

WEST AUSTRALIAN ROWING CLUB  
(INCORPORATED)

Registered as an Association  
March 1925  
(AO250006B)

**CONSTITUTION**

## **NAME**

### **RULE 1.**

Name: The name of the Club shall be the West Australian Rowing Club (Incorporated).

## **COLOURS AND UNIFORM**

### **RULE 2.**

Colours: The Colours of the Club shall be Cardinal and Yellow.

## **OBJECTS**

### **RULE 3.**

The objects of the Club are:-

1. To purchase or acquire in fee simple or on lease any real and personal estate for the purpose of carrying on a rowing club and in particular, if thought fit to acquire the premises and all other property and assets of the West Australian Rowing Club Limited: and in consideration thereof to take over the debts and liabilities of the said West Australian Rowing Club Limited.
2. To promote and encourage amateur rowing and social intercourse between past and present members of the Club.
3. To provide at the said premises or elsewhere, boats, oars, sculls and all other necessary rowing appliances and conveniences for the members of the Club and to furnish and maintain the same for the use of the members of the Club.
4. To erect, maintain, improve or alter any buildings for the purposes of the club and to restore and maintain in good order the historic club premises situated near Barrack Square, Riverside Drive, Perth;
  - To apply for Heritage listing of the said club premises;
  - To collect and restore artefacts and memorabilia of the club;
  - To provide access to the general public on specified days of each year to view such displayed collections of memorabilia and artefacts.
5. To promote and hold either alone or jointly with any other club or association regattas and any other aquatic sports and pastimes and to offer give or contribute prizes and other awards therefore and to promote give or support dinners balls and other entertainment.
6. To become affiliated with or subscribe to the Amateur Rowing Association of Western Australia (Inc) or any other association or Club whose objects are similar to the objects of the Club.
7. To invest or otherwise deal with the moneys of the Club not immediately required upon such security and in such a manner as may from time to time be determined.

8. To borrow or raise and give security for money by the issue of or upon bonds debentures bills of exchange Promissory notes or other obligations or securities or by mortgage or charge on all or any part of the property of the Club and to purchase redeem or pay off such obligations and securities or any of them.

9. To do all such things as are incidental or conducive to the attainment of the above objects.

## **MEMBERSHIP**

### **RULE 4.**

The membership of the club shall comprise ordinary, life, associate, social, temporary and honorary members.

#### 1. Ordinary Members.

Any member of the public of good character and repute who is actively involved in the sport of rowing shall upon signing the required application form and proffering the required subscription be admitted by the committee as a member of the Club. All applications for ordinary membership shall be posted on the noticeboard of the club for a period of not less than seven days before election, provided also that an interval of not less than two weeks shall elapse between nomination and election. The committee may, for the purposes of setting annual subscriptions only, define categories of ordinary membership.

#### 2. Life Members.

Any member may for exceptional services rendered be elected to life-membership without subscription by a two-thirds majority of the members present at the annual general meeting of the Club upon the recommendation of the committee.

#### 3. Associate Members.

Any past club members of good character and repute shall upon signing the required application form and proffering the required subscription be admitted by the Committee as an associated member of the Club. An associate member shall have the right to use the club bar and club function room facilities and to attend club social events and activities but shall not be entitled to the use of any other facilities of the club, to hold office or to vote at any meeting of the club.

#### 4. Social Members.

Any member of the public of good character and repute shall upon signing the required application form and proffering the required subscription, admitted by the Committee as a social member of the club. A social member shall have the right to use the club bar and club function room facilities but shall not be entitled to the use of any other facilities of the club to hold office or to vote at any meeting of the club. All applications for Social membership shall be posted on the noticeboard of the club for a period of not less than seven days before election, provided also

that an interval of not less than two weeks shall elapse between nomination and election.

#### 5. Temporary Members.

A person who is on any day visiting the club as a team member, or an official, or a person assisting a team that is to contest a pre-arranged event in that sport on that day or at the invitation of a member to engage in that sport on that day, may be taken to be a person who is afforded temporary membership on that day. A person who has paid to undertake a specific organised rowing programme of fixed duration provided by the West Australian Rowing Club, may also be taken to be a person who is afforded temporary membership for the duration of that training programme. A temporary member shall have the right, for the duration of their temporary membership, to use the club bar and club function room facilities but shall be entitled only to the use of other facilities of the club that are involved with their specific participation at the club, as may be decided by the Committee. They shall not be entitled to hold office or to vote at any meeting of the club.

#### 6. Guest Members

The maximum number of guests per member per day for the purpose of Section 48(4)b of the Liquor Licensing Act 1988 is three (3).

#### 7. Honorary Members

Honorary members may be elected for such a period and on such terms and conditions as the committee may direct. Honorary membership is reserved for serving coaches and coxswains, or visitors to the club of special significance to the rowing community and the West Australian Rowing Club. They shall pay no subscription and shall not, excepting under those conditions specified under Rule 14, hold office in nor vote at any meeting of the Club.

#### 8. Other

The Committee may, on such terms and conditions as it thinks fit, permit the Club premises and property (excepting the Club bar) to be used and enjoyed

- (a) By any person under the age of eighteen years attending any school;
- (b) By any person who desires to use the premises for swimming or any other sport which the Committee may determine;

and the Committee shall fix the rights and privileges of any such person.

#### 9. Register of Members

The club shall keep an up to date register of members in respect of each class of membership.

The register must be continually available for inspection at the club premises.

## **AFFILIATION**

### **RULE 5.**

The Committee of the Club may (on such terms as it thinks fit) admit to affiliation any other club with similar objects. The affiliated club shall be liable to the Club for the subscriptions of all its members.

## **EXPULSION OF MEMBERS**

### **RULE 6.**

The Committee shall have power to expel any member from the Club if in its opinion the member has by his conduct forfeited his right to remain a member. Before making any decision the Committee shall communicate with the offending member informing the member of the charges made against the member and giving the member the option of resigning from the Club. At any time within thirty (30) days from the date of the expulsion the member may appeal to a special General Meeting called as provided in Rule 10 a two thirds majority of such Special General Meeting is required to reinstate the expelled member. Such expulsion shall deprive the offending member of all the rights and privileges of membership and all subscriptions paid by the member shall immediately be forfeited to the Club. Voting under this Rule shall be by ballot.

## **RESIGNATION OF MEMBERS**

### **RULE 7.**

Any member wishing to resign from the Club shall give seven days notice in writing to the Hon. Secretary to that effect before the 21st day of December in any year (or the member will remain liable for the ensuing year's subscription). Upon giving such notice the member shall cease to have any right title or interest in the property of the Club or any part thereof as from the date of such notice provided that resignation shall not relieve a member from payment of any subscription or from any liability whatsoever incurred by the member prior to the receipt of such notice by the Hon. Secretary.

## **OFFICERS AND MANAGEMENT**

### **RULE 8.**

#### 1. Officers

The officers of the Club shall be:-

- (a) Patron
- (b) President
- (c) Vice Presidents (2)
- (d) Captain
- (e) Vice Captains (2)
- (f) Hon. Treasurer
- (g) Hon. Secretary
- (h) Hon. Assistant Secretary Treasurer

#### 2. Committee

The business and affairs of the Club shall be managed by a committee which shall consist of the President, Captain, Vice Captains, Hon. Treasurer, Hon. Secretary, Hon. Assistant Secretary/Treasurer and two ordinary members and 2 co-opted members.

### 3. Election of Officers

The officers and ordinary members of the committee shall be elected at the annual general meeting and shall hold office until the conclusion of the annual general meeting next succeeding that at which their election took place. They shall be eligible for re-election.

### 4. Co-opted Members

The co-opted members of the Committee shall be elected at the first Committee meeting after the annual general meeting and shall hold office until the conclusion of the first annual general meeting next succeeding that at which their election took place. They should be eligible for reelection.

### 5. Nomination of Officers

All candidates for office (with the exception of the Patron and Vice Presidents) shall be financial ordinary or life members and be nominated in writing by two other financial ordinary or life members. Each nomination with the candidate's consent endorsed thereon shall be in the hands of the Hon. Secretary seven (7) days before the annual general meeting and shall be posted by the Hon. Secretary on the Club notice board.

### 6. Absence of Committee Persons

Any officer or member of the committee who shall fail to attend 3 consecutive Committee meetings without giving to the Committee a satisfactory reason for their absence shall be deemed to have vacated their office and the Hon. Secretary shall thereupon notify them to that effect.

## **LIABILITY**

### **RULE 8A**

Any member, officer, or agent of the West Australian Rowing Club (Inc) shall have no liability

## **DUTIES OF THE MANAGEMENT COMMITTEE**

### **RULE 9.**

In addition to all other powers the Committee shall have power to do all or any of the following acts:-

#### 1. By-Laws

To make such by-laws as may be necessary for the management of its own proceedings and of the Club provided that no by-law shall be made which is inconsistent with these Rules. In the event of any by-law being made which is

ultra vires of the committee it shall notwithstanding remain in force until disallowed by resolution of a general meeting.

## 2. Finances

To administer the finances of the Club, to collect subscriptions, and receive donations and other funds and to order disbursement of the monies received provided always that no mortgage or charge over the assets of the Club shall be given without the consent of the Club in general meeting.

## 3. Sub-Committees

To appoint sub-committees and to delegate to such sub-committees such powers as the Committee deems necessary.

## 4. Employees

To employ or dismiss or accept the resignation of employment of any servant or member of the Club.

## 5. Committee Vacancies

To fill any vacancy in the Committee occurring during the currency of any financial year.

## 6. Other

To perform all other acts necessary for the proper management of the Club.

## **MAINTENANCE COMMITTEE**

### **RULE 9A.**

1. The Club shall establish a Maintenance Committee which shall be responsible for the ongoing maintenance and upkeep of the clubhouse.

2. The Maintenance committee shall consist of three financial ordinary, associate or life members who shall be elected at the Annual General Meeting and shall hold office for three years until the conclusion of the third Annual General meeting next succeeding that meeting at which their election took place. In initially establishing the Committee, the first three members shall be elected for:-

- (a) The first elected member shall hold office until the conclusion of the annual General Meeting next succeeding the first meeting at which the Maintenance Committee was established;
- (b) The second elected member shall hold office until the conclusion of the second Annual General Meeting next succeeding the meeting at which the Maintenance Committee was established;
- (c) The third elected member shall hold office until the third Annual General Meeting next succeeding the meeting at which the maintenance Committee was established.

3. Maintenance Committee members shall be eligible for re-election.

#### **4. MAINTENANCE FUND**

A maintenance fund shall be established into which all proceeds from the rent of the area known as the kiosk shall be paid. The Maintenance Committee shall be responsible for this fund and this fund may be drawn upon by the signature of any two of the Maintenance Committee.

#### **5. USE OF FUNDS**

The maintenance fund shall be used:-

- (a) To maintain and upkeep the clubhouse;
- (b) For capital works which shall be approved by the WARC Management Committee;
- (c) To meet a request for financial assistance from the WARC Management.

#### **6. NOMINATION OF OFFICERS**

All candidates for the Maintenance Committee shall be nominated in writing by two members. Each nomination with the candidates consent endorsed thereon shall be in the hands of the Honorary Secretary at least 24 hours before the Annual General Meeting at which the person shall be elected and shall be posted by the Secretary on the club notice board.

#### **7. MEETINGS**

The Maintenance Committee shall meet a minimum of twice per annum. Copies of the minutes shall be passed on to the Management Committee.

#### **MEETINGS**

##### **RULE 10.**

##### **1. Annual General Meeting**

The Annual General Meeting of the Club shall be held in the month of October in each year at a time and place to be determined by the Management Committee. The following shall be the order of business:-

- (a) To confirm minutes of the last Annual General Meeting and of any Special General Meetings held during the year.
- (b) To receive Committees' reports, balance sheet and Auditor's report.
- (c) To elect officers Committees and auditors for the ensuing year.
- (d) To transact such other business as shall be brought forward and of which 14 days notice shall have been given to the Secretary.
- (e) To transact general business.

##### **2. Special General Meetings**

A Special General Meeting shall be called by the Hon. Secretary at any time at the direction of the President or the Committee or on a request in writing by any seven members of the Club. The meeting shall be held at such time and place (within 14 days from the date of direction or request) as the Hon. Secretary shall appoint. All requests for special general meetings shall specify the business for which each meeting is to be held and no other business shall be there discussed.

If the Hon. Secretary shall fail to call the said meeting within 14 days, any one of the requisitionists may do so.

### 3. Notice of General Meeting

The Hon. Secretary shall at least 7 days before any General Meeting post on the Board at the Clubhouse and advertise at least once in a daily newspaper circulating in Perth a notice specifying the time and place thereof and the business to be transacted thereat.

### 4 Quorum

Ten (10) members present at any general meeting shall form a quorum. Unless a quorum is present within 30 minutes after the time specified for commencement the meeting shall be adjourned by the Chairman to such time as he shall think fit.

### 5. Chairman

At all meetings the Chair shall be taken by the President of the Club and in the event of the president's absence or refusal to act the meeting shall elect a chairman.

### 6. Management Committee Meetings

The Committee shall meet at least once in every calendar month and minutes of all proceedings thereof shall be entered in a book provided for the purpose. Three clear days notice of all Committee Meetings shall be given to members of the Committee. Six members present at any Committee Meeting shall form a quorum.

### 7. Voting

Every question submitted to any meeting shall be decided in the first instance by a show of hands unless a ballot is demanded by five members present. In case of an equality of votes the chairman shall have a casting vote, in addition to that to which he is entitled as a member.

### 8. Rights of Members

All ordinary members of the Club shall be entitled to speak and vote at any General or Special Meetings held, provided he/she has paid in full his/her annual membership subscription for the immediate past year

### 9. Life Members

All Life Members have extended to them the privilege to speak and vote at any General or Special Meeting held by the Club.

## **DUTIES OF OFFICERS**

### **RULE 11.**

#### Rule 11.1 President

The President shall take the chair at all meetings of the WARC Inc including all General Meetings, any Special General Meetings which may be convened from time to time in accordance with Rule 10 (2) Meetings and at all Management Committee Meetings. It shall be his or her responsibility to ensure that the business at all meetings is conducted in an orderly and proper manner, and in general he/she shall ensure that both the well-being and the objects of the Club are promoted and enhanced. The President shall work co-operatively with and be supportive of the Captain in ensuring the promotion of the Club, its objects and its best interests.

#### Rule 11.2 Captain

The Captain's duties shall be to take charge of and to control the Club's affairs in the shed and in particular to assign boats to crews, to settle disputes, and to investigate and report all damages to the Committee. The Captain shall have been a competitive rower in the rowing year in which he/she is elected. In the event that for any reason under the "Rules of Incorporation" the Captain is unable to fulfil his duties, the committee shall appoint one of the Vice Captains, who meets the criteria of Captain to fulfil the office until the next AGM.

#### Rule 11.3 Vice-Captains

The Vice Captains' duty shall be to assist the Captain and in his absence they shall have similar authority. At least one vice captain shall be a competitive rower.

### **HON. TREASURER**

#### **RULE 12.**

The duty of the Treasurer shall be:-

- (a) To maintain a Rowing Club Account and a separate (but linked) Function Room Account at a recognised financial institution approved by resolution of the Committee from time to time.
- (b) To ensure that all monies received by the Rowing Club are paid into the Rowing Club account at the Club's bank.
- (c) To ensure that all monies received by WARC as income from the Function Room shall be paid into the Function Room Account
- (d) To ensure all accounts passed by the Committee are paid by cheque signed by the treasurer (or in the Treasurer's absence, the Assistant Secretary/Treasurer), and countersigned by one of the President, Captain, Secretary or Assistant Secretary/Treasurer.
- (e) To ensure that the accounts passed by the committee in relation to Function Room expenses are paid by way of cheque signed in accordance with Rule 12 paragraph
- (d). Where Function Room accounts and invoices are paid from the Function Room Account, the appointed Chief Executive Officer / Manager shall be an authorised co-signatory with the Treasurer on the Function Room Account. In the Treasurer's absence, the Function Room accounts may be paid in accordance with the alternative provisions of Rule 12 paragraph (d)

- (f) Alternatively to Rule 12 paragraphs (d) and (e), to ensure that all accounts passed by the Committee are paid by electronic transfer using the electronic signature of the Treasurer and the electronic signature of one of the President, Captain or Secretary.
- (g) To ensure a proper record of all receipts and payments are entered in such books as the Committee shall direct him/her to keep.
- (h) To present a report at each Committee Meeting showing the state of the Club's finances.
- (i) To produce at the Annual General Meeting a duly audited statement of receipts and disbursements and a Revenue a/c. for the financial year ended 30th June, then last past, and a balance sheet showing the assets and liabilities of the club as at 30th June.

## **HON. SECRETARY**

### **RULE 13.**

The duty of the Secretary shall be:-

- (a) To attend and keep a record of all the proceedings of all meetings of the club.
  - (b) To keep a correct roll of membership of the Club.
  - (c) To conduct correspondence and to take charge of all documents and papers belonging to the Club.
  - (d) To perform all Secretarial work necessary to carry out the objects of the Club.
- The duties of the Assistant to the Secretary and Treasurer will be to assist the Secretary and the Treasurer and to act for either of them in his/her absence.

## **COACHES AND COXSWAINS**

### **RULE 14.**

Any person eligible to sit as coaches or coxswains may be elected by the Committee to Hon. Membership for a period not exceeding one year. Such coaches and coxswains shall have all the privileges of ordinary membership provided they have paid the annual fees set from time to time by the management committee for coaches and coxswains.

## **SELECTION COMMITTEE**

### **RULE 15.**

The Selection Committee shall consist of up to four members including the Captain for the time being, who shall be elected by the Management Committee at its first meeting after the Annual General Meeting.

## **FINANCIAL**

### **RULE 16.**

1. The financial year of the Club shall commence on the 1st July and end on the 30th June in each year.
2. Annual Subscriptions to the Club shall be set from time to time by the Committee for the various membership grades.

3. The annual subscription for ordinary members shall be payable in advance on the 1st day of April in each year or on election. If a member is elected after the 1st October in any year his subscription for the remainder of that year shall be set by the Committee.

4. Members who resign their membership may, under conditions of personal financial hardship of the member and at the complete discretion of the committee, receive a partial refund of annual subscriptions paid.

#### 5. Overdue Subscriptions

Any member whose subscription is overdue and unpaid on the first day of June and has not made arrangements to pay by instalments shall be informed of this fact by the Hon. Treasurer or other nominated committee members. If he/she fails to pay his/her subscription by the first day of July or to give a satisfactory reason for non-payment he/she shall be suspended from all the privileges of the Club until he/she has paid all moneys due by him/her.

#### 6. Receipt of Monies

All monies shall be received only by the Treasurer, Captain, Vice Captain and Secretary or Assistant Secretary/Treasurer and shall within 24 hours after receipt be forwarded to the Treasurer. All monies received shall have computer generated invoices generated by the treasurer. Receipts can be supplied upon request.

### **AUDITORS**

#### **RULE 17.**

At the Annual General Meeting of the Club auditors shall be elected. The Club's books shall be audited by external auditors.

### **THE COMMON SEAL**

#### **RULE 18.**

The Club shall have a common seal which shall be in the custody of the Hon. Secretary. The Common Seal may only be signed by the President and one other senior officer by resolution of the committee.

### **ALTERATION OF RULES**

#### **RULE 19.**

1. Any member wishing to move a rescission or alteration of or addition to any of the Rules of the Club shall give 14 days notice in writing thereof to the Hon. Secretary who shall exhibit a copy of the said notice on the Club Board for at least 7 days immediately preceding the date of the meeting at which the amendment is to be considered.

2. No rescission alteration or addition to the Rules of the Club shall be deemed carried unless 75% (seventy five percent) of the members present and voting at a General Meeting shall vote in favour thereof.

3. As soon as is practicable after the making of any proposal for a change to the Constitution or Rules of the Club, the Secretary shall provide to the Director of Liquor Licensing and the Government Department of the day responsible for administering the Associations Incorporation Act, certified particulars of the change proposed.

4. No effect will be given to the change without prior approval of the Director of Liquor Licensing and the Government Department of the day responsible for administering the Associations Incorporation Act.

## **DISSOLUTION**

### **RULE 20.**

On application in writing to the Committee by 20 financial members signifying their desire that the Club shall be dissolved a special general meeting shall be called to consider the question to be held after the expiry of 30 days but within 60 days of receipt of the application. Notice of the meeting shall be advertised in three consecutive issues of a Perth daily newspaper. The consent of three-fourths (seventy five percent) of the financial members of the club must be obtained in order to carry out the proposal for dissolution. If upon the winding up or dissolution of the association there remains after satisfaction of all its debts and liabilities and any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred to the Amateur Rowing Association (Inc) of Western Australia.

## **LIQUOR LICENSING RULES**

### **RULE 21.**

1. No liquor shall be sold or supplied for consumption elsewhere than on the Club premises unless such liquor is removed from the premises of the Club by or on the instructions from the member purchasing the same.

2. No payment or part payment to any Secretary, Treasurer or any other Officer or servant of the Club shall be made by way of commission or allowance from or upon the receipts of the club for liquor supplied.

3. No liquor shall be sold or supplied to any juvenile (ie. any person under the age of 18)

4. The Club shall only be open for the sale of liquor during such hours (within the hours permitted under the Liquor Licensing Act 1988) as the committee shall from time to time determine.

5. No liquor shall be sold or disposed of on Christmas Day, Good Friday or Anzac Day except as permitted under the provisions of the Liquor Licensing Act 1988.

6. The Club shall nominate a person as the approved Manager pursuant to the provisions of Section 100 of the Liquor Licensing Act 1988.

7. Where the approved Manager is absent in excess of 2 days (48 hours), the Club shall appoint a temporary Manager and the relevant application shall be lodged with the Director of Liquor Licensing.