

# ROYAL SOUTH AUSTRALIAN YACHT SQUADRON

## BY-LAWS 1991, With additions known in July 2019

### MANAGEMENT COMMITTEE

- MC1 **Fees** for use of the facilities at the general premises shall be set by the Management Committee.
- MC2 The General Manager may authorise at his discretion the courtesy of access to the general premises and Club House by a **visitor**, subject to the requirements of the Licensing Act.
- MC3 Honorary Members and Absent Members may receive Squadron Circulars by payment of an annual subscription. The cost to be determined by the General Manager.
- MC4 The Management Committee may direct the General Manager to circulate information by way of notices, requests for information, and any other material to a class or group of Members which does not include the total Membership.
- MC5 The Management Committee may authorise the General Manager to send a single Squadron Circular to an address which is shared by more than one Member, but a separate Squadron Circular must be sent to each Voting Member when it contains material required for the resolution by ballot of matters of which Voting Members need due advance notice.
- In the case of Family Members with another Voting Member at the same address a single such notice shall suffice.
- MC6 All members who are holders of a berth license shall pay a **transfer fee** to the RSAYS upon transferring the license to another Member. The fee for the transfer transaction shall be set from time to time by the Management Committee who shall inform Members of any alteration to the fee at the Quarterly Meeting of Members when annual subscriptions are set.
- MC 7 A financial member who resigns shall not be entitled to a refund of their Annual Subscription.
- MC 8 **Offensive Conduct by a Member**
- Should the Management Committee receive a written complaint about the conduct of a Member, either on Squadron premises or activities or in connection with Squadron business, it will investigate the complaint. If the complaint is found to be true, the Management Committee will call the offending Member before the Management Committee to discuss his or her actions, and either:
- Caution the offending Member; or
  - Deny the offending Member access to and use of the Clubhouse facilities for a period of up to three months; or
  - In accordance with Clause 4.7 of the Constitution, call a Special General Meeting to consider the Offending Member's expulsion from the Squadron.
- MC 9 On grounds of health, safety and comfort, smoking is prohibited within the interior of the Clubhouse, balcony, Quarterdeck and any enclosed area.

### WORKS COMMITTEE

- OH1 A **Marina berth licence agreement** will give maximum length and maximum beam for a craft on that berth. A larger vessel will not be allowed to use that berth.
- OH2 When a boat owner obtains a yacht larger than the present berth license agreement allows, they must make application for a larger berth. If a berth is available, they may purchase the new berth license and trade the previous license to a Squadron member or surrender it to the Squadron.

- OH3 A **Temporary Mooring Fee** of 150% will be charged for a temporary berth of which 10% will be retained by the Squadron.
- The responsibility for the condition of the chains, pennants and mooring lines is that of the berth licensee, and any work required to be done will be charged to their account.
- The temporary occupant will be responsible for the safety of their vessel while having use of this berth.
- OH4 When a yacht owner wishes personally to arrange for another Member to place a yacht temporarily upon their berth, they shall first seek permission to do so from the General Manager, who may report the circumstances and anticipated duration to the Management Committee.
- That Committee may direct that a temporary mooring fee shall apply. Liability for safety and security of the moorings are matters between the yacht owners concerned.
- No yacht shall lie temporarily at a Squadron berth under these circumstances for longer than four weeks unless the yacht owner is a Voting Member. Extensions may be granted at the discretion of the General Manager.
- OH5 Members and others shall accept the directions of the General Manager or a person authorised by him to ensure that ramps, pontoons and wharves are kept clear.
- OH6 Members are responsible for ensuring that their **children**, and children who enter the general premises at their invitation, are not permitted to play in such a fashion as to be a source of danger to themselves or to others, or to create a nuisance to Members, or where there is a reasonably foreseeable risk of damage to property.
- OH7 The General Manager shall ensure that facilities to deal with **fire** are regularly tested according to the criteria and with the frequency required by the Metropolitan Fire Service.
- OH8 **Bathing or fishing from pontoons, walkways and wharves** is prohibited.
- OH9 The General Manager has the authority to require a Member to open any **locker** leased from the Squadron in order to display its contents. If reasonable attempts fail to contact a Member, the General Manager, accompanied by another responsible person, has the authority to open such a locker, providing that he ensures security of the contents thereafter. In this situation the General Manager shall compile an inventory and report the matter to the Management Committee.
- OH10 **Dinghies** and yacht tenders shall be registered with the General Manager, and shall be kept in their allocated places. A Member shall remove their dinghy or other vessel from the Squadron water if required to do so by the General Manager.
- OH11 The General Manager may direct the removal or relocation of any yacht, vehicle or other object from slipways, traverse areas, car parks or other parts of the general premises.
- OH12 Yachts on the Yacht Register may have access to facilities for yachts provided by the Squadron, subject to the power of the General Manager to exclude a vessel considered to be inappropriate on grounds of excessive size or for any other reason.
- Unless the Management Committee directs otherwise, priority for access to facilities shall be given to vessels allocated berths over vessels ordinarily located elsewhere.
- OH13 Slipways and all matters relating to slipping of yachts shall be undertaken by or under the authority of the **slip master**.
- OH14 Cranes, slipways, traverses and related equipment are used at the risk of yacht owners. The Squadron accepts no liability for any damage to persons and/or property when they are used, whether by yacht owners or by others.
- OH15 No person, whether or not an employee or a Member of the Squadron, shall have charge of a vessel owned by or under the authority of the Squadron and operated under power unless licensed under the Boating Act 1974.

- OH16 Members' **cars** and the cars of Honorary Members and Crew Members with a valid Gate Pass are permitted in the Squadron premises at all times unless determined otherwise by the Management Committee, and provided that there is sufficient space available, not including prohibited parking areas. The General Manager may authorise other vehicles to enter the general premises.
- The General Manager has the authority to require removal or relocation of any vehicle.
- Members and others are required to accept the direction of the General Manager or a person acting with the authority of the General Manager on this matter.
- OH17 The Management Committee shall determine authorised and unauthorised **parking** areas, with relevant authorities for exclusive use and limited standing areas.
- OH18 Dogs and other **pets** are permitted on the general premises whilst they are on a short lead and under the control of a responsible adult. The person in charge of a pet is responsible for the hygienic disposal of its faeces or other mess. Dogs and other pets are not permitted in the Club House. This rule does not apply to a dog used to assist a person who is legally blind. A dog or other pet creating a nuisance shall be removed from the general premises.
- OH19 **Squadron dinghies** are to be used for no longer than twenty minutes before being returned to pontoons. Any person using a Squadron dinghy shall ensure that it is securely fastened when not occupied. Squadron dinghies (other than the yellow work dinghy) are not to be used as work boats, other than to tow the mooring pontoon.
- Children are not to be permitted to play in Squadron dinghies. Squadron dinghies may not be taken out of the Squadron pool without the permission of the General Manager.
- OH20 Members and Honorary Members entering the Squadron general premises and Club House must give their names and addresses to any responsible Squadron Officer or employee if requested to do so. They must supply similar information relating to any persons whom they introduce to the Squadron premises.
- OH21 The General Manager has authority to determine the suitability of any vessel, cradle or trailer to enter or remain on the general premises of the Squadron, and may direct the exclusion or removal of a vessel, cradle or trailer held to be unsuitable, without giving any reason.
- A yacht owner may appeal to the Management Committee against such exclusion. The decision of the Management Committee on this matter shall be final.
- OH22 In relation to all berths, the General Manager shall set priorities for allocation to yachts of Members seeking mooring space.
- OH23 The Management Committee shall specify requirements for chains, anchors, buoys, pennants, fenders and frequency of inspection.
- OH24 Installation and maintenance of chain mooring berths shall be the responsibility of the licensee of that berth. Should a Member not submit a mooring inspection form within 60 days of the requisite inspection date, the General Manager may direct a contractor to perform the work at the Member's expense. An amount fixed from time to time by the Management Committee will be charged to rescue boats that have broken away from the moorings.
- OH25 When a yacht owner undertakes work on their moorings, they shall be responsible for ensuring that there is minimal disruption to other vessels, and shall be liable for any damage that may result from such work.
- A yacht owner undertaking work on their chain moorings shall ensure that this does not displace other yachts from their previous positions, other than with the agreement of the yacht owners concerned.
- When a yacht owner or their representative suspect that adjacent moorings may have been disturbed, they shall advise the General Manager as soon as practicable before leaving the premises.
- OH26 Allocation of berths and setting of priorities for **dry Racing** shall be undertaken by the General Manager.
- OH27 The Management Committee shall make rules concerning the use of slips and ramps of the Squadron, and authorised users of cranes.

- OH28 A yacht owner who supplies a **cradle or trailer** for their yacht shall conform to the specifications of the Management Committee, including identification, maintenance and annual storage charges, and shall remove it if required to do so, or else it may be disposed of by the Squadron at the cost of the owner.
- OH29 Berths are subject to specific agreements between yacht owners and the Squadron, which shall include allocation, services, maintenance, fees, and transfer or sub-license to another yacht owner.
- OH30 A vessel shall be promptly removed from the area of a crane or other service facility if directed by the General Manager or an authorised employee, and if unattended may be removed in the absence of the owner at the owner's risk.
- OH31 Storage of material on pontoons or wharves is prohibited. Any materials left there may be removed at the expense of the owner, or the person responsible for locating the material there at the risk of the owner or person responsible.
- OH32 The Management Committee shall specify areas for storage of masts, spars, dinghies and other material. Such items left elsewhere may be relocated at the expense and risk of the owner.
- OH33 The Management Committee shall make rules to determine access by yachts, dinghies and other vessels to marinas and pontoons, including conditions for their use, period of stay and fees.
- OH34 When, at the direction of the Squadron, an individual yacht is relocated to an alternative place in the Squadron general premises, there shall be no charge to the yacht owner. If an owner requests relocation of their yacht this shall be at their own expense.
- OH35 The Management Committee shall set aside specified pontoon spaces to be designated as **maintenance berths** and these berths may be used only by prior booking at the office.

The scale of charges for the **overnight use of pontoons** shall be paid by boatowners in same manner as for the use of slipways

Except in the case of the maintenance berths there will be no charge for the use of visitor berths by a Member for a vessel on the Yacht Register in cases where the member obtains prior written approval from the General Manager. The General Manager will have absolute discretion in giving approval but where circumstances permit, approval will generally be given for up to three nights when the member is not aboard and seven nights when the member stays aboard the vessel overnight. On up to two occasions per year per vessel the General Manager may allow the vessel to remain in the visitor berth and unattended for periods of up to seven nights.

The General Manager will compile a daily list of all boats on the pontoons at 0700 hours and will keep a pontoon book to record on a daily basis pontoon bookings and permission for overnight pontoon use.

To enable the by-law to be administered the following procedure will apply: A boat owner who remains aboard overnight at the pontoon must by 0900 hours give written notice to the General Manager that the boatowner remained on board overnight at the pontoon.

Any boat on the daily pontoon list which is not brought to account by the pontoon book or by a notice will be charged the general rate for the previous night.

Notwithstanding the above scale of charges each boatowner must comply forthwith with a request from the Club at any time to move their boat away from the pontoons.

A boatowner who makes overnight use of the pontoon in the case of genuine emergency may give written notice to the General Manager of the circumstances. In this case the General Manager will have the power to waive the overnight charge. In deciding whether to waive the charge the General Manager shall have regard to the question whether the boatowner, as soon as possible after the event, has made reasonable efforts to report the circumstances.

This by-law will not restrict the power of the Squadron to make arrangements with visiting yachts to occupy marinas or pontoons.

- OH36 Barbecues may be used only in designated areas. They are banned on the marinas, pontoons or vessels afloat within the Marina.

- OH37 Vessels must travel and be manoeuvred at safe speeds within the Marina, having due regard for pontoons, marinas, fixtures and other craft. No vessel shall exceed three (3) knots within the confines of the Marina.
- OH38 A vessel not on the Squadron Register (other than one for which due application has been made or one accorded the privileges of a visiting yacht) shall not be permitted to remain within the general Squadron premises. The General Manager has authority to allow temporary exemption from this By-law for a period not exceeding one month.
- OH39 Memorial Plaques may only be fixed to the Memorial Wall in circumstances where the **Memorial Wall Plaque Policy** has been complied with.
- OH40 Overnight Stays on Vessels within the boundaries of the slipway is strictly prohibited
- OH41 Vehicles within the Slipway precinct must be parked in the designated parking area and are not to be parked on or near the tracked area adjacent to cradles or vessels unless permission has been given by the General Manager

### RACING COMMITTEE

- SC1 The Racing Committee shall keep a **Register of Racing Yachts**, consisting of the names of the yachts which in the opinion of the Racing Committee are regularly engaged in Squadron races, and the names of the Owners thereof.
- A yacht owner may appeal to the Management Committee if they consider their yacht has been unreasonably omitted from this Register. The decision of the Management Committee on this matter shall be final.
- SC2 Members who own vessels on the Yacht Register shall promptly notify the General Manager of any change of ownership, name, or distinguishing flag of a vessel on the Yacht Register, and of any factor which could reasonably be expected to affect the performance of a vessel engaged in racing.
- SC3 Unless otherwise stated in the notice of a race or regatta, no yacht shall be allowed to engage in any of the Squadron's races or regattas until accepted for the Yacht Register.
- SC4 The Racing Committee has authority in all matters relating to **protests** over yacht races, and may appoint a Protest Committee for this purpose.
- SC5 Contested decisions of the **Officer of the Day** on any question arising out of a race shall be referred to the Racing Committee by way of a protest.
- SC6 The Officer of the Day may seek help from such officials and other persons as may be considered necessary for the proper control of a race, including clerical staff whose services may be made available by the General Manager.
- SC7 If any yacht be disqualified, the next in order shall be advanced accordingly in the record of results of the race.
- SC8 The **racing rules** of the Squadron are those of the International Sailing Federation (ISAF) as adopted by Yachting Australia (with current amendments) together with the standard Racing instructions of the Squadron as printed in the Year Book or otherwise notified in writing to owners. The instructions may be varied by the Racing Committee to meet local conditions.
- SC9 **A Person not a Member** of the Squadron may participate in races or Sundowners of the Squadron on not more than three occasions during any season. Thereafter such a person shall be a Member or shall have been nominated for an appropriate category of Membership. If a yacht participates in breach of this by-law, future nominations may not be accepted.
- A declaration may be required after each event to confirm the membership status of each person aboard the yacht during the event.
- SC10 A daily crew member must obtain a sail pass and pay any relevant fee before participating in any Squadron race or regatta. Fees will not be refunded if a race is cancelled or postponed to another date and the sail pass shall only be valid for a day or until the completion of an offshore race started on that day.

- SC11 Daily crew members are not entitled to introduce members to the Squadron, attend meetings without invitation, receive Squadron circulars or borrow books from the library.

#### **CRUISING COMMITTEE**

- CC1 All on water events conducted by the Cruising Committee shall have a **Cruise Leader** nominated by the Cruising Committee.
- CC2 The Cruise Leader shall be the focal point for any queries that arise in relation to the event.
- CC3 Participants shall comply with all legal requirements, including those of the Department of Transport's Safety Regulations and any other prescribed requirements. International Regulations for Preventing Collisions at Sea 1972 shall apply at all times.
- CC4 All vessels participating in events conducted by the Cruising Committee shall carry a licensed two-way **radio**, the minimum requirement being a CB .27 Meg Type.
- CC5 Skippers of vessels participating in on-water events organised by the Cruising Committee shall be required to nominate their intention on the form provided.
- CC6 The Cruising Committee is not responsible for the seaworthiness of a vessel. All those who take **part in events organised by the Committee do so at their own** risk and responsibility.

#### **HOUSE AND SOCIAL COMMITTEE**

- HS1 No alcoholic liquor shall be sold or supplied for consumption elsewhere than on the Licensed Premises. **Alcoholic liquor obtained from the licensed premises may be taken on to vessels on the Squadron register only**, and not on to any other vessel in water under the jurisdiction of the Squadron.
- HS2 Small children admitted to the Club House must be accompanied by a responsible adult, and shall not be permitted to play unsupervised in the Club House.
- HS3 No notice or document of any kind shall be placed in any of the Club House rooms, on a notice board, or elsewhere on the Squadron premises without the permission of the General Manager.
- HS4 All alcoholic liquor and other goods supplied by the Squadron shall be paid for at the time, unless alternative arrangements are agreed by the General Manager.
- Members shall not consume alcoholic liquor purchased outside the Squadron in the Clubhouse or Quarterdeck at such times as the respective bars are operating without the written consent of the Licensee. A corkage fee may be applicable where consent is granted.
- Members and their guests who have booked to attend Squadron functions and who do not attend, with not less than 24 hours notice of cancellation to the General Manager, shall have the costs of their booking charged to their accounts.
- HS5 The **Library** shall be under the jurisdiction of the Librarian, and if no Librarian is available shall be the responsibility of the General Manager.
- HS6 The Management Committee shall determine rights of Members to borrow any publications placed in the Library. Rare and valuable publications shall not be removed from the Squadron premises. Arrangements to view these publications shall be made with the General Manager.
- HS7 The Librarian shall advise on the purchase of publications within a budget to be set by the Management Committee.
- HS8 The duration of loans, sanctions in case of damage, late and non return of publications and like matters shall be determined by the Management Committee.

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