



Metung Yacht Club Inc

ABN 25 719 516 922
Address: 113 Metung Road, Metung
Mail to: PO Box 60, Metung, Vic. 3904
Tel: 03 51562315
www.metungyachtclub.com.au/

Briefing Note for Members Updating MYC's Constitution / Rules

BACKGROUND

Clubs such as MYC are incorporated associations whose activities must comply with the "Association Incorporation Reform Act" administered by the Department of Consumer Affairs. The Constitution or Rules of such associations must comply with the Act and include aspects laid out in Schedule 1 of the Act. At present for our Club this is not the case.

For any aspects where these Schedule 1 requirements are not met, the conditions contained within a set of Model Rules provided by the Act are deemed to apply to the Club. This potentially means having to refer to 2 set of Rules.

The Club started the arduous process of updating our Rules to meet these requirements in 2014 but the process was not completed. It did however provide a basis to work from and following last year's AGM the process re-commenced.

Work has been underway throughout this financial year to progress this update but to finalise it, approval by a General Meeting of Members and lodgement with the Department of Consumer Affairs is required.

In addition to being updated to comply with the Act, changes to address deficiencies in our current rules have also been covered. These include the current inability to change membership categories to meet changed Club needs without going back to Consumer Affairs.

THE DRAFTING PROCESS

The updating of our Rules has followed the process below:

- The Act's Model Rules were used as the base for our new Rules and were modified to suit the needs of our Club. Thanks are due to Terry Grundy for undertaking this work.
- By-Laws which were already permitted under the old Rules but never used have been introduced to retain parts of the old Rules such as Liquor licensing and guest provisions which are more appropriate in By-Laws.
- The By-Laws have also been used to cover aspects where more flexibility is needed to make changes without needing to lodge again with Consumer Affairs.
- The General Committee has undertaken a number of working sessions to identify changes needed and subsequently a sub-committee oversaw the more detailed drafting. The final documents were then reviewed again by the full General Committee several times before being unanimously endorsed for presentation to members.
- The new Rules and By-Laws will be presented to members at our August Annual General Meeting for approval before submission to Consumer Affairs. Approval at the AGM requires that not less than three quarters of members entitled to vote, to support it. Your support is the key.



Metung Yacht Club Inc

ABN 25 719 516 922
Address: 113 Metung Road, Metung
Mail to: PO Box 60, Metung, Vic. 3904
Tel: 03 51562315
www.metungyachtclub.com.au/

ADDITIONS, CHANGES, RETENTIONS & DELETIONS

- The Objects of the Club from the old Rules were retained in the new Rules.
- New areas covered in the new Rules come mainly from the Model Rules and include proxy voting, disciplinary action, grievance procedures and use of technology,
- Other changes are the introduction of the concept of a Voting or Non-voting Class being assigned to each Membership Category.
- The process for creating and changing By-Laws has been taken from the old Rules including provisions for members to dispute them.
- Some significant aspects included in the By-Laws require approval by a Special Resolution at a General Meeting of Members. This requires no less than three quarters of the eligible members present at the meeting to vote in favour of that By-Law.
- Special Resolutions are required for changes to: Membership Categories and their voting rights, the Financial Year used by the Club and the maximum number of General Committee members.
- As described below, changes from the old Rules have been introduced to simplify Membership Categories and reduce the load on our volunteers in this area.
- The name "Ordinary Member" has been changed to the more descriptive "Full Member".
- Family Membership will cease with current adult Family Member couples being transferred to become two "Full Members". A discounted "partner rate" will be applicable to one of them so that fees equate to the current Family rate.
- Currently we have Juniors and Family Juniors. The new structure has only "Junior Members" but those that have at least one parent who is a "Full Member" will pay no subscription fee, retaining the benefit of the current Family category.
- To assist with retaining more +18 year olds in the Club, an "Intermediate Member" category has been introduced for those up to and including age 25. This category has voting rights and a lower fee structure to encourage participation. Full time students would be eligible for an additional fee discount and would not need to be a "Full Member" as the current Rules require.
- The current Social Member category which is closed to new entrants will be permanently closed. The few remaining members will transfer to "Full Membership" but with a discounted subscription equalling their current rate.
- The definition of Membership Categories will be in the By-Laws so they can be responsive to the Club's needs. Changes would be confirmed by a Special Resolution at a General Meeting of Members rather than having to involve Consumer Affairs.
- Provisions that do not belong in the Rules and have been moved to the By-Laws include: Liquor licensing aspects, the number of people allowed in the club, guests and visitors, membership application administration, some member rights and limitations, member responsibilities and the committee nomination processes.

These are important changes designed to give the Club the flexibility to address the ever changing challenges of the future as well as complying with the Law. Please assist by supporting them at the August 31st Annual General Meeting. If you have any queries please call me (0439 486 651) or Tony Owens (0418 343 134) for clarification.

From Peter Harvey

Commodore

18 August 2019