

## Rules of Incorporation

# SAILABILITY NSW INC.

Adopted at a Special General Meeting  
24 November 1998

Amended 20 November 2001

Amended December 2006

# PART 1 - Preliminary

## DEFINITIONS

### 1.1 NAME

The name of the association shall be Sailability New South Wales Incorporated, hereinafter referred to as "Sailability NSW". The registered office of the association shall be at such address or addresses as the committee from time to time shall determine.

### 1.2 INTERPRETATION

In these rules, unless contrary intention pertains

- (a) Words importing masculine gender shall include feminine gender and *vice versa*.
- (b) Words importing singular number shall include the plural number and *vice versa*.
- (c) "Committee" means the committee of management of Sailability NSW.
- (d) "Secretary" means the Secretary of Sailability NSW.
- (e) "Committee Member" means a member of the committee of management of Sailability NSW who is not an office-bearer.
- (f) "Executive Committee" refers to the president, vice-president, treasurer and secretary of the committee of Sailability NSW
- (g) "Member" means financial ordinary member of Sailability NSW.
- (h) "PWD" means person with a disability.
- (i) "Carer" means the representative assisting a person with a disability.
- (j) "Able Bod" refers to a person without a significant physical, mental, emotional or intellectual disability.
- (k) "Special General Meeting" means a general meeting of Sailability NSW other than annual general meeting.
- (l) "The Act" means the Associations Incorporation Act, 1984.
- (m) "The Regulation" means the Association Incorporation Regulation, 1985.

### 1.3 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, if the function is a duty, a reference to the performance of the duty.

### 1.4 The provisions of the Interpretation Act 1897 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

### 1.5 PHILOSOPHY

#### (a) Mission Statement

**Sailability NSW will facilitate participation in sailing and boat usage at social, recreational and competitive levels on inland, estuary and ocean water, for people with disabilities regardless of age and level of disability.**

#### (b) Rationale

Sailability is the ideal means of supporting people with disabilities to enter the sport of sailing.

- (i) Sailability can be the starting point for the normalisation of many disabled peoples' lives by empowering people to actively participate in administration of the organisation as well as participating in on-water activities.
- (ii) Sailing is one of the few activities in which everyone can participate on an equal basis.
- (iii) All people feel at home when surrounded by family and friends; PWD's are no exception.
- (iv) There is a need for a venue where able bods can learn to understand disability.

### 1.6 OBJECTIVES

- (a) To provide a safe and fun environment where people with disabilities are accepted and encouraged to participate in the sport of sailing.
- (b) To implement safety and procedural policies in relationship to activities pertaining to disabled sailing around NSW.

- (c) To support people with disabilities to become intrinsically motivated to participate in the organisation at all levels, to increase self esteem, and empower PWDs to live happier and healthier lives.
- (d) To increase the range of recreational, competitive, therapeutic and training opportunities available to people with disabilities through the provision of sailing and power boating; and sail and power boat training programs - from fun and social activity to elite level competition.
- (e) To provide and encourage training opportunities to members at whatever level they choose.
- (f) To provide sailing opportunities for people with disabilities throughout regional areas of NSW.
- (g) To provide support, information kits and training for new clubs and volunteers.
- (h) To organise regatta and championship events at State level.
- (i) To liaise with sporting bodies, educational institutions, government agencies and other relevant bodies to represent the interests of the members of Sailability NSW.
- (j) To implement fundraising and sponsorship activities to maintain the financial viability of Sailability NSW.
- (k) To liaise with other States and Territories on appropriate matters such as event coordination and promotion of Sailability.
- (l) To liaise with Sailability NSW branches to coordinate events within NSW.

### **1.7 AUTHORITY**

A new group will become an authorised branch of Sailability NSW after making written application to the committee, providing the names and addresses of the elected President, Secretary and Treasurer and agreeing to comply with all safety recommendations and administrative procedures stipulated by the committee.

## **PART 2 - Membership**

### **MEMBERSHIP QUALIFICATIONS**

- 2.1 There shall be two categories of membership:
  - (a) Ordinary Member
  - (b) Associate Member
- 2.2 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 15.1(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:
    - (i) who has been nominated for membership of the association as provided by rule 3; and
    - (ii) who has been approved for membership of the association by the committee of the association.
- 2.3 Members of the immediate family of an ordinary member, carers and volunteers shall be deemed associate members of Sailability NSW for the day upon signing the Daily Participation Register (Appendix 3).
- 2.4 Every ordinary member has a right to vote at Annual or Special General Meetings. An associate member shall not be entitled to vote at any meeting or to become an officer of Sailability NSW.

### **NOMINATION FOR ORDINARY MEMBERSHIP**

- 3.1 A nomination of a person for membership of the association:
  - (a) must be made by a member of the association in writing in the form set out in Appendix 1 to these rules; and
  - (b) must be lodged with the secretary of the association, accompanied by the fee payable as determined by the committee.
- 3.2 As soon as practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee, which shall determine whether to approve or reject the nomination.
- 3.3 Where the committee determines to approve a nomination for membership, the secretary must enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the association.

#### **CESSATION OF MEMBERSHIP**

- 4.1 A person ceases to be a member of the association if the person:
- (a) dies; or
  - (b) resigns membership; or
  - (c) is expelled from the association.

#### **MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE**

- 5.1 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 on cessation of the person's membership.

#### **RESIGNATION OF MEMBERSHIP**

- 6.1 A member of the association is not entitled to resign that membership except in accordance with this rule.
- 6.2 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 to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- 6.3 If a member of the association ceases to be a member under clause (6.2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

#### **REGISTER OF MEMBERS**

- 7.1 The public officer of the association must 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.
- 7.2 The register of members must be kept at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.

#### **FEES AND SUBSCRIPTIONS**

- 8.1 The subscription fees for each category of membership shall be such sums as the Committee shall determine.
- 8.2 Subscription fees shall be payable at such time as the Committee determines.
- 8.3 Any member, whose subscription is outstanding for more than three months after the due date for payment shall cease to be a member of Sailability NSW .
- 8.4 The Committee may, on the application by or on behalf of a member waive or reduce the subscription payable.

#### **MEMBERS' LIABILITIES**

- 9.1 The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 8.

#### **RESOLUTION OF INTERNAL DISPUTES**

- 10.1 Disputes between members (in their capacity as members) of the association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.

#### **DISCIPLINING OF MEMBERS**

- 11.1 A complaint may be made by any member of the association that some other member of the association:
- (a) has persistently refused or neglected to comply with a provision or provisions of these rules; or
  - (b) has persistently and willfully acted in a manner prejudicial to the interests of the association.
- 11.2 On receiving such a complaint, the committee:
- (a) must cause notice of the complaint to be served on the member concerned; and
  - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint; and
  - (c) must take into consideration any submissions made by the member in connection with the complaint.
- 11.3 The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- 11.4 If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.
- 11.5 The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
  - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under rule 12.4, whichever is the later.

#### **RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 12.1 A member may appeal to the association in general meeting against a resolution of the committee under rule 11, 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 The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- 12.3 On receipt of a notice from a member under clause 12.1, the secretary must notify the committee which is to convene a general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- 12.4 At a general meeting of the association convened under clause 12.3:
- (a) no business other than the question of the appeal is to be transacted; and
  - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 12.5 If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **PART 3 – The Committee**

#### **POWERS OF THE COMMITTEE**

- 13.1 The committee is to 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) is to control and manage the affairs of the association; and
  - (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.

#### **CONSTITUTION AND MEMBERSHIP**

- 14.1 Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
  - (a) the office-bearers of the association; and
  - (b) ordinary members, each of whom is to be elected at the annual general meeting of the association under rule 15 and shall include a maximum of two delegates as nominated from each Sailability branch; and
  - (c) other members as nominated by the committee.
- 14.2 The office-bearers of the association are to be:
  - (a) the president
  - (b) the vice-president
  - (c) the treasurer and
  - (d) the secretary.
- 14.3 Each member of the committee is, subject to these rules, to 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 is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

#### **ELECTION OF MEMBERS**

- 15.1 Nominations of candidates for elections as office-bearers of association or as ordinary members of the committee:
  - (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
  - (b) must be delivered to the secretary of the association at least 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 are taken to be elected and further nominations are to be received at the annual general meeting.
- 15.3 If insufficient further nominations are received, any vacant positions remaining on the committee are taken 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 are taken to be elected.
- 15.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- 15.6 The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

#### **SECRETARY**

- 16.1 The secretary of the association must, as soon as practicable after being appointed as secretary lodge notice with the association of his or her address.
- 16.2 It is the duty of the secretary to keep minutes of:
  - (a) all appointments of office-bearers and members of the committee;
  - (b) the names of members of the committee present at a committee meeting or a general meeting; and
  - (c) all proceedings at committee meetings and general meetings.

16.3 Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

#### **TREASURER**

- 17.1 It is the duty of the treasurer of the association to ensure:
- (a) that all money due to the association is collected and received and that all payments authorised by the association are made; and
  - (b) that 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.

#### **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 or
  - (b) ceases to be a member of the association or
  - (c) becomes an insolvent under administration within the meaning of the Corporations Law or
  - (d) resigns office by notice in writing given to the secretary or
  - (e) is removed from office under rule 19 or
  - (f) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

#### **REMOVAL OF MEMBER**

- 19.1 The association in general meeting may by resolution remove any member of the committee from his/her office 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 If a member of the committee to whom a proposed resolution referred to in clause 19.1 relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations 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 the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

#### **MEETINGS AND QUORUM**

- 20.1 The committee must meet at least three times 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 member of the committee.
- 20.3 Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- 20.4 Notice of a meeting given under clause 20.3 must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- 20.5 Any 5 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- 20.6 No business is to be transacted by the committee unless a quorum is present and if, within half and hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to another time and place as determined by the committee.
- 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 is to be dissolved.

- 20.8 At a meeting of the committee:
- (a) the president or, in the president's absence, the vice-president is to 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 is to preside.

#### **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 a duty imposed on the committee by the Act or by 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, or as to time or circumstances, as may be specified in the instrument of delegation.
- 21.4 Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- 21.5 Any act or thing done or suffered 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 or suffered 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.

#### **VOTING AND DECISIONS**

- 22.1 Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members 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 may act despite 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 despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

## **PART 4 – General Meetings**

#### **ANNUAL GENERAL MEETINGS – HOLDING OF**

- 23.1 With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- 23.2 The association must hold its first annual general meeting:
- (a) within the period of 18 months after its incorporation under the Act and
  - (b) within the period of 6 months after the expiration of the first financial year of the association.

- 23.3 Clauses 23.1 and 23.2 have effect subject to any extension or permission granted by the Commissioner under section 26(3) of the Act.

**ANNUAL GENERAL MEETING – CALLING OF AND BUSINESS AT**

- 24.1 The annual general meeting of the association is, subject to the Act and to rule 23, to 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 is to include the following:
- (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 on 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;
  - (d) to receive and consider the statement which is required to be submitted to members under section 26 (6) of the Act.
- 24.3 An annual general meeting must be specified as such in the notice convening it.

**SPECIAL GENERAL MEETINGS – CALLING OF**

- 25.1 The committee may, whenever it thinks fit, convene a special general meeting of the association.
- 25.2 The committee must, on the requisition in writing of at least 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) must state the purpose or purposes of the meeting; and
  - (b) must be signed by the members making the requisition; and
  - (c) must 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 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 not later than 3 months after that date.
- 25.5 A special general meeting convened by a member or members as referred to in clause 25.4 must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expense is entitled to be reimbursed by the association for any expense so incurred.

**NOTICE**

- 26.1 Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, 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 If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, 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 26.1 specifying, in addition to the matter required under clause 26.1, 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 is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under 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 must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

#### **PROCEDURE**

- 27.1 No item of business is to 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 Eight 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:
- (a) if convened on the requisition of members, is to be dissolved; and
  - (b) in any other case, is to 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 at least 5) are to constitute a quorum.

#### **PRESIDING MEMBER**

- 28.1 The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- 28.2 If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

#### **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 is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 29.2 If a general meeting is adjourned for 14 days or more, the secretary must 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 as provided in clauses 29.1 and 29.2, 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.

#### **MAKING OF DECISIONS**

- 30.1 A question arising at a general meeting of the association is to 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 at least 5 members present in person or by proxy at the meeting.
- 30.3 If a poll is demanded at a general meeting, the poll must 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 is taken to be the resolution of the meeting on that matter.

### **SPECIAL RESOLUTION**

- 31.1 A resolution of the association is a special resolution:
- (a) if 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 Commissioner that it is not practicable for the resolution to be passed in the manner specified in 31.1(a), if the resolution is passed in a manner specified by the Commissioner.

### **VOTING**

- 32.1 On any question arising at a general meeting of the association a member has one vote only.
- 32.2 All votes must be given personally or by proxy but no member may hold more than 5 proxies.
- 32.3 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.
- 32.4 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.

### **APPOINTMENT OF PROXIES**

- 33.1 Each member is to be entitled to appoint another member as 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.
- 33.2 The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

## **PART 5 – Miscellaneous**

### **INSURANCE**

- 34.1 The association must effect and maintain insurance under section 44 of the Act.
- 34.2 In addition to the insurance required under clause 34.1, the association may effect and maintain other insurance.

### **FUNDS – SOURCE**

- 35.1 The funds of the association are to be derived from 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 must be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- 35.3 The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **FUNDS – MANAGEMENT**

- 36.1 Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in the pursuance of the objects of the association in such manner as the committee determines.
- 36.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must 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.
- 36.3 The assets and income of the organisation shall be applied solely in furtherance of its above mentioned objectives and no portion shall be distributed directly or indirectly to the members of the

organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

#### **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.

#### **COMMON SEAL**

38.1 The common seal of the association must be kept in the custody of the public officer.

38.2 The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

#### **CUSTODY OF BOOKS**

39.1 Except as otherwise provided by these rules, the public officer must keep in his custody or under his control all records, books and other documents relating to the association.

#### **INSPECTION OF BOOKS**

40.1 The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour.

#### **SERVICE OF NOTICES**

41.1 For the purpose of these rules, a notice may be served by or on behalf of the association on any member either personally or by sending it by post to the member at the member's address shown in the register of members.

41.2 If a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, such document is, unless the contrary is proved, taken 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.

#### **DISSOLUTION**

42.1 If Sailability NSW Account #161284420 is wound up or if the endorsement (if any) of Sailability NSW as a deductible gift recipient is revoked, any surplus assets of Sailability NSW remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax deductible gifts can be made.

# MEMBERSHIP APPLICATION



**SAILABILITY NSW INC AND ITS BRANCH:.....**

I hereby apply to become a member of Sailability NSW Inc and its above Branch.  
 In the event of my admission as a member, I agree to be bound by the rules of Sailability NSW Inc and its above Branch for the time being in force and agree to abide by all decisions by a Committee Member with regard to activities at a Sailability event. My relevant personal details, which I understand are necessary to complete the membership database, are:

Family Name:		Given Name:	
Address:			
Home Phone:		Mobile Phone:	
Email:			Date of Birth:

My next of kin:		Relationship to me:	
Address:			
Home Phone:	Work phone:	Mobile Phone:	

I understand that the following personal information is optional but will assist Sailability NSW and its above Branch with organisation of events and future development planning:

I have a disability: YES / NO	Type of disability:		
I need assistance: YES / NO	Type of assistance:		
I have a family member / friend / carer to help me: YES / NO		I use a wheelchair: YES / NO	
I have sailed before: YES / NO	Details:		

I would like to be involved in the Branch Committee: YES / NO	My relevant skills are:
I would like to be a Volunteer on sailing days: YES / NO	My relevant skills are:
I heard about Sailability from:	

Membership to Sailability NSW Inc	(to 30 June 200 ):	\$
Membership to Sailability Branch	(to 30 June 200 ):	\$
Total Membership due:		\$

Signature:		Date:
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APPENDIX 2  
(Rule 33.2)

## FORM OF APPOINTMENT OF PROXY

I, \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being an ordinary member of Sailability New South Wales Inc.,

hereby appoint \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(address)

being an ordinary member of that incorporated association, 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 \_\_\_\_\_ 20\_\_\_\_ and at any adjournment of that meeting.

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

\*\*\* *To be inserted if desired*

\_\_\_\_\_  
(Signature of member appointing proxy)

\_\_\_\_\_  
(Date)

NOTE: A proxy may not be given to a person who is not an ordinary member of the association.