

RULES OF THE NATIONAL E SAILING ASSOCIATION INCORPORATED  
ADOPTED BY THE MEMBERS  
30<sup>th</sup> December 2011

NAME

1. The name of the incorporated association is "The National E Sailing Association Incorporated" (in these rules called "the Association")

INSIGNIA

2. The insignia used to define the class is a letter E turned on its back thus-  and for racing the class flag is a black E (on back) on a yellow background.

INTERPRETATION

- 3.1 These rules shall provide the basis on which owners of the yachts originally designed by Jack Holt as a Lazy E, now renamed in Australia as the National E, shall control construction and racing throughout Australia so that the National E remains a One Design Class capable of satisfying both the family sailor and the racing enthusiast.
- 3.2 In these rules, unless the contrary intention appears:-  
"Associate" means crews and all other persons interested in the class who are not registered boat owners.  
"Committee" means the National Committee of the Association.  
"Executive" means the Officers of the Association under rule 23.  
"Family" means the spouse and dependent children of a Registered Owner or of an Honorary Life Member registered as a boat owner.  
"Financial Year" means the year ending on 30 June.  
"General Meeting" means a general meeting of members convened in accordance with rule 13.  
"Honorary Life Membership" means membership conferred by a decision at an Annual Meeting of the National Committee to persons who have given valuable service to the Association.  
"Member" means a member of the Association.  
"Ordinary Member of the Committee" means a member of the Committee who is not an officer of the Association under rule 23.  
"Registered Owner" means the person or persons registered as the current holder of a National E sail number in the Boat Register of the Association. In case of joint holders of a registration, only one shall be eligible to vote at any General Meeting of the Association.  
"The Act" means the Associations Incorporation Act 1981.  
"The Regulations" means regulations under the act.  
"In writing", "written" means either by hard copy or electronic means such as e-mail.  
"Address" means either ordinary postal address or e-mail address.  
"Meetings" of members with the exception of the Annual General Meeting and Committee meetings mean either personal face-to-face meetings or electronic meetings (telephone or computer hook-up).
- 3.3 In these Rules, a reference to the secretary of an Association is a reference:-  
(a) Where a person holds office under these Rules as secretary of the Association - to that person; and  
(b) in any other case, to the public officer of the Association.

- 3.4 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the act as in force from time to time.

OBJECTIVES

4. The objectives of the Association shall be:
- 4.1 To further the interests of the National E Sailing Association Incorporated and govern the affairs of its members.
- 4.2 To promote the growth and development of the class by encouraging construction of National E yachts to a One Design standard.
- 4.3 To ensure racing on equal terms by making rules for the regulation of racing amongst boats in the Association.
- 4.4 To ensure all racing of Association yachts takes place under the rules of the International Sailing Federation (ISAF) as modified by Yachting Australia (YA) and the yachting authorities of the States of Australia and by these Rules.
- 4.5 To encourage growth of the Association by promotion and regulation of branches in each State of Australia. Each State branch shall annually elect a committee from amongst members within the state to further the interests of owners of National E yachts and to implement the policy of the Association in their respective States with particular responsibility to represent the Association in dealings with State Yachting Authorities; to provide facilities for measurement of boats under these Rules; to organise annual championship events; and to control racing between owners of National E's.

APPLICATION FOR MEMBERSHIP

- 5.1 Membership is open to all persons who are amateur in status as prescribed in the Rules of Yachting Australia

- 5.2 A natural person who is nominated and approved for membership as provided in these rules is eligible to be a member of the Association on payment of the entrance fee and annual subscription payable under these rules.
- 5.3 A person who is not a member of the Association at the time of the incorporation of the Association (or who was such a member at that time but has ceased to be a member) shall not be admitted to membership:-  
 (a) unless that person is nominated as provided in sub-clause (4); and  
 (b) admission as a member is approved by the local State Branch of the Association.
- 5.4 A nomination of a person for membership of the Association:-  
 (a) shall be made in writing in the form set out in Appendix 1; and  
 (b) shall be lodged with the secretary of the local State Branch of the Association.
- 5.5 As soon as is practicable after the receipt of a nomination, the State Secretary shall refer the nomination to the State Branch Committee.
- 5.6 Upon a nomination being referred to the State Branch Committee, that Committee shall determine whether to approve or to reject the nomination.
- 5.7 Upon a nomination being approved by the State Branch Committee, the State secretary shall, with as little delay as possible, notify the nominee in writing that the nominee is approved for membership of the association and request payment within the period of 28 days after receipt of the notification of the sum payable under these rules as the entrance fee and the first year's annual subscription.
- 5.8 The state secretary shall, upon payment of the amounts referred to in sub-clause (7) within the period referred to in that sub-clause, refer the application to the National Registrar who shall enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the association.
- 5.9 A right, privilege, or obligation of a person by reason of membership of the association:-  
 (a) is not capable of being transferred or transmitted to another person;  
 (b) terminates upon the cessation of the membership whether by death or resignation or otherwise.

#### ENTRANCE FEE AND ANNUAL SUBSCRIPTION

- 6.1 The entrance fee, if any, shall be determined by the National Committee from time to time.
- 6.2 Subscriptions for all classes of membership shall be fixed each year by the National Committee at its Annual Meeting and shall apply for the year commencing on the first day of July following that Meeting.
- 6.3 New members joining the Association after 30th day of April in each year shall be deemed to have joined for the membership year commencing from the next 1st day of July.
- 6.4 Renewal subscriptions shall be due on or before 1st day of September in each year and members whose renewals are outstanding after the 30th day of September in each year shall be deemed "unfinancial members" and ineligible to participate in championship events or to hold office until their current subscription has been paid.
- 6.5 Membership shall lapse if not renewed by 30th day of April in each membership year.

#### REGISTER OF MEMBERS

7. The National Registrar shall keep and maintain a register of members in which shall be entered the full name, address and date of entry of the name of each member and the register shall be available for inspection by members at the address of the Public Officer.

#### RESIGNATION AND EXPULSION OF MEMBER

- 8.1 A member of the Association who has paid all moneys due and payable by that member to the Association may resign from the Association by first giving one months' notice in writing to the secretary of an intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.
- 8.2 Upon the expiration of a notice given under sub-clause (1), the secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 9.1 Subject to these rules, the Committee may by resolution:-  
 (a) expel a member from the Association;  
 (b) suspend a member from membership of the Association for a specified period; or  
 (c) fine a member in accordance with the Regulations, if the Committee is of the opinion that the member -  
 (i) has refused or neglected to comply with these rules; or  
 (ii) has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association.
- 9.2 A resolution of the Committee under sub-clause (1):-  
 (a) does not take effect unless the Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on a member of a notice under sub-clause (3) confirms the resolution in accordance with this clause; and

(b) where the member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with this clause.

- 9.3 Where the committee passes a resolution under sub-clause (1), the secretary shall, as soon as practicable, cause to be served on the member a notice in writing:-
- (a) setting out the resolution of the Committee at a meeting on which it is based;
  - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice;
  - (c) stating the date, place and time of that meeting;
  - (d) informing the member that he may do one or more of the following -
    - (i) Attend that meeting;
    - (ii) Give to the committee before the date of that meeting a written statement seeking the revocation of the resolution;
    - (iii) Not later than 24 hours before the date of the meeting, lodge with the secretary a notice to the effect that he wishes to appeal to the Association in general meeting against the resolution.
- 9.4 At a meeting of the Committee held in accordance with sub-clause (2), the Committee:-
- (a) shall give to the member an opportunity to be heard;
  - (b) shall give due consideration to any written statement submitted by the member; and
  - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- 9.5 Where the secretary receives a notice under sub-clause (3), he shall notify the Committee and the Committee shall convene a general meeting of the Association to be held within 21 days after the date on which the secretary received the notice.
- 9.6 At a general meeting of the Association convened under sub-clause (5):-
- (a) no business other than the question of the appeal shall be transacted;
  - (b) the Committee may place before the meeting details of the grounds for the resolution and the reasons for passing the resolution;
  - (c) the member shall be given an opportunity to be heard; and
  - (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 9.7 If at the general meeting:-
- (a) two-thirds of the members vote in person or by proxy in favour of the confirmation of the resolution, the resolution is confirmed; and
  - (b) in any other case, the resolution is revoked.

#### ANNUAL GENERAL MEETING

- 10.1 The annual general meeting shall be held at such time and place as the Committee determines.
- 10.2 The annual general meeting shall be specified as such in the notice convening it.
- 10.3 The ordinary business of the annual general meeting shall be:-
- (a) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (b) to receive from the committee reports upon the transactions of the Association during the last preceding financial year, including audited financial accounts for the last preceding year;
  - (c) to elect officers of the Association and the ordinary members of the Committee; and
  - (d) to receive and consider the statement submitted by the Association in accordance with Section 30(3) of the Act.
- 10.4 The annual general meeting may transact special business of which notice is given in accordance with these rules.
- 10.5 The annual general meeting shall be in addition to any other general meetings that may be held in the same year.

#### SPECIAL GENERAL MEETINGS

11. All general meetings other than the annual general meeting shall be called special general meetings and shall be open to all members financial at the date of that meeting.
- 12.1 The Committee may, whenever it thinks fit, convene a special general meeting of the Association and, where, but for this sub-clause, more than 15 months would lapse between annual general meetings, shall convene a special general meeting before the expiration of that period.
- 12.2 The committee shall, on the requisition in writing of members representing not less than 5% of the total number of members, convene a special general meeting of the Association.
- 12.3 The requisition for a special general meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.

- 12.4 If the committee does not cause a special general meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a special general meeting to be held not later than 3 months after that date.
- 12.5 A special general meeting convened by members in pursuance of these rules shall be convened in the same manner as nearly as possible as that in which those meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

#### NOTICE OF MEETING

- 13.1 The Secretary of the Association shall, at least 21 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at the address appearing in the register of members, a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.  
Notice may be sent by pre-paid post or electronic transmission to the address appearing in the register of members.
- 13.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting.
- 13.3 A member desiring to bring any business before a meeting may give notice of that business in writing or by electronic transmission to the secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.
- 13.4 To foster discussion and expedite decisions:-  
(a) any motion-on-notice for a general meeting shall be accompanied by a supporting statement of not more than 100 words addressed to the secretary who shall upon receipt thereof circulate both motion and statement to all members of the National Committee requesting them to seek comment from members of their branch committee (where possible) and to forward comments in writing to reach the secretary within 21 days of the date of the secretary's circular;  
  
(b) upon receipt of the comments from National Committee members the Executive shall meet and prepare a summary of points raised against the motion and this summary shall be forwarded together with the motion and its supporting statement as inclusions in the notice of the meeting at which the motion will be introduced.
- 13.5 A motion-on-notice for any general meeting of members shall be forwarded to the secretary no less than 10 weeks before the meeting at which the motion will be introduced.

#### PROCEEDINGS AT MEETINGS

- 14.1 All business that is transacted at a special general meeting and all business that is transacted at the annual general meeting with the exception of that specially referred to in these rules as being the ordinary business of the annual general meeting shall be deemed to be special business.
- 14.2 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 when the meeting is considering that item.
- 14.3 5 members personally present **and 10 proxies, being a total of 15 members,** (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.
- 14.4 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 next week at the same time and (unless another place is specified by the Chairman at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall be a quorum.
- 15.1 The President, or in the President's absence, the vice-president, shall preside as Chairman at each general meeting of the Association.
- 15.2 If the President and the vice-president are absent from a general meeting, the members present shall elect one of their number to preside as Chairman at the meeting.
- 16.1 The Chairman of a general meeting at which a quorum is present may, with the consent of 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.
- 16.2 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

- 16.3 Except as provided in sub-clauses (1) and (2), it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned meeting.
- 17.1 (a) 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 Chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and 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.  
 (b) In the case of electronic meetings a "show of voices" is considered to be the same as a show of hands and is to be interpreted in the same way as set out in sub-sub clause (a).
- 17.2 A motion-on-notice to change any component of these Rules, the Rules of Construction and Measurement or the Measurement Form shall require a majority of 75% (rounded to the nearest 5%) of the votes cast.
- 18.1 Any member may speak at a meeting of the Association but only Registered Owners, Honorary Life Members and members of the National Committee shall be eligible to vote.
- 18.2 Upon any question arising at a general meeting of the Association, an eligible voting member has one vote only.
- 18.3 All votes shall be given personally or by proxy.
- 18.4 In the case of an equality of voting on a question, the Chairman of the meeting is entitled to exercise a second or casting vote.
- 19.1 If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such a manner as the Chairman may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 19.2 A poll that is demanded on the election of a Chairman or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such a time before the close of the meeting as the Chairman may direct.
20. A member is not entitled to vote at any general meeting unless all moneys due and payable by that member to the Association have been paid.
- 21.1 Each member, who is a financial Registered Owner, and is unable to attend the meeting, shall be entitled to appoint another financial member as a proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 21.2 The notice appointing the proxy shall be in the form set out in Appendix 2.

#### COMMITTEE OF MANAGEMENT

- 22.1 The affairs of the Association shall be managed by a National Committee constituted as provide in rule 24.
- 22.2 The Committee:-  
 (a) shall control and manage the business and affairs of the Association.  
 (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Association; and  
 (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association.
- 22.3 The day-to-day running of the affairs of the Association shall be managed by an Executive constituted as provided in Rule 23.
- 22.4 Meetings of the Executive shall be held regularly at such time and place as the Executive determines.
- 22.5 4 officers of the Association present constitute a quorum for the transaction of business of an Executive meeting.
- 23.1 The officers of the Association shall be:-  
 (a) A President;  
 (b) A Vice President;  
 (c) A Treasurer;  
 (d) A Secretary;  
 (e) A National Registrar;  
 (f) A National Measurer;  
 (g) A Web Administrator;  
 (h) A Publicity Officer.
- 23.2 The provisions of Rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause (1).

- 23.3 Each officer of the Association shall hold office until the annual general meeting next after the date of that officers election but is eligible for re-election.
- 23.4 In the event of a casual vacancy in any office referred to in sub-clause (1), the Committee may appoint one of its members to the vacant office and the member substituted may continue in office up to and including the conclusion of the annual general meeting next following the date of that appointment.
- 24.1 Subject to section 23 of the Act, the Committee shall consist of:-  
 (a) The officers of the Association, and  
 (b) No more than five ordinary members appointed by the branches in accordance with sub-clause (2)- each of whom shall be elected at the annual general meeting of the Association in each year.
- 24.2 The number of representatives to be appointed to the National Committee by each state branch shall be the divided exclusive of fractions, obtained by dividing ten times the aggregate of Registered Owners and Honorary life Members resident in that State at the end of the previous financial year by the total number of all Registered Owners and Honorary Life Members in the Association, provided that, where such dividend is less than unity, the number of representatives shall be one.
- 24.3 The Committee shall have the power to co-opt technical advisers or special representatives in subject areas requiring expertise not represented amongst the Committee.
- 24.4 Each ordinary member of the Committee shall, subject to these Rules, hold office until the annual general meeting next after the date of his/her election but is eligible for re-election.
- 24.5 In the event of a casual vacancy occurring in the office of an ordinary member 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 that appointment.

#### ELECTION OF OFFICERS AND VACANCY

- 25.1 Nominations of candidates for election as officers of the Association or as ordinary members of the Committee:-  
 (a) shall be called for by the Secretary not less than 60 days before the date fixed for the holding of the annual general meeting;  
 (b) shall be made in writing in the form included as Appendix 3 to these Rules, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination); and  
 (c) shall be delivered to the secretary of the Association not less than 7 days before the date fixed for the holding of the annual general meeting.
- 25.2 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.
- 25.3 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.
- 25.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 25.5 The ballot for the election of officers 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.
- 25.6 A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for another office for election at the same election.
- 25.7 A nomination of a candidate for election under this clause is not valid if that candidate is not a financial member of the Association.
26. For the purposes of these rules, the office of an officer of the Association or of an ordinary member -of the Committee becomes vacant if the officer or member:-  
 (a) Ceases to be a member of the Association;  
 (b) becomes an insolvent under administration within the meaning of the companies (Victoria) code; or  
 (c) resigns from office by notice in writing given to the secretary.

#### PROCEEDINGS OF COMMITTEE

- 27.1 The Committee shall meet at least one time in each year. At least one such meeting shall be held at such a place and such a time as the Committee may determine to coincide with a National Titles Championship.
- 27.2 The ordinary business of the National Committee Meeting shall be:-  
 (a) to confirm the record of the previous National Committee Meeting;  
 (b) to receive reports from the Executive concerning the affairs of the Association since the last Annual General Meeting;  
 (c) to determine the Capital Sum to be appropriated from annual subscriptions and divided between branches in accordance with Rule 38 sub-clause (3);  
 (d) to fix the annual subscriptions and joining fees in accordance with Rule 6;

- (e) to review fees for release of plans, Holt Royalty and GRP mould hire in accordance with Rule 40;
  - (f) to confer by motion-on-notice one or more Honorary Life Memberships in accordance with Rule 3 sub-clause (2), such nominations to be made by branches in writing to the secretary not less than 6 weeks prior to the National Committee meeting;
  - (g) to consider nominations for award of the Jock Lawler Trophy, such nominations to be in writing to the Secretary not less than six weeks prior to the National Committee Meeting.
  - (h) to review the Rules of Measurement and consider any recommendations to be made in accordance with Rule 40 sub-clause(10), and
  - (i) to ensure arrangements are in place for the next National Titles Championship at which the Perpetual Trophies listed in Schedule 3 will be contested and to determine the host branch responsible for arranging and hosting that Championship.
- 27.3 The National Committee meeting may transact special business of which notice is given in accordance with these rules.
- 27.4 Special meetings of the Committee may be convened by the President or by any 4 of the members of the Committee.
- 27.5 Notice shall be given to Members of the Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting.
- 27.6 Any 4 members of the committee constitute a quorum for the transaction of the business of a meeting of the Committee.
- 27.7 No business shall be transacted 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 shall stand adjourned to the same place and at the same hour of the same day in the following week unless the meeting was a special meeting in which case it lapses.
- 27.8 At meetings of the Committee:-
- (a) the President or in his/her absence a vice-president shall preside; or
  - (b) if the President and both vice-presidents are absent, such one of the remaining members of the Committee as may be chosen by the members present shall preside.
- 27.9 (a) Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined on a show of hands or, if demanded by a member, by a poll taken in such a manner as the person presiding at the meeting may determine.  
 (b) In the case of electronic meetings a "show of voices" is considered to be the same of a show of hands and is to be interpreted in the same way
- 27.10 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 and, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 27.11 Written notice on each committee meeting shall be served on each member of the Committee by delivering it to that member at a reasonable time before the meeting or by sending it by prepaid post addressed or electronic transmission to the address of that member appearing in the register of members at least 21 days before the date of the meeting.
- 27.12 A motion-on-notice for any meeting of the National Committee shall be accompanied by a supporting statement of not more than 100 words addressed to the Secretary and both motion and statement shall be included in the notice of meeting at which the motion will be introduced
- 27.13 A motion-on-notice for any general meeting of the National Committee shall be forwarded to the Secretary no later than 6 weeks prior to the meeting at which that motion will be introduced
- 27.14 Subject to sub-clause (6) the Committee may act notwithstanding any vacancy on the committee.
- 28.1 A member of the National Committee who is unable to attend any meeting of the Committee shall be entitled to appoint another member of the Committee as a proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 28.2 The notice appointing the proxy shall be in the form set out in Appendix 2.

SECRETARY

- 29.1 The Secretary of the Association shall keep minutes of the resolutions and proceedings of each general meeting, each Committee Meeting and each Executive Meeting in books provided for that purpose together with a record of the names of persons present at committee meetings.

TREASURER

- 30.1 The Treasurer of the Association:-
- (a) shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and

(b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association including the funds held by the state branches

30.2 The accounts and books referred to in sub-clause (1) shall be available for inspection by members.

#### REMOVAL OF MEMBER OF COMMITTEE

31.1 The Association in general meeting may by resolution remove any member of the Committee before the expiration of the members term of office and appoint another member, being a member from the same state as the member removed, in his/her stead to hold office until the expiration of the term of the first mentioned member.

31.2 Where the member to whom a proposed resolution referred to in sub-clause (1) makes representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

#### CHEQUES

32. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by 2 members of the Committee.

#### SEAL

33.1 The Common Seal of the Association shall be kept in the custody of the Secretary.

33.2 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 members of the Committee or of one member of the Committee and of the Public Officer of the Association.

#### RULES AND STATEMENT OF PURPOSES

34. These rules and the statement of purposes of the Association shall not be altered except in accordance with the Act.

#### NOTICES

35.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it to the member at the address shown in the Register of Members.

35.2 Where a document is properly addressed prepaid and posted to a person as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

#### WINDING UP OR CANCELLATION

36. In the event of the winding up or the cancellation of the Incorporation of the Association, the assets of the Association shall be passed to another yachting organisation with similar objects, that organisation being affiliated with Yachting Australia

#### CUSTODY OF RECORDS

37. Except as otherwise provided in these Rules, the Secretary shall keep in custody or under control all books, documents and securities of the Association. Access to these books and records shall be available to members of the Association, by arrangement, at all reasonable times.

#### FUNDS

38.1 The funds of the Association shall be derived from entrance fees, annual subscriptions, donations and such other sources as the Committee determines.

38.2 The Executive shall be authorised to open and operate interest bearing and cheque accounts and to manage the financial affairs of the Association.

38.3 Each financial year prior to the annual general meeting the Executive shall provide each State branch with a share of the Capital sum. The Capital sum shall be determined at the National Committee Meeting and the share of each State branch shall be in proportion to the annual subscriptions received from that State during the financial year preceding that National Committee Meeting.

#### RACING

39.1 No boat shall be permitted to race in an open event for National E dinghies unless it is the holder of a current Measurement Certificate as described in Rule 41. sub-clause (3). signed by the National Registrar.

- 39.2 No boat shall be permitted to race in a championship or interclub event unless:  
 (a) The boat holds a class "A" Measurement Certificate; and  
 (b) The owner holds current Registered Owner Membership; and  
 (c) The skipper is a current financial member of the Association (includes family member); and  
 (d) The crew is a current financial member of the Association (includes family member).  
 (e) The owner declares that the boat is covered by current full racing risks insurance.
- 39.3 Boats classified "B" are not eligible for championship or interclub events organised by the Association.
- 39.4 Boats classified "C" are not registered for racing as National E dinghies.

#### MEASUREMENT CERTIFICATES

- 40.1 To preserve the National E dinghy as a One Design Class all boats shall be built in accordance with the "Plans" and the associated "Rules of Construction and Measurement" so that resultant boats are as alike as possible except where certain options are allowed in rigging, type and position of fittings, and specified components.
- 40.2 "Plans" for construction and/or GRP hulls produced from Association mould's shall be numbered consecutively. Plans shall be held by the National Secretary. Registered numbers and plans shall be released only to persons who have completed an Application for Membership in the Association and paid the applicable fees.
- 40.3 The Association has the responsibility to collect and remit a royalty to the designer, Jack Holt Ltd., The Embankment, Putney, London SW15 1LB, England, on each plan released. In addition, the Association is the developer of mould's for GRP Construction and imposes a hire charge for their use. Fees needed for royalties and for hire of the mould shall be reviewed by the National Committee at each annual meeting held under Rule 27. sub-clause (1).
- 40.4 In addition to the "Plans" and/or the Registered Boat Number the Secretary shall provide each applicant with:-  
 (a) A copy of the "Rules of Construction and Measurement"; and  
 (b) A "Measurement Form" which defines permitted tolerances.
- 40.5 Upon release of a set of "Plans" and/or the Registered Number, the boat shall be classified and thereafter advanced in classifications as follows:-  
 (a) Class D - Planned - no advice that construction complete;  
 (b) Class C - Provisional - construction complete but boat unmeasured;  
 (c) Class B - Restricted - boat measured but not fully compliant with the Rules;  
 (d) Class A - Unrestricted - boat measured as fully complying with the Rules.
- 40.6 Boat measurement shall be by way of completion and certification of the "Measurement Form" by one of the following:-  
 (a) special measurers appointed annually by each branch of the Association; or  
 (b) official measurer recognised by a State Yachting Authority; or  
 (c) Any official (flag officer, secretary, sailing secretary or club measurer) of any sailing or yacht club recognised by a State Yachting Authority.
- 40.7 It shall be the responsibility of the Registered Owner of each boat to arrange measurement and for submission of the Certified Measurement Form to the National Registrar for inclusion in, or updating of the Boat Register.
- 40.8 Remeasurement is required if a boat is substantially reconstructed.
- 40.9 Remeasurement in part is required if any of the following are replaced:-  
 (a) Sails;  
 (b) Mast;  
 (c) Boom;  
 (d) Rudder;  
 (e) Centreboard;  
 (f) Buoyancy unit;
- 40.10 Changes to any component of the "Measurement Form" shall require a motion-on-notice to be put to an annual general meeting of the Association. All boats measured or re-measured after the effective date of such motion-on-notice shall comply with the new measurement requirements but the classification of existing boats shall not be affected.
- 40.11 Changes to the rigging and fittings defined as "optional" in the "Rules of Construction and Measurement" shall be permitted only if they provide no additional function.

#### BOAT REGISTER

- 41.1 The National Registrar shall maintain a boat register listing each boat by its plan number and that number shall be included on the sails and hull of the boat in the manner detailed in the "Rules of Construction and Measurement".
- 41.2 The Boat Register shall include the following information:-  
 (a) Boat number;  
 (b) Boat name;  
 (c) Boat classification (A, B, C or D)

- (d) Hull materials - (Tim = Timber)(G.R.P. = Glass Reinforced Plastic)(Comp. = Composite. [Tim & G.R.P.]
- (e) Registered Owner and address;
- (f) Membership (current, unfinancial or lapsed).

41.3 Annual Membership Cards shall be issued to the Registered Owner of each boat upon receipt of annual subscriptions (Rule 6.). This membership Card shall include a Measurement Certificate for that boat showing its current status for racing as a National E Dinghy (Rule 40 sub-clause (5)) in events conducted by the Association.

41.4 On change of ownership the current Measurement Certificate shall be returned to the National Registrar who shall adjust the boat Register and issue a new Certificate to the new Registered Owner upon receipt of his Application for Membership of the Association.

Appendix 1

APPLICATION FOR MEMBERSHIP OF THE NATIONAL E SAILING ASSOCIATION INCORPORATED

I, .....  
(full name of applicant)

of .....  
(Address)

.....  
(Telephone numbers: home and business)

.....  
(Occupation) desire to become a member of  
the National E Sailing Association Incorporated.

I am a Registered Owner / Crew / Supporter (delete as appropriate) of Boat number  
E.....and Boat Name.....

For Registered Owners, please list eligible family members:

Spouse:.....

Dependents:.....

.....

.....

.....

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.

.....  
Signature of Applicant

Date.....

I, ....., a member of the Association,  
nominate the applicant, who is personally known to me, for membership of the  
Association.

.....  
Signature of Proposer

Date .....

I, ....., a member of the Association,  
second the nomination of the applicant, who is personally known to me, for membership  
of the Association.

.....  
Signature of Seconder

Date .....

Appendix 2

FORM OF APPOINTMENT OF PROXY  
In accordance with Rule 28. sub-clause(2)

I,.....of.....being a financial *Registered Owner/Honorary Life Member*, and owner of boat number E..... of the National E Sailing Association Incorporated, hereby appoint

.....of.....

or in *his/her* absence

.....of.....  
being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the *Annual General Meeting/General Meeting/Special Meeting* of the Association to be held on.....and at any adjournment of that meeting.  
My proxy is authorised to vote at *his/her discretion/as directed* on the resolutions at that meeting.

Agenda item;

- 1.        *for/against*
- 2.        *for/against*
- 3.        *for/against*
- 4.        *for/against*
- 5.        *for/against*
- 6.        *for/against*

Signed by.....the.....day of.....20..  
(print name)..... Boat Number E.....

NOMINATION OF OFFICE BEARERS FOR THE YEAR 19...

To:- The Secretary  
National E Sailing Association Incorporated,

We .....of..... Signature

and .....of .....

being current financial members of the National E Sailing Association Incorporated do hereby nominate:-

Nominee \_\_\_\_\_ For the position of: \_\_\_\_\_ Signed by the nominee signifying acceptance of nomination

.....National President \_\_\_\_\_

.....National Vice President \_\_\_\_\_

.....National Vice President \_\_\_\_\_

.....National Secretary \_\_\_\_\_

.....National Treasurer \_\_\_\_\_

.....National Registrar \_\_\_\_\_

.....National Measurer \_\_\_\_\_

NOTE: Officers of the National E Sailing Association Incorporated are members of its National Committee and must be current financial members under rule 25 sub-clause(7).

### SCHEDULE 3

List of trophies to be presented at National Championships.

- (a) Invitation Race
  - 1st Personal trophy for skipper and crew.
  
- (b) Championship
  - 1st Stephen Dearnly perpetual trophy for the skipper  
Mike Sherlock Perpetual Trophy for the crew  
plus personal trophies for the skipper and crew
  
  - 2nd Personal Trophies for skipper and crew
  - 3rd Personal Trophies for skipper and crew
  
- (c) Masters Title
  - Wayne Scott memorial trophy Donated by the S.A. Branch  
(First placed boat with a total age of skipper and crew between 85 and 99 years)
  
- (d) Grandmasters title
  - Wise family perpetual trophy Donated by Eric and Zoe Wise  
(First placed boat with a total age of skipper and crew greater than 99 years)
  
- (e) Division 2
  - 1st , Stephen Cole Memorial Trophy for the skipper plus personal trophies for the skipper and crew.
  
- (f) Division 3
  - 1st, Wally Tonkin Memorial Trophy for the skipper plus personal trophies for the skipper and crew.
  
- (g) Jock Lawler Memorial Trophy
  - To the member selected by the national committee as having most contributed outstanding service to the association over the previous 12 months.
  
- (h) Australian National E Junior Trophy
  - To be awarded to the highest placed skipper who is under the age of 20 years on the first day of the championships, or if there is no qualifying skipper, to the highest placed crew member under the age of 20 years.

The following trophies may be awarded at the discretion of the Branch conducting the National Championship. Conditions of awarding the trophies to be the decision of the host Branch.

- (i) Invitation Race
  - 2nd Personal Trophies for the skipper and crew
  - 3rd Personal Trophies for the skipper and crew
  
- (j) Championship
  - Trophies to skipper and crew of boats finishing after third place
  
- (k) Nil Desperandum Trophy
  - Worst placed boat to finish all races
  
- (l) Travellers Trophy
  
- (m) Encouragement Trophy
  
- (n) Any other Trophies