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Sorrento Sailing Couta Boat Club
3154 Point Nepean Road
Sorrento VIC 3943

Our ref: TXR1/LOB
Matter no: 9615232

Attention: The Members

Dear Members

Amendments to Club Rules

Last year we were instructed by the Sorrento Sailing Couta Boat Club ("the Club") to review the Club's existing rules and determine whether they remain compliant with the requirements under the *Associations Incorporation Reform Act* 2012 (Vic) ("the Act").

Under the Act, where a club elects to adopt their own bespoke rules rather than to adopt the template rules provided in the legislation, the Club must ensure it complies with a series of requirements and cover specified issues set out in the Act.

After careful review we ascertained the existing rules were not compliant given the changes to the Act and other regulations governing not for profit clubs and associations.

We have since worked closely with the Club to redraft the rules taking into account the legislative changes and changes to the Club and its procedures and operations. In doing so we endeavoured to preserve the key unique elements from the old rules. For instance, we were specifically instructed not to alter the requirement for 50% of the committee members to be owners of a Couta boat.

The major changes to the rules are summarised as follows:

1.   Disciplinary Action

1.1   The previous rules imposed significant time restraints for both the Club and members in dealing with disciplinary matters.

(a)   To increase flexibility we have provided that before any disciplinary action can be taken against a member, a notice must be given to the member no earlier than 60 days and no later than 14 days prior to the meeting. Previously the earliest date upon which a notice could be given was 28 days before the meeting. See rule 22(1)(2); and

(b)   Members may now appeal a decision of a disciplinary subcommittee now up to 14 days after the decision. See rule 24(2)(b). Previously the appeal had to be made within 48 hours.

1.2   The disciplinary subcommittee must also now apply the principles of natural justice in their decisions and supply reasons for their decision to the member within 7 days of the decision. See rules 23(1)(a) and 23(4).

2.   Grievance Procedure/Mediation

Confidentiality is an important aspect of mediation to foster trust between the parties. Addressing costs of any external mediation also needs clarity.

So we have inserted requirements in rule 29 for:

(a)   confidentiality; and

(b)   the sharing of any costs – for example, the appointment of an external mediator – between the disputing parties.

3.   Committee members

3.1   We have stated in rules 52(2) that committee members can only retain their position for up to 2 years before they must be re-elected.

3.2   The nomination process has also been amended to provide for a clearer and more defined process. See rule 53.

4.   General Meetings

4.1   A new ballot procedure has been included where elections for committee members are required. See rule 56.

4.2   To accommodate the growth of the Club, the quorum for General Meetings has been increased to 50. See rule 38(2).

4.3   The Committee may now determine that any resolution to be voted at a general meeting be treated as a special resolution. See rule 41(2).

5.   Custody and inspection of books and records

The Register of Members contains personal information of all members and the Act states it is an offence to make improper use of information about a person obtained from the Register. To further protect the confidential information, members may no longer make copies of those records. See rule 79.

Members do retain the right to inspect the Register as this is mandatory under the Act; however this may also be restricted under certain circumstances. See rule 19.

Yours faithfully
Hunt & Hunt

Bill Hazlett
Principal

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