

Notice of Motion

To replace the Constitution of the Claremont Yacht Club Inc. with the Model Rules set out in Schedule 2 of the Associations Incorporation Regulations 2016

In accordance with Clause 16(a)(iii) of the Constitution of Claremont Yacht Club, I hereby give notice that I will move the following motion to be adopted by the Members voting at the Annual General Meeting of the Club to be held in the Clubhouse at 1930 hrs on Thursday 21st September 2017.

MOTION:

That effective from 1st July 2018, the constitution of the Claremont Yacht Club (Inc) be replaced by the Model Rules for Incorporated Associations set out in Schedule 2 of the Associations Incorporation Regulations 2016.

EXPLANATORY NOTES

1. A new act, known as the Associations Incorporations Act 2016 (WA) (the Act), which covers incorporated associations, came into force on 1st July 2016.
2. The Act uses the term “Rules” when refereeing to the document we currently know as the “Constitution”. Further, the Act uses the term “By-laws” when referring to the document we current know as the “Rules”. These explanatory notes adopt the definition of “Rules” and “By-laws” used in the Act.
3. This motion refers to “Model Rules”. The Act includes 19 matters (known as the Schedule 1 requirements) that need to be addressed in the Rules of an association. The Prescribed “Model Rules” set out in Schedule 2 of the *Associations Incorporation Regulations 2016* incorporate all of these requirements.
4. The Act requires all associations to review their existing Rules and ensure that they conform to the provisions of the Act. These revisions must be undertaken before 1st July 2019.
5. The “Rules” to be adopted by the Club can be accessed by [clicking here](#) or pasting the following URL into your WebBrowser <http://www.claremontyachtclub.org.au/wp-content/uploads/2017/08/Draft-Rules-of-CYC-Aug-2017.pdf> These Rules contain the information which is to be provided to the Commissioner under section 29(5), and which will form part of the Rules of the Club; specifically, the name of the association (Club), the objects, quorum for a general meeting, quorum of a committee meeting and the financial year of the Club.
6. The “Model Rules” conform to the Act. Associations are free to make any “By-laws” that add to or modify the “Rules” provided that the “By-laws” conform to the provisions of the Act.
7. The “model Rules” include Parts which cover:
 - a. Terms used
 - b. The associations to be a not for profit body
 - c. Members
 - d. Disciplinary action, disputes and mediation
 - e. Committee
 - f. General meetings of the association
 - g. Financial matters
 - h. General matters

Note - The copy of the proposed Rules provided for your reference on the Club's website have an index to help you navigate through the document.

8. The delay between the acceptance of this motion and the operative date of the new Rules is to allow the Club to draft new "By-laws". The new By-laws will be presented to the members for acceptance prior to 1st July 2018. The adopted new "Rules" and "By-laws" will then be in effect for the Annual General Meeting which will occur in September 2018.
9. The "By-laws", to be developed by the Club in the coming months, will include those components of the Club's existing "Constitution, Rules and By-laws" which are not incorporated into the new "Rules". The By-laws will also redefine terms used in the Rules; for example, the By-laws will state that the "Chairman" of the association is to be referred to as the "Commodore" of the Club. Other matters relevant to the operation of our Club will be defined and detailed in the new By-laws.
10. This approach of adopting the Model Rules and then developing a set of compliant By-laws, avoids a messy process of trying to combine the provisions of the Act with the Club's current non-compliant Constitution. This will potentially involve long debates within the Club and many rounds of submission to the Department to revise any components which are not compliant with the Act.

Proposed by:



Bill MacLeod on behalf of the General Committee.
24 August 2017.