



Martha Cove Yacht Squadron Inc.

By-Laws

June 2019

MCYS BYLAWS

1. Powers

- 1.1 These By-Laws are made by the General Committee pursuant to the Model Rules or Constitution as the case may be.
- 1.2 Definitions and construction rules in relation to this document are contained in Schedule 1 headed **Interpretation and Construction**

2. Membership and Fees

- 2.1.1 Membership categories and their related benefits are published on the squadron website together with the Fees Schedule as adopted and published from time to time.
- 2.1.2 Annual fees for each category of membership shall be determined by the General Committee prior to the commencement of each Squadron year.
- 2.1.3 A Membership Application form and fees for the squadron year as determined in accordance with clause 2.8 may be published on the Squadron website from time to time.
- 2.2.1 Nomination fees for each category of Membership may be set by the General Committee from time to time and shall (if any) be published on the MCYS website.

2.4. Life Membership

- 2.4.1 The General Committee shall determine the award of any Life Membership pursuant to the Constitution.
- 2.4.2 The General Committee may determine and adopt a policy from time to time in respect of the award of Life Membership.

2.5. Honorary Membership

- 2.5.1 The General Committee shall determine any grant of Honorary Membership pursuant to the Constitution.
- 2.5.2 The General Committee may determine and adopt a policy from time to time in respect of any Grant of Honorary Membership.

2.6. Day Members

- 2.6.1 The General Committee shall determine the grant of any Day Membership pursuant to the Constitution.

2.6.2 The General Committee may determine and adopt a policy from time to time in respect of any grant of Day Membership.

2.7. Training Members

2.7.1 The General Committee shall determine the grant of any Training Membership pursuant to the Constitution.

2.7.2 The General Committee may determine and adopt a policy from time to time in respect of the grant of any Training Membership.

2.8 Payment of Fees

2.8.1 Membership fees ("fees") are due and payable within 30 days (or such other time or times as determined by the General Committee) of the commencement of the Squadron Year.

2.8.2 If fees which are due remain unpaid, (either in full or by entering into to an instalment plan in writing approved by the General Committee or its delegate), they are deemed to be overdue and the member is then un-financial for the purposes of the constitution including voting and other rights of membership.

2.8.3 If any fees are payable by instalment and any instalment is not paid by any due date, the whole amount outstanding at the discretion of the General Committee shall become due and payable.

2.8.4 If any instalment is overdue by more than 45 days, the General Committee may thereafter suspend for such time as determined, or terminate Membership.

2.8.5 If fees are not paid within 60 days of any due date the General Committee may terminate Membership on such terms as it shall see fit.

2.9 Credit Card Fees

2.9.1 Fees paid by credit card may attract a surcharge at the discretion of the General Committee.

2.9.2 Surcharge rates vary from time to time. Please contact treasurer@mcys.com.au to obtain current rates.

3. Activities

3.1 Members are encouraged and welcome to use Squadron premises for any activities e.g. business lunches, meetings, coffee, hosting tables of guests at events.

3.2 Members shall not advertise or otherwise promote their business on Squadron premises or make use of Squadron premises as a business

address or facility without the express permission of the General Committee.

3.3 The General Committee may permit a person or business sponsoring the Squadron to advertise on Squadron premises such sponsorship on such terms as are agreed by the General Committee from time to time.

3.4 The General Committee may determine and adopt a policy from time to time in respect of Sponsorship.

4. Privacy

4.1 MCYS is committed to maintaining the accuracy and privacy of members' personal information and protecting information from loss, misuse, unauthorised access, alteration and destruction.

4.2 MCYS undertakes not to disclose, sell, rent or trade personal information of members to any third party.

4.3 The General Committee may determine and adopt a policy from time to time in respect of members' private information.

4.4 MCYS Members shall not solicit business from MCYS Membership via any means.

5. Squadron Property

Members shall be required to pay for any of the Squadron's property they destroy or damage. Replacement or repair costs relating to such loss or damage shall be determined by the General Committee, whose decision shall be final.

6. Squadron Premises

6.1 MCYS may control or occupy a number of rooms or facilities from time to time comprising Squadron Premises

6.2 Usage of Squadron Premises are at the discretion of the General Committee who may develop a policy for such usage from time to time which shall (if any) be published on the squadron website

7. Guests and Visitors

7.1 MCYS may from time to time adopt a Member's Guest and/or a Visitor Policy which (if any) shall be published on the MCYS website.

7.2 Such policy may determine on what basis member's guests or visitors are able to use Squadron premises or be involved in MCYS activities as a member's guest or visitor on an ongoing basis and the frequency or

number of uses (if any) before a visitor or member's guest is required to join MCYS.

- 7.3 Members may introduce one or more Guests to Squadron premises or events by:
- i. Ensuring that each Guest signed in as required by the particular Squadron premises where any MCYS event is being held;
 - ii. Signing or endorsing each Guest's entry with the Member's name and Squadron membership number.

7.3 A Guest shall only be introduced for a calendar day and a Member shall be responsible for the conduct of a Guest.

7.4 If the Member who entered the Guest's details leaves the Squadron premises, the Guest must also leave, unless the guest then becomes the guest of another member who shall comply with i. and ii. above and the member signing shall then be responsible for the conduct of the guest.

8. Dress Code

8.1 MCYS members shall be subject to the dress code (if any) of any venue where a Squadron event is being conducted.

8.2 As a minimum, members at Squadron events on Squadron premises shall wear a shirt or sailing T-shirt, shorts or long pants including jeans, and footwear or yachting shoes.

8.3 The dress code may be relaxed from time to time during any events at the discretion of Management of the venue or General Committee.

9. Gambling

Gambling of any nature is not permitted on Squadron premises.

10. External Catering

10.1 Commercial catering may be permitted on Squadron premises as approved by the General Committee.

10.2 The General Committee may determine and adopt a policy from time to time in respect of External Catering and may publish same (if any) on the MCYS website.

11. Mobile Phones

MCYS may adopt a policy in respect of mobile phone or other media usage at MCYS functions, events or on Squadron premises and may publish same on the website from time to time.

12. Liquor Licence Compliance

- 12.1 Persons under the age of eighteen (18) years are not permitted to be present on any licensed areas of Squadron Premises or licensed areas the Squadron occupies from time to time unless in the company of a responsible adult.
- 12.2 Liquor shall not be supplied to a person under the age of eighteen (18) years at any time.
- 12.3 Alcoholic beverages shall not be brought onto Squadron premises for consumption in any licensed areas unless permitted by the venue.
- 12.4 Liquor supplied in any area of Squadron premises shall not be removed for consumption away from Squadron premises unless that liquor is supplied to a Member in accordance with the provisions of the liquor licence applicable to the squadron premises or is otherwise permitted by the venue.
- 12.5 Packaged liquor sold or supplied for consumption away from Squadron premises shall only be sold or supplied to Members over the age of eighteen (18) years.
- 12.6 In the context of liquor licence compliance, any of the management of team of Squadron premises or MCYS Flag Officer, General Committee member or delegated MCYS representative may request proof of age from any person as considered appropriate.

13. Notices and Noticeboards

- 13.1 Notices placed on any Squadron noticeboard (electronic or otherwise) or on any Noticeboard on Squadron Premises shall be approved by the General Committee or its delegate.
- 13.2 Any notice placed without approval may be removed by or at the direction of the General Committee or any of its members.

14. Register of Boats

- 14.1 The Squadron shall maintain a register of boats owned by Members (the "Squadron Register").
- 14.2 The Squadron Register shall include separate listings for sail boats, motor boats and any other category of boats approved by the General Committee.

- 14.3 Members wishing to have their boat recorded on the Squadron Register shall make application to the MCYS Secretary.
- 14.4 The General Committee shall have power to refuse or suspend registration of any boat which it does not consider to be a boat of an appropriate type or of a suitable standard.
- 14.5 Except for boats of an approved class, the registration number prefix for sail boats shall be "MY" and for motor boats shall be as approved from time to time by the Rear Commodore - Power. When used on any sails the "M" shall be in uppercase with the "Y" also in upper case but half height and aligned with the top of the two letters in alignment.

example:

MY

- 14.6 Squadron Register numbers from "01" to "10" inclusive shall be reserved for use by Squadron craft and shall not be allocated to any member boat without prior approval of the General Committee.
- 14.7 Boats on the Squadron Register shall display on the hull their name and squadron registration number in a position and of a size and colour so as to be readily legible or shall display such information as is required by any applicable rules of sailing or State Registration.
- 14.8 All sailing boats on the Squadron Register shall display their squadron registration number on their mainsail and where appropriate on their Headsail in accordance with any applicable rules of sailing or State Registration.
- 14.9 Members shall advise the MCYS secretary of the sale or disposal of a boat on the Squadron Register within seven (14) days of the sale or disposal.
- 14.10 A Member may apply for a squadron registration number to be reserved on such terms as approved by the General Committee. Any such reservation shall be valid only for six (6) months unless evidence is provided of an order for procurement of a boat or for its construction outside that time.
- 14.11 Boats on the Squadron Register shall be maintained in a seaworthy condition and in compliance with statutory regulations for the relevant type of boat.
- 14.12 The General Committee reserves the right to reclaim an allocated squadron boat's number at any time, and for any reason upon notice to the member in writing. Where requested by the member, an alternative number may be allocated.

- 14.13 Upon allocation or re-allocation of a number, members shall promptly amend their registration with relevant State or National authorities and other organisations who make use of or record their squadron registration number.
- 14.14 Upon the sale or disposal of a boat a member shall notify the Squadron of the sale and the Squadron Register number of the boat shall be returned to the Squadron. If necessary, the member shall advise the relevant State or National authority of the return of the registration number. Where the boat is sold to another member both the selling and acquiring members may apply to the Squadron in writing for a transfer of the boat's number.
- 14.15 Unless authorised by General Committee MCYS will not allow on the MCYS register to unacceptable vessels which are broadly defined as follows:
- i. Jet Skis;
 - ii. Commercial vessels;
 - iii. Privately owned RIB;.
 - iv. Canoes or kayaks;
 - v. Vessels requesting add on marina dry dock infrastructure (of any description including but not limited to dry docking within the marina, lifting or sinking systems, jet docks, ezidocks, and the like);
 - vi. any other vessel or type of vessel the General Committee may determine from time to time.

15. Squadron Boats

- 15.1 Any Squadron rescue boats and race management boats shall only be utilised in accordance with any policy as determined by the General Committee.
- 15.2 The Committee may determine any fee payable for the use of squadron boats from time to time.

16. Occupational Health and Safety

- 16.1 It is a requirement that MCYS has an Occupational Health and Safety policy in accordance with the Occupational Health and Safety Act 2004 to promote safety at MCYS events and activities and on Squadron premises.
- 16.2 MCYS may amend the policy as required from time to time.

17. Child Safety and Working with Children Check

- 17.1 MCYS is committed to child safety.
- 17.2 It is the policy of MCYS that all persons providing coaching or other services to any MCYS organised activities involving children must obtain a

Victorian Working with Children Check prior to commencing as either an employee or volunteer with the Squadron.

- 17.3 This requirement includes but is not limited to all instructors, coaches, rescue boat/race management crew, and general volunteers.

18. Incident Management Plan

- 18.1 MCYS shall develop and adopt an Incident Management Plan
- 18.2 The Incident Management Plan may be published from time to time on the Squadron website.
- 18.3 The Incident Management Plan may be amended as required by the General Committee from time to time

19. Powers of the Sailing Committee and Race Officer

- 19.1 The Sailing Committee shall be in control of all sailing events and shall develop Standard Operating Procedures in respect of all sailing events.
- 19.2 The Power Boat Committee shall be in control of all Power Boat events and shall develop Standard Operating Procedures in respect of all power boat events.
- 19.3 The sailing committee may appoint a Sailing Captain and Race Officer and such other delegates as required as its delegates for the conduct of sailing events.
- 19.4 The power boat committee may appoint a power boat captain and Officer of the Day and such other delegates as required for the conduct of power boat events.
- 19.5 The Sailing Committee and the Power Boat Committee shall develop Standard Operating Procedures for MCYS sailing and Power Boat events as the case may be.
- 19.6 The General Committee shall oversee the development and approve Standard Operating Procedures for MCYS Sailing and Power events.
- 19.7 The General Committee may adopt an Inclement Weather policy as proposed by the Sailing or Power Boat committee from time to time.
- 19.8 The Inclement Weather policy may be amended as required by the General Committee from time to time, and published on the MCYS website

20. VHF Radio

20.1 The General Committee may adopt a Marine VHF Radio policy applicable to yachts and power boats taking part in any MCYS activities or events which shall be published on the MCYS website from time to time.

21. Life Jackets

21.1 The General Committee may adopt a Life Jacket (PFD) policy as proposed by the Sailing or Power Boat committee from time to time.

21.2 The Life Jacket policy may be amended as proposed by the Sailing or Power Boat committee by the General Committee from time to time.

22. Insurance and Indemnity

22.1 Insurance

22.2 At all times when any boat is involved in any Squadron races, activities, events, and trials or the like, an owner member, participant, member's guest or visitor shall maintain adequate insurance against:

- i. Loss or damage of any kind to any person or property or Squadron property caused by or arising out of the the use of the boat or its participation;
- ii. Any legal liability of whatsoever nature for damage to property or personal injury to any person whomsoever caused by the use by or arising out of the use of the boat by the member or any person for an amount of not less than five million dollars (\$5,000,000).
- iii. MCYS may require proof by way of the provision of a Certificate of Currency from any member, or Member's Guest or any Visitor regarding any boat which is involved in any Squadron races, activities, events, and trials or the like.

22.3 Prior to entering a boat in any Squadron activity, or being allowed participation in any Squadron event, an owner or operator of a boat shall forward to MCYS Secretary details of a current insurance policy with appropriate cover and thereafter, shall ensure that the MCYS secretary continues to hold a copy of a current insurance policy for so long as the boat remains on the Squadron register or participates in Squadron races, activities, events, and trials or the like.

22.4 Each Member or member's guest and every Visitor utilising Squadron facilities and/or participating in Squadron races, activities, events, and trials or the like shall indemnify and keep indemnified at all times the Squadron, its servants, agents, and officers against or in respect of all claims, actions, suits or demands whatsoever and howsoever arising by virtue of the use of Squadron facilities, or participation in Squadron races, activities, events, and trials or the like including but not limited to injury or loss to himself or his boat, injury or loss to any person on such boat or boarding or alighting there from and injury, loss or damage to any person arising in any way whatsoever.

23. Animals

- 23.1 Animals shall not be permitted on Squadron premises except as permitted by the management of any venue where the Squadron holds events. Trained guide dogs and registered companion animals are exempt from this By-Law.
- 23.2 Dogs permitted under this By-Law shall be on a leash and under the effective control of an adult at all times.
- 23.3 Animal droppings shall be removed and disposed of appropriately by the owner or person in charge of the animal.

24. Squadron Burgee and Flag Officer Flags

- 24.1 The Squadron burgee shall be as approved from time to time by the General Committee.
- 24.2 The General Committee may allow Flag Officers' flags as follows:
- i. The Commodore's flag shall be the Squadron burgee but rectangular and swallow-tailed.
 - ii. The Vice-Commodore's flag shall be the Squadron burgee but rectangular and swallow-tailed and with one ball in the upper head quarter.
 - iii. The Rear-Commodore's flag shall be the Squadron burgee but rectangular and swallow-tailed and with two balls in the upper head quarter for sailing Rear Commodore, and two squares in the upper head quarter for Powerboat Rear Commodore.
 - iv. The Past Commodore's flag shall be the Squadron burgee, rectangular and swallow-tailed as for the Commodore but defaced with a red diagonal cross in the upper head quarter.
- 24.3 No Flag Officer's flags shall be flown from any boat unless such Officer is on board or unless it is his intention to return on board before sunset of the same day. When two or more Flag Officers of the Squadron are on board the same boat, the flag of the Senior Officer shall be displayed.
- 24.4 Flag Etiquette
- i. The Squadron burgee ("the Burgee") should be flown by all Squadron boats when being used i.e. the Burgee should always be flown when the owner/skipper is on board (including when temporarily absent ashore) but not when only on board briefly.
 - ii. The Squadron Burgee may be flown when the member's boat is moored or anchored at any location at any time to identify the boat as a Squadron boat.
 - iii. The Burgee may be hoisted when entering or leaving a port.
 - iv. The Burgee may be flown with or without the Ensign.

- v. If concurrently flying the Ensign and or Private Flag with the Burgee the National Flag or the Red Ensign is to be flown from the stern or gaff.
- vi. The Burgee is typically flown from the crosstrees or a flagstaff at the bow or on the cabin top for vessels with no mast.
- vii. Private Flags should be flown below the burgee amidships.
- viii. Ensigns are either the Australian National flag (Blue Ensign), or the Australian Red Ensign as defined in the Flags Act 1953.
- ix. The Australian Red Ensign has unique applications and is preferred for all private vessels.

25. Hosting Regattas

All external regattas to be hosted by MCYS need to be approved in advance by the General Committee.

Schedules

Interpretation and Construction

Definitions

Definitions in these By-Laws, unless the contrary intention appears:

“Act” means the Associations Incorporation Reform Act 2012 and includes any regulation made under that Act, as amended from time to time;

“Annual General Meeting” means the annual general meeting of members;

“Chief Executive Officer” means:

1. Where a person holds that office under these Rules – that person.
2. In any other case, the person responsible for the obligations of a secretary under the Act.

“Squadron” means the Martha Cove Yacht Squadron;

“Squadron premises” means buildings, grounds and any other land, premises or rooms that are managed or controlled by the Squadron;

“Squadron Noticeboard” means the official noticeboard on squadron premises (if any) and the same may be by electronic means on the squadron website;

“Squadron Year” means the membership year commencing on 1 July annually;

“Squadron Register” means a register of boats owned by MCYS Members;

“Constitution” means the Constitution of the Squadron;

“Financial Year” means the financial year ending on 30 June;

“Flag Officers” means the Commodore, the Vice-Commodore, and the Rear-Commodores of the Squadron;

“General Committee” means the committee having management of the business of the Squadron pursuant to the constitution;

“Guest” means a Guest who has been introduced by a Member;

“Liquor Act” means the Liquor Control Reform Act 1998 (Vic);

“Squadron Licensed Areas” means those parts of the Squadron premises where the sale and/or consumption of alcohol is permitted where the squadron holds any licence under the Liquor Control Act and secondly permitted by the General Committee;

"Licensed areas" means those areas where squadron activities take place, where the sale and/or consumption of alcohol is permitted where the squadron holds any licence under the Liquor Control Act where the license is held by a person other than the squadron;

“Management” means any Chief Executive Officer appointed by the General Committee and/or other members delegated by the General Committee to act on its behalf;

“Member” where not used in the context of a particular category means an Ordinary member or Life Member of the Squadron;

“Membership” means membership of the Squadron;

“Member’s property” means property owned or in the care of a Member including but not limited to any boat, motor vehicle, trailer or other equipment;

“Paraphernalia” means miscellaneous belongings, items of equipment and accessories for use with a boat;

“Privately owned property” means property owned by or in the care of a Member or a member's guest or visitor including but not limited to any boat, motor vehicle, trailer or other equipment;

"MCYS Office" shall mean the Chief Executive Officer or the staff member or staff members delegated by the General Committee to act on its behalf;

“MCYS” means Martha Cove Yacht Squadron Inc

“Guest or Guests” means a member's guest or guests

“Guest's property” means property owned or in the care of a guest including but not limited to any boat, motor vehicle, trailer or other equipment;

1.2.2. Construction

In these By-Laws, any reference to a particular gender includes the other genders.

Words or expressions contained in these By-Laws must be interpreted in accordance with the provisions of the Interpretation of Legislation Act 1984 and the Act as in force from time to time.