall pay to the Association an annual membership fee of an amount determined from time to time by the Committee.
 - (a) except as provided by paragraph (b), before the first of July in each calendar year; or
 - (b) where the member becomes a member on or after 1st July in any calendar year - upon becoming a member and before 1st July each succeeding calendar year.
 - (c) That all 'first time' members, joining after the 1st February each year, upon payment of the annual subscription fee, be a financial member for the remaining portion of that season plus the next season.

10. Members' Liability

- 10 (1) The members of the Association shall have no liability to pay or contribute towards the payment of any of the debts and liabilities of the Association or the costs, charges and expenses of the Association in the event of the winding up of the Association or otherwise.
- 10 (2) No member of any club, sub-association, or associate body directly or indirectly affiliated with the Association, shall have any right of action at law against any office bearer or official of the Association for any matter or thing done by such office bearer or official in the *bona fide* performance of a duty, or the *bona fide* exercise of a power imposed or vested in such office bearer or official under this Constitution or Rule or any By-law made in pursuance thereof.

11. Disciplining of Members.

- 11 (1) Where the Committee is of the opinion that a member of the Association -
 - (a) has persistently refused or neglected to comply with a provision of these Rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association, the Committee may, by resolution -
 - (c) expel the member from the Association; or
 - (d) suspend the member from membership of the Association for a specified period.
- 11 (2) A resolution of the Committee under clause (1) is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this Rule.
- 11 (3) Where the Committee passes a resolution under clause 11 (1), the Secretary shall as soon as practicable, cause a notice in writing to be served on the member -
 - (a) setting out the resolution of the Committee and the grounds on which it is based.
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) inform the member that the member may do either or both of the following:
 - (i) attend and speak at that meeting;

- (ii) submit to the Committee at or prior to the date of that meeting, written representations relating to the resolution.

11 (4) At a meeting of the Committee held as referred to in clause 11 (3), the Committee shall -

- (a) give to the member an opportunity to make oral representations;
- (b) give due consideration to any written representations submitted to the Committee by the member at or prior to the meeting; and
- (c) by resolution determine whether to confirm or revoke the resolution.

11 (5) Where the Committee confirms a resolution under clause 11 (4), the Secretary shall, within 7 days after the confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under Rule 11.

11 (6) A resolution confirmed by the Committee under Clause 11 (4) does not take effect -

- (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- (b) where, within that period, the member exercises the right of appeal, unless and until the Association confirms the resolution pursuant to rule 11(4).

12. Right of Appeal of Disciplined Member.

12 (1) A member may appeal to the Association in general meeting against a resolution of the Committee which is confirmed under rule 11(4), within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.

12 (2) Upon receipt of a notice from a member under clause (1), the Secretary shall notify the Committee which shall convene a General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.

12 (3) At a General Meeting of the Association convened under clause (2) -

- (a) no business other than the question of the appeal shall be transacted.
- (b) the Committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
- (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

12 (4) If at the General Meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART IV

The Committee

13. Powers, etc, of Committee.

13 (1) The Committee shall be called the Committee of Management of the Association and, subject to the Act, the Regulation, and these Rules, and to any resolution passed by the Association in general meeting -

- (a) shall control and manage the affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by a General Meeting of members of the Association; and
- (c) has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

14. Constitution and Membership.

14 (1) Subject in the case of the first members of the Committee to Section 21 of the Act, the Committee shall consist of -

- (a) The Office Bearers of the Association; and
- (b) Three (3) State Delegates, each of whom shall be elected at the Annual General Meeting of the Association pursuant to rule 15.

- 14 (2) The Office Bearers of the Association shall be -
- (a) the President;
 - (b) the Vice-President;
 - (c) the Treasurer;
 - (d) the Secretary;
 - (e) the Registrar;
 - (f) the Chief Measurer; and
 - (g) the Publicity Officer.
- 14 (3) Each member of the Committee shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.
- 14 (4) In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of appointment.
- 14 (5) The positions indicated in-
- (a) 1(b), 2(a), 2(c), 2(d) and 2(e) must be filled from within the members of one State which will then assume the role of administration for The Hartley Trailer Sailer 16 Association of Australia Inc.
 - (b) 2(b), 2(f) and 2(g) may be filled by members from other States.
 - (c) 2(c) and 2(e) may be filled by one person, in which event the Committee of the Association will be properly formed with a complement of 6 office bearers rather than 7.

15. Election of Members.

- 15 (1) Nominations of candidates for election as Office-Bearers of the Association or as ordinary members of the Committee -
- (a) shall be made in writing, signed by two (2) members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and
 - (b) shall be delivered to the Secretary of the Association not less than seven (7) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 15 (2) If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- 15 (3) If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- 15 (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 15 (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 15 (6) The ballot for the election of Office-Bearers and ordinary members of the Committee shall be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.
- 15 (7) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for election to another office at the same election, except in the case of a nomination for 1 candidate as Treasurer/Registrar, as contemplated under Rule 14(5)(c) hereof.

16. Committee of Management.

- 16 (1) The Committee shall -
- (a) keep a complete set or sets of plans of the TS.16 boat conforming exactly to those produced by the designer, Richard Hartley of New Zealand, and approved by the Association, and these plans will be known and be so identified as the Official Plans of the TS.16 Boat.
 - (b) be responsible for retaining such Official Plans in safekeeping as a permanent record of the details of the TS.16 Class.
 - (c) cause to be prepared and distributed as necessary a Measurement Form which lists the measurements, tolerances, features, etc., which may from time to time be deemed by the

Association to be necessary to determine whether any boat is acceptable to the Association for registration as a TS.16.

17. Office-Bearers.

17 (1) President

The President shall be the spokesperson for the Association, shall chair meetings and shall be responsible for the efficient operation of the Association.

17 (2) Vice President

The Vice President shall assume the duties of the President in the event that the President is unavailable and shall assist in the efficient operation of the Association.

17 (3) Treasurer

It is the duty of the Treasurer of the Association to ensure that-

- (a) all money due to the Association is collected and received and that all payments authorised by the Association are made; and
- (b) correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditure connected with the activities of the Association; and
- (c) each month, prepare a report detailing the income and expenditure of the Association; and
- (d) the accounts of the Association, made up to the 30th day of June, are presented to the Auditor within a reasonable period prior to the AGM.

17 (4) Secretary

- (a) The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- (b) It is the duty of the Secretary to -
 - (i) keep minutes of proceedings of meetings; and
 - (ii) keep minutes of all appointments of Office-Bearers and members of the Committee; and
 - (iii) the names of members of the Committee present at a Committee meeting or a general meeting.
- (c) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the Chairperson of the next succeeding meeting.
- (d) Copies of the minutes of all meetings and the Treasurers report shall be sent to all State Secretaries and all interstate committee members as soon as practicable after the meeting.

17 (5) Registrar

17 (5)(1) The Registrar shall establish and maintain a register of members as required in rule 8.

17 (5)(2) The Registrar will prepare and maintain accurate records of all registered TS.16 boats; and

- (a) issue boat numbers on application of a member providing such application is accompanied by a registration fee which has been previously determined by the Committee Of Management.
- (b) record the boat name and personal details of the owner with the registered boat number.
- (c) on advice from the Chief Measurer, record if the boat with that boat number is classified as "A Class" or not.
- (d) ensure that boat numbers are only issued once.

17 (6) Chief Measurer

The Chief Measurer will

- (a) maintain accurate records of all TS.16 measurement forms presented for "A Class" registration.
- (b) with reference to the Committee Of Management, prepare, maintain and distribute a suitable measurement and tolerance form for determining the suitability of a boat for registration as a TS.16.
- (c) provide assistance to State Measurers on interpretation of measurements.
- (d) on receipt of completed measurement forms from State Measurers, assess the recorded measurements to determine if the boat is eligible for "A Class" registration.

- (i) if acceptable, present the form to the Committee with the recommendation for "A Class" registration.
- (ii) if unacceptable, confer with the appropriate State Measurer and/or the owner to determine the appropriate action required to obtain "A Class" certification.

17 (7) Publicity Officer

The Publicity Officer will be responsible for-

- (a) the distribution of suitable articles of interest to each State Newsletter editor for publication in their newsletters.
- (b) preparation and distribution to each State, suitable publicity and information pamphlets.
- (c) publicising the TS.16 class by providing information to various newspapers and yachting magazines.

18. Casual Vacancies

18 (1) For the purpose of these Rules, a casual vacancy in the office of a member of the Committee occurs if the member

- (a) dies;
- (b) ceases to be a member of the Association;
- (c) becomes an insolvent under administration within the meaning of the Uniform Companies Code or Bankruptcy Act;
- (d) resigns office by notice in writing given to the Secretary;
- (e) is removed from office under Rule 19;
- (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the Committee from all meetings of the Committee held during a period of six months.

19. Removal of a Member.

19 (1) The Association in a General Meeting may by resolution remove any member of the Committee from the office of a member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

19 (2) Where a member of the Committee to whom a proposed resolution referred to in clause (1) relates makes representation in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representation be notified to the members of the Association, the Secretary or the President may send a copy of the representation to each member of the Association or, if they are not so sent, the member is entitled to require that the representation be read out at the meeting at which the resolution is considered.

20. Meetings and Quorums.

20 (1) The Committee shall meet at least six times, at intervals less than three months apart, in each period of 12 months at such place and time as the Committee may determine.

20 (2) Additional meetings of the Committee may be convened by the President or by any two members of the Committee.

20 (3) Oral or written notice of the meeting of the Committee shall be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for holding of the meeting.

20 (4) Notice of a meeting given under clause (3) shall include an agenda specifying the nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Committee members present at the meeting unanimously resolve to treat as urgent business.

20 (5) Any four members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

20 (6) No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to a time and place of common agreement.

- 20 (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be abandoned.
- 20 (8) At a meeting of the Committee
- (a) the President or, in the President's absence, the Vice-President shall preside; or
 - (b) if the President and the Vice-President are absent or unwilling to act such one of the remaining members of the Committee as may be chosen by the members present at the meeting shall preside.

21. Delegation by Committee to Sub-Committee.

- 21 (1) The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than -
- (a) this power of delegation; and
 - (b) a function which is imposed on the Committee by the Act or any other law.
- 21 (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 21 (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 21 (4) Notwithstanding any delegation under this rule, the Committee may continue to exercise any function delegated.
- 21 (5) Any act or thing done by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done by the Committee.
- 21 (6) The Committee may by instrument in writing, revoke wholly or in part any delegation under this rule.
- 21 (7) A sub-committee may meet and adjourn, as it thinks proper.

22. Voting and Decisions.

- 22 (1) Questions arising at a meeting of the Committee or of any subcommittee appointed by the Committee shall be determined by a majority of the votes of the Committee or sub-committee present at the meeting.
- 22 (2) Each member present at a meeting of the Committee, or of any sub-committee appointed by the Committee, (including the person presiding at the meeting), is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 22 (3) Subject to rule 20 (5), the Committee or sub committee may act, notwithstanding any vacancy on the Committee.
- 22 (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

PART V

General Meetings

23. Annual General Meetings - holding of.

- 23 (1) With the exception of the first Annual General Meeting of the Association following incorporation, the Association;
- (i) shall in August of each calendar year, or
 - (ii) in the event of postponement by the Management Committee, within a period of three months after the expiration of each financial year,
- convene an Annual General Meeting of its members.
- 23 (2) The Association shall hold its first Annual General Meeting following incorporation-

- (a) within the period of 18 months after its incorporation under that Act; and
- (b) within the period of 2 months after the expiration of the first financial year of the Association.

23 (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

23 (4) The Association shall make reasonable effort to arrange connection of all affiliated State Associations via telephone to the Annual General Meeting and

- (a) the meeting will be conducted in such a manner that all members are given equal opportunity to speak, and
- (b) reasonable effort will be made to ensure that copies of all reports and documentation available at the meeting is distributed to each State Association prior to the meeting.

24. Annual General Meetings - calling of and business at.

24 (1) The Annual General Meeting of the Association shall, subject to the Act and to rule 23, be convened on such date and at such place and time as the Committee thinks fit.

24 (2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be -

- (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;
- (b) to receive from the Committee reports upon the activities of the Association during the last preceding financial year;
- (c) to elect Office-Bearers of the Association and ordinary members of the Committee; and
- (d) to receive and consider the statement which is required to be submitted to members pursuant to section 26 (6) of the Act.

24 (3) An Annual General Meeting shall be specified as such in the notice convening it.

25. Special General Meeting - calling of.

25 (1) The Committee may, whenever it thinks fit, convene a Special General Meeting of the Association.

25 (2) The Committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a Special General Meeting of the Association.

25 (3) A requisition of members for a Special General Meeting -

- (a) shall state the purpose or purposes of the meeting;
- (b) shall be signed by the members making the requisitions;
- (c) shall be lodged with the Secretary; and
- (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.

25 (4) If the Committee fails to convene a Special General Meeting to be held within one (1) month after the date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General Meeting to be held no later than three (3) months after that date.

25 (5) A Special General Meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Committee and any member who thereby incurs expenses is entitled to be reimbursed by the Association for any expenses so incurred.

25 (4) The Association shall make reasonable effort to arrange connection of all affiliated State Associations via telephone to the Special General Meeting and

- (a) the meeting will be conducted in such a manner that all members are given equal opportunity to speak, and
- (b) reasonable effort will be made to ensure that copies of all reports and documentation available at the meeting is distributed to each State Association prior to the meeting.

26. Notice

- 26 (1) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 14 days before the date fixed for the holding of the General Meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 26 (2) Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- 26 (3) No business other than that specified in the notice convening a General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to rule 24(2).
- 26 (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27. Procedure.

- 27 (1) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- 27 (2) Five members present in person (being members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.
- 27 (3) If within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved and in any other case, shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting, or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 27 (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being no less than 3) shall constitute a quorum.

28. Presiding member.

- 28 (1) The President or, in the President's absence, the Vice-President, shall preside as chairperson at each General Meeting of the Association.
- 28 (2) If the President and the Vice-President are absent from a General Meeting, or unwilling to act, the members present shall elect one of their number to preside as chairperson at the meeting.
- 28 (3) In the case of State Associations attending General Meetings via duly constituted telephone connection, the President of the State Association or a duly elected representative shall be responsible for the control of the meeting within that state.

29. Adjournment.

- 29 (1) The chairperson of a General Meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 29 (2) Where a General Meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 29 (3) Except where provided in Clauses (1) and (2), notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30. Making of Decisions.

- 30 (1) A question arising at a General Meeting of the Association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the

chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- 30 (2) At a General Meeting of the Association, a poll may be demanded by the chairperson or by not less than three (3) members present in person or by proxy at the meeting.
- 30 (3) Where a poll is demanded at a General Meeting, the poll shall be taken -
- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,
- and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

31. Special Resolution.

- 31 (1) A resolution of the Association is a special resolution if -
- (a) it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
 - (b) where it is made to appear to the N.S.W. Department of Business and Consumer Affairs that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph
 - (c) the resolution is passed in a manner specified by the N.S.W. Department of Business and Consumer Affairs.

32. Voting.

- 32 (1) Upon any question arising at a general meeting of the Association -
- (a) a member has one vote only; except
 - (b) in all matters involving alteration to Rule 47 or Rule 48, only registered TS.16 boat owners may vote.
- 32 (2) All votes shall be given personally, by post, or by proxy, but no member may hold more than five proxies.
- 32 (3) In the case of State Associations attending via duly constituted telephone connection,
- (a) the Secretary of the State Association or duly elected representative shall notify the chairperson at the commencement of the meeting how many members are attending at that State meeting and
 - (b) how many proxy votes have been received, and to which attending members they have been allocated.
- 32 (4) In the case of an equality of votes on a question at a General Meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 32 (5) A member or proxy is not entitled to vote at any General Meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- 32 (6) Postal votes shall be on the form set out in Appendix 2 (side B) to these rules and shall be received by the Secretary of The Hartley Trailer Sailer 16 Association of Australia Inc. no later than the final mail delivery prior to the meeting.

33. Appointment of Proxies.

- 33 (1) Each member shall be entitled to appoint another member as proxy by notice
- (a) given to the Secretary no later than 24 hours before the time of the meeting; or
 - (b) given to the Secretary of the member's State Association no later than 24 hours before the time of the meeting,
- in respect of which the proxy is appointed.
- 33 (2) The notice appointing the proxy shall be in the form set out in Appendix 2 (side A) to these rules.

PART VI

Miscellaneous.

34. Insurance.

34 (1) The Association shall effect and maintain insurance pursuant to Section 44 of the Act.

34 (2) In addition to the insurance required under clause (1),

(a) the Association shall effect and maintain insurance for Association organised activities, land and water based, covering the Australian Association and all affiliated State Associations and State Divisions.

(b) the Association may effect and maintain other insurance.

35. Funds - source.

35 (1) The funds of the Association shall be derived from the entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.

35 (2) All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.

35 (3) The Association shall, as soon as practicable after receiving the money, issue an appropriate receipt.

36. Funds- management.

36 (1) Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Committee determines.

36 (2) All cheques, draft, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the Committee or employees of the Association, being members or employees authorised to do so by the Committee.

37. Alteration of Objects and Rules.

37 (1) The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the Association, as detailed in rule 31.

38. Public Officer.

38 (1) This official shall be the legal representative of the Association for all dealings with the NSW Department of Business and Consumer Affairs.

38 (2) The position of Public Officer shall be re-affirmed or re-elected at each A.G.M.

38 (3) Where possible the Public Officer shall be a Life Member of the Association.

39. Auditor.

39 (1) One Auditor shall be elected at each Annual General Meeting.

39 (2) The Auditor shall perform an audit of the affairs of the Association and report to the members at the next Annual General Meeting.

39 (3) Any vacancy occurring in the office of Auditor shall be filled by direction of the Management Committee.

40. Common Seal.

40 (1) The common seal of the Association shall be kept in the custody of the Public Officer.

40 (2) The Common Seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal shall be attested by the signatures either of two (2) members of the Committee or one (1) member of the Committee and of the Public Officer or Secretary.

41. Custody of books, etc.

41 (1) Except as otherwise provided by these rules, the Secretary shall keep in his or her custody, or under his or her control, all records, books, and other documents relating to the Association.

42. Inspection of books, etc.

42 (1) All records, books of accounts and other documents of the Association shall be open for inspection, free of charge, to a member of the Association at any reasonable hour.

43. Service of Notices.

- 43 (1) For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- 43 (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

44. Surplus Property.

- 44 (1) At the first General Meeting of the Association, the Association shall pass a special resolution nominating an incorporated Association as the Association in which is to vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the Association.
- 44 (2) The incorporated Association so nominated shall be one, which fulfils the requirements specified in section 53(2)(a)-(c) of the Act.

45. Class Name.

- 45 (1) The class shall be known as "Hartley TS.16"

PART VII

46. State Associations.

- 46 (1) State Associations shall only be recognised when they have adopted a constitution, which has been previously submitted -
- (a) to the Committee of Management of the Hartley Trailer Sailer 16 Association of Australia Inc, or
 - (b) in the case of submission of the State constitution prior to Incorporation, to the Management Committee of The Hartley Trailer Sailer 16 Association of Australia;
- and been approved by it.
- 46 (2) Once the State Association constitution has been approved, it shall be deemed to be affiliated with the Association.
- 46 (3) Where necessary, State Associations shall have the power to form Divisions within their respective States for local liaison.
- 46 (4) Funds shall be allocated to the various State Associations in accordance with a formula to be determined from time to time by the Committee of Management and shall be no less than two-thirds of Annual Subscriptions received from that State less an insurance adjustment of up to a maximum of 50% of the cost of the Association insurance policy for each financial year. The amount paid by each state to be determined by a formula derived by dividing 50% of the policy premium by the number of members financial at the 30th of June of the preceding financial year. The subscription reimbursement paid to each state in January and May/June of the current financial year to be reduced by the total members being refunded multiplied by the value of the above formula. Allocations to States shall be made on 1st January and will be based on subscriptions paid to that date. Allocations for subscriptions received between 1st January and 31st May shall be made at the end of the financial year.
- 46 (5) State Associations shall –
- (a) derive their funds from State allocations as per clause 46 (4), donations, and subject to the rules and constitution of the State Association, such other sources as determined by the State Committee.
 - (b) be solely responsible for the financial management of their respective State Associations.
- 46 (6) All money and assets belonging to a State Association shall remain the property and the responsibility of that State Association.
- 46 (7) Copies of the minutes of all meetings held by State Associations shall be sent to the Secretary of The Hartley Trailer Sailer 16 Association of Australia Inc. as soon as practicable after the meeting.

PART VIII

47. Sailing Rules.

- 47 (1) Boats competing in events organised by or on behalf or under the rules of the Association shall be governed by these rules and a set of rules titled "Special Sailing Rules".

- 47 (2) Alteration to the "Special Sailing Rules" may be made from time to time only by special resolution and in accordance with the Constitution and Rules of the Association, in particular rule 32(1).

PART IX

48. Registration, Measurement.

48 (1) Measurers -

Official Measurers, nominated by the State Associations, shall be appointed by the Committee of Management. The Measurers shall adhere strictly to the instructions issued to them by the Committee of Management, which may terminate any appointment at its discretion. They shall submit all measurement action through the Chief Measurer.

48 (2) Measurement procedure -

Upon completion of a boat for which a boat number has been issued, or upon registration of a completed boat, in pursuance of rule 17(5)(2)(a) to (d), or upon alteration or repairs of extensive damage to the hull of a previously measured boat;

- (a) the owner shall notify the Association of the circumstances in writing;
- (b) the Association shall thereupon advise the owner of the name and address of a Measurer.
- (c) It shall be the responsibility of the owner to effect a mutually convenient arrangement with the Measurer to inspect, measure and report to the Chief Measurer upon the boat as to its suitability for the awarding of a Class Certificate as provided for in 48 (3)(a), (b), and (c). No fees shall be payable for the measurement but the owner shall meet all reasonable travelling and out of pocket expenses incurred by the Measurer.
- (d) The owner shall be made aware that the Association does not accept responsibility for faults in any boat issued with an "A" Class Certificate.

48 (3) Class Certificates -

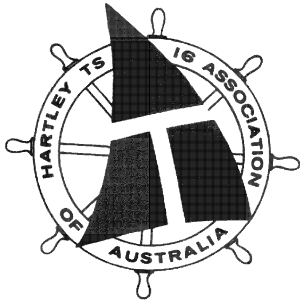
- (a) "A" Class Certificates shall be granted by the Committee of Management to all boats built to conform to the TS.16 Official Plans (subject to any modification agreed to by the Association) which pass measurement within tolerances laid down in the Measurement Form of the Association, and which, in the opinion of the Chief Measurer, are built fairly to plan and in accordance with general standards for amateur built craft.

NOTE: Conformity to the Measurement Form alone is not necessarily grounds for issue of an "A" Class Certificate. Boats must conform to the requirements of the official plans.

- (b) The Committee of Management shall have power to withdraw, alter, or restore an "A" Class Certificate, on the recommendation of the Chief Measurer, when there has been a change in the condition of the boat or when re-examination shows that the original Certificate was inappropriate.
- (c) All current memberscertificates shall be renewed annually as membership is reviewed. In the event of the sale of a boat, the Certificate shall be returned to the Registrar for transfer to the new owner.

48 (4)(1) Measurement-

- (a) All "A" Class TS.16s shall comply with these rules and a set of rules titled "Special Measurement Rules".
- (b) Alteration to the "Special Measurement Rules" may be made from time to time only as a special resolution and in accordance with the Constitution and Rules of the Association, in particular Rule 32(1).



Application for Membership

THE HARTLEY TRAILER SAILER 16 ASSOCIATION of AUSTRALIA Inc.

The Registrar,

Personal Details

Surname		First Names	
Address			Postcode
Area Code	Home Phone	Area Code	Work Phone
Occupation		Sailing Club	
Email		Mobile Phone	

Boat Details (Complete if transferring a previously registered TS.16)

Boat Name	Boat/Sail Number	Class (Strike out one) "A Class" "Non A Class"
Logo on sail (if any)		

(Complete if a New Boat or New Registration)

Boat Name requested (1 st pref.)	Boat Name requested (2nd pref.)	Boat Name requested (3rd pref.)
---	---------------------------------	---------------------------------

Ownership Strike out three (3)	Sole Non
-----------------------------------	------------------------

Construction Strike out two (2)	Timber Glass Composite
------------------------------------	--

Joint Owner Details (if applicable)

Surname of Joint Owner	First Names of Joint Owner
------------------------	----------------------------

Fees applicable as at			Plan Sets		
Annual Subscription			Items below are included with plan sets		
Joining Fee			Building Guide		
Boat Registration transfer fee	Nil		Rigging Guide		
Boat Registration & number fee	Nil		Tune & Trim		
Cruising Guide			Measurement Form		
			Flotation Information		
Study Plans (1 sheet, no other info)			TOTAL		

Note – State Association Membership is Automatic

I hereby apply to become a member of the above named Incorporated Association. In the event of my admission as a member, I agree to be bound by the rules of the Association for the time being in force, and I consent to the recording and use of my personal information in accordance with those rules. [See over]

Date

Signature

OFFICE USE ONLY

Boat Name Available
Date received

Boat Number issued
Receipt number

Membership Number issued

Appendix 2 (side A)
THE HARTLEY TRAILER-SAILER 16 ASSOCIATION of AUSTRALIA Inc.
FORM OF APPOINTMENT OF PROXY.

PLEASE PRINT CLEARLY

Membership Number:

I, of
(Full name) (Address)

..... being a member of The Hartley Trailer-Sailer 16 Association of Australia Inc.

hereby appoint

.....
(Full name of proxy)

of being a member of
The Hartley Trailer-Sailer 16 Association of Australia Inc., as my proxy to vote for me on my behalf at the
..... General Meeting of the Association (*Annual General Meeting or Special General Meeting, as the case
may be*) to be held on the day of and at any adjournment of that meeting.

(* Insert the following details if the proxy holder is directed to vote in a prescribed manner)

*My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

I am a registered boat owner **YES / NO** (*strike out one*)

Signed Date
.....
(SIGNATURE of member appointing proxy)

- Note:**
1. Only **ONE** side of this form is to be completed.
 2. A proxy vote may only be given to a financial member of the Association.
 3. Proxy votes shall be lodged in accordance with rule 33 (1).
 4. All details on this form must be completed by the member allocating the proxy.
 - 5.

Appendix 2 (side B)

THE HARTLEY TRAILER-SAILER 16 ASSOCIATION of AUSTRALIA Inc.

POSTAL VOTE FORM

PLEASE PRINT CLEARLY

Membership Number:

I, of
(Full name) (Address)

..... being a member of The Hartley Trailer-Sailer 16 Association of Australia Inc.
hereby record my vote for the motions and/or nominations, as indicated below, at the General
Meeting of the Association (*Annual General Meeting or special General Meeting, as the case may be*) to be held on the
..... day of and at any adjournment of that meeting.

(Details of motions and Committee nominations to be inserted)

I am a registered boat owner **YES / NO** (*strike out one*)

Signed Date
..... (*signature of member*)

- Note:**
1. Only **ONE** side of this form is to be completed.
 2. All details on this form must be completed by the member lodging this postal vote.
 3. Postal votes must be received by the Secretary of The Hartley Trailer Sailer 16 Association of Australia Inc. no later than the final mail delivery prior to the meeting.



THE HARTLEY TRAILER SAILER 16 ASSOCIATION of AUSTRALIA Inc.

SPECIAL SAILING RULES

NOTE: Addition or alteration to these rules may only be made in accordance with rule 47(2) of the Constitution and Rules of The Hartley Trailer Sailer 16 Association of Australia Inc.

1. ELIGIBILITY TO RACE -

- (a) A boat with a current "A" Class Certificate shall be eligible to compete in all events organised by or on behalf of or under the Rules of the Association. Winners of Association events may be required to submit their boat for re-measurement.
- (b) All equipment installed and present at the time of official weighing of the TS.16 shall be carried in all races. Hatch covers shall be installed or safely stowed in the TS.16 in all races.
- (c) Unclassified boats may be eligible to take part in races decided on Handicap, at the discretion of the organising body.

2. CREW -

- (a) In all races under Association Rules, the crew shall be at least two. Each member of the crew must be 12 years of age or over and the helmsperson must be a financial member of the Association.
- (b) In heats of the National Championships, the helmsperson, unless the owner of the boat, shall have sailed in at least three races covered by these sailing rules.

3. PERSONAL BUOYANCY -

Deleted 4.8.2007

4. PADDLES

Each boat shall carry two suitable paddles each with an overall length of at least 1.2 metres and a blade area of at least 0.04 square metres.

5. ANCHORS -

- (a) A suitable anchor and line shall be carried when racing.

6. TRAPEZES, ETC. -

- (a) Trapezes, sliding seats, or similar contrivances are not allowed. Hiking is

permitted provided that no part of the body between the middle of the thigh and the feet shall be located outboard of the gunwale when hiking.

- (b) There shall be no filling or bridging in the area formed by the top of the coaming, the top of the gunwale and the deck ply, or the area formed by the top of the coaming, the inner edge of the cockpit seat and the deck ply.

7. RIGGING -

- (a) The tension and position of mast, forestay, side stay and diamond stays must be fixed before and not altered during any race.

8. INSTRUMENTS -

- (a) No instrument aid to sailing except stopwatch, compass and wind direction indicators will be allowed.

9. SAILS -

- (a) Only one set of sails will be allowed during races or race series in Association events. Replacement of damaged or lost sails may be allowed with the approval of the Committee conducting the races or race series.

10. INTERPRETATION -

In the case of any dispute regarding the interpretation of these Special Sailing Rules, it is to be noted that the Special Sailing Rules shall be read in the spirit rather than by the letter of the rule.

11. CENTREBOARD LOCK DOWN -

Boats shall have a positive non friction device which will prevent the centre board from moving in the event of a knockdown or capsized. This device may be constructed to hold the centre board in any position.



THE HARTLEY TRAILER SAILER 16 ASSOCIATION of AUSTRALIA Inc.

SPECIAL MEASUREMENT RULES

NOTE: Addition or alteration to these Rules may only be made in accordance with Rule 48(4)(1)(b) of the Constitution and Rules of The Hartley Trailer Sailer 16 Association of Australia Inc.

1. HULLS -

- (a) Hulls shall conform to the lines, dimensions, timber sizes and specifications detailed on the Official Plans and Measurement Form referred to in rule 16 of the Constitution.
- (b) Boat numbers will be issued by the Registrar of the Association upon receiving an application from a financial member of the Association and the payment of a fee as determined by Committee of Management.
- (c) The registered boat number as referred to in Rule 17(5)(2) (a) to (d), shall be carved in the after top port side of the centreboard case in figures not less than 25mm (1") high.

2. SPARS -

- (a) Aluminium spars shall be used, and shall conform strictly to the measurements and specifications detailed on the Official Plans and Measurement Form referred to in Rule 16 of the Constitution.

3. RIGGING -

- (a) Diamond spreaders may be angled.
- (b) Trapezes, swing planks or other similar devices will not be permitted.
- (c) Deck fittings for securing forestay and shrouds are optional as to type, but must comply with the Official Plans referred to in Rule 16(1)(a) of the Constitution.

4. SAILS -

- (a) The registered boat number shall be the registered sail number of the boat.
- (b) A set of sails shall comprise two jibs and one main sail. Only one jib and one mainsail to be used at any one time as a maximum.
- (c) Sails measured and passed as satisfactory shall be stamped near the tack, and signed and dated by the Measurer.
- (d) The official stamp for measurement of sails will be issued to State Measurers by the Committee of Management.
- (e) Boats competing under these rules must carry measured and passed sails as per 4(b) and 4(c).
- (f) Main sail roller reefing or reefing points and jib furling gear is optional.
- (g) Spinnakers will not be permitted for competition racing.
- (h) Whisker poles may be used for goose-winging the jib when running.
- (i) Sheeting arrangements for sails are left to the owner's discretion.

5. INTERPRETATION

In the case of any dispute regarding the interpretation of these Special Measurement Rules, it is to be noted that the Special Measurement Rules shall be read in the spirit rather than by the letter of the rule.