

CHERUB NATIONAL COUNCIL OF AUSTRALIA



Constitution and By-laws

As ratified and amended by the Annual General Meeting, January 2021

Constitution

Rule 1 Interpretation

- 1.1 A constitution, however complete cannot anticipate every possible situation. If a situation is not covered here or by the dictates of common sense, it should not be assumed that it is or is not allowed and a ruling shall be obtained from the Cherub National Council of Australia. (CNCA).
- 1.2 The word 'him' or similar masculine pronoun shall be interpreted as either masculine or feminine.
- 1.3 Definitions:
"the Act" means the Associations Incorporation Act, 1984 (NSW);
"the Regulation" means the Association Incorporation Regulation, 1985;
"the Class" is the Cherub 12ft restricted class dinghy.
- 1.4 This Constitution is to be read in conjunction with the "Rules and Restrictions of the Cherub National Council of Australia"

Rule 2 Title

The full title of the Association shall be "Cherub National Council of Australia Incorporated", which may be abbreviated to CNCA and hereinafter referred to as the Council.

Rule 3 Status

The Council shall constitute the Australian member of the Cherub Class International Association (CCIA)

Rule 4 Insignia / Burgee

- 4.1 The Insignia of the Council shall be a Red Heart.
- 4.2 The Burgee shall be a White Flag with a Red Heart in the upper canton at the hoist, a Royal Blue Commonwealth Star In the lower canton and Royal Blue Stars of the Southern Cross to the fly.

Rule 5 Objectives of the Council

- 5.1 Promotion of the Class
To promote the growth, racing and popularity of the class throughout Australia and to foster the support of yachting generally.
- 5.2 Regulation
To regulate Cherub class yachting and yacht racing throughout Australia.
- 5.3 Affiliation
To affiliate with and follow requirements of the Cherub Class International Association and Yachting Australia.

5.4 Safety in Sailing

To promote water safety associated with dinghy sailing.

5.5 Co-operation

To co-operate with any other body which in the opinion of the Council is likely to further these objectives

Rule 6 Office Bearers and Duties

6.1 Officers

The Officers of the Council shall consist of:

- President
- Vice President
- Secretary
- Treasurer

Other ordinary Office Bearers shall consist of:

- Registrar
- Technical Officer
- Public Relations Officer / "Cherub News Editor"
- Public Officer

6.2 Duties

6.2.1 **PRESIDENT**

Presides at General, Special and Managing Committee meetings. Rules on matters of procedure and jurisdiction. Is an ex-officio member of all committees. Shall not be entitled to vote except a casting vote as provided in 10.4.3.

6.2.2 **VICE PRESIDENT**

Assists the President, and in his absence shall act as his deputy.

6.2.3 **SECRETARY**

Keeps minutes of meetings and performs such other duties as pertain to the office.

6.2.4 **TREASURER**

Makes and keeps a true and accurate record of the financial affairs of the Council. Ensures that all money due to the Council is paid and that all payments authorised by the Council are made. Shall present a properly audited balance sheet at the Annual General Meeting.

6.2.5 **REGISTRAR**

Keeps a copy of all measurement forms and an accurate record of all registered boats, owners and addresses. Shall represent the Council on the International Measurement Committee.

6.2.6 **TECHNICAL OFFICER**

Interprets class rules and restrictions. Maintains appropriate technical records. Maintains liaison with the State Technical Officers. Shall represent the Council on the International Measurement Committee. His name and credentials shall be submitted to the Australian Yachting Federation for endorsement as a Cherub Class National Measurer.

6.2.7 **PUBLIC RELATIONS OFFICER/CHERUB NEWS' EDITOR**

Co-ordinates the flow of information relating to the media and public In general. Promotes the Image and objectives of the Council. Edits the Council newsletter 'Cherub News'.

6.2.8 PUBLIC OFFICER
Must be resident of NSW and at least 18 years of age. Ensures the requirements of the Act are met.

6.3 Term

The term of office for all officers shall run from the time of election or appointment to the following Annual General Meeting.

6.4 Casual Vacancies

6.4.1 For the purposes of these rules, a casual vacancy in the office of a member of the managing committee occurs if the member;

- i. dies;
- ii. resigns office by notice in writing given to the secretary;
- iii. is removed from office under Rule 6.5; or
- iv. becomes of unsound mind.

6.4.2 Any vacancy occurring during the year shall be filled by the managing committee.

6.4.3 The Office of the Public Officer cannot remain vacant for more than 14 days.

6.5 Removal from Office

The Council in a General Meeting may, by resolution, remove any Office Bearer before the expiration of the Officer Bearers term of office and may appoint another person to hold the office until the expiration of the removed Office Bearers term of office, The Office Bearer the subject of a resolution to remove will have opportunity to make representations to the General Meeting at which the resolution is moved.

6.6 Election of Officers

6.6.1 METHOD OF ELECTION OF OFFICERS

All officers defined in Rule 6.1 shall be elected as prescribed in Rules 10.5.2 and 10.5.3. Candidates for office shall be nominated and seconded by financial members or member delegates at the Annual General Meeting.

6.6.2 COMBINED OFFICES

The office's of 6.2.4 to 6.2.9 inclusive may be combined with any of the offices listed in 6.1. An officer with a combined office shall have only one vote. This includes Rule 6.2.1. That vote being the casting vote.

Rule 7 Management

7.1 Managing Committee

The managing committee shall comprise those office bearers listed in Rule 6.1.

7.2 Managing Committee Duties

The managing committee shall manage the affairs of the Council for the period of office defined in Rule 6.3 and shall be bound by this constitution.

7.3 Managing Committee Meetings

Where possible there should be at least one managing committee meeting each year.

Rule 8 Finance

8.1 Bank Accounts

All major accounts shall be held by a recognised major bank.

8.2 Withdrawals

Withdrawals from bank accounts shall be signed by two signatories elected by the managing committee.

8.3 Financial Period of Accounts

A financial statement shall be presented annually at the general meeting. Accounts shall be closed on December 12th or in sufficient time to prepare report for AGM.

8.4 Audit

Annual financial statements shall be audited by a certified practicing accountant approved by the managing committee.

Rule 9 Membership

9.1 State Membership

Membership shall only be accorded to one Association in each State or Territory of Australia, or any other area allotted to the control of the Council. Such Associations shall be formed by all class fleets in that State, Territory or area and hereinafter called the member.

9.2 Life Membership

Life Membership may be bestowed on any deserving individual at an Annual General Meeting for outstanding service to the class. A life member shall not be required to pay any fee. The election of life members shall be restricted to one in any year.

9.3 Honorary Membership

Honorary membership may be bestowed on any individual by the managing committee for any particular day or occasion. An honorary member has no entitlement to vote.

9.4 Conditions of Membership

Associations must be constituted in a manner acceptable to the Council and agree in writing to observe and be bound by this constitution as amended from time to time.

9.5 Foundation Members

The following Associations are foundation members of the Council:

- CCOA of New South Wales;
- CCOA of Queensland;
- CCOA of Tasmania;
- CCOA of Victoria; and
- CCOA of Western Australia.

At the time of ratification of this Constitution the members of the Council are:

- Cherub Class Association of New South Wales
- Cherub Class Owners Association of Western Australia
- Cherub Class Owners Association of South Australia
- Cherub Class Owners Association of Queensland

- Cherub Class Owners Association of Victoria (Control by CNCA in accordance with Rule 9.8)
- Cherub Class Owners Association of Tasmania (Control by CNCA in accordance with Rule 9.8)

9.6 Member Responsibilities

9.6.1 ROLE OF STATES

Members shall control the class in their State, Territory or area, in accordance with this Constitution and the CNCA Rules and Restrictions.

9.6.2 DELEGATES ON NATIONAL COUNCIL

Elect delegates to represent them on the Council, as described in rule 10.4.1.

9.6.3 STATE DETAILS TO NATIONAL COUNCIL

Members shall supply annually a list of Officers, addresses and telephone numbers, and details of all registered boats to the Council.

9.7 Fees

Each member will pay an annual levy, according to the number of yachts registered with that member, before the first heat of the National Championships, That fee shall be set for the coming season by the managing committee. Fees received after this date must be paid no later than 1st November of the following year.

9.8 Discipline

In the event of any member failing by this constitution, or being unfinancial as of the Annual General Meeting or failing to properly conduct its affairs, then the Council shall take control of the class in that State, Territory or area until the class fleets form a satisfactory Association.

9.8 Member Liabilities

The liability of a member of the Council to contribute towards the payment of the debts and liabilities of the Council or the cost, charges and expenses of the winding up of the Council is limited to the amount, if any, unpaid by the member in respect of membership of the Council as required by Rule 9.5.

Rule 10 Meetings

10.1 Annual General Meetings

10.1.1 TIMING OF ANNUAL GENERAL MEETING

The Annual General Meeting shall be held during the National Championships.

10.1.2 AGM GENERAL BUSINESS

The ordinary business of the Annual General Meeting shall be:

- to confirm the minutes of the last Annual General Meeting;
- to receive reports from the Council's Office Bearers on matters which have arisen during the year;
- to approve the financial statement;
- to elect officers of the Council for the following year/season.

10.2 Notice of Meetings

10.2.1 ANNUAL GENERAL AND SPECIAL GENERAL MEETINGS

There shall be a minimum of 30 days notice for Annual and General Meetings. Notification shall be made in writing to members.

10.2.2 MANAGING COMMITTEE MEETINGS

The managing committee may be convened at any time after appropriate notice.

10.3 Notices of Motion for General Meetings

Shall be submitted to the Secretary 30 days before the meeting.

10.4 Voting Rights

10.4.1 MEETINGS

All members shall have as a minimum two votes. Members which have more than 30 boats registered with the Council shall be entitled to have one extra vote. All office bearers shall have one vote except as in 6.2.1.

10.4.2 POSTAL BALLOT

Each member shall be entitled to the same number of votes as in 10.4.1. Should a vote contain a proviso, such a vote will be taken in the negative. Returns shall close 40 days after the date of posting of the notice of motion.

10.4.3 CASTING VOTE

In the event of a deadlock in the voting during Annual, General, Special General, or Committee Meetings, the Chairman shall have the casting vote.

10.5 Voting Procedures

10.5.1 MOTIONS

Each motion shall be decided by a simple majority except as provided in 10.8.

10.5.2 ELECTION OF OFFICERS

Election of officers shall be by secret ballot. Two scrutineers shall be appointed by the President. Preferential voting in accordance with 10.5.3 shall be used.

10.5.3 PREFERENTIAL VOTING SYSTEM

Voters shall list candidates in numbered order of preference. The winner shall be declared on the lowest aggregate of preference numbers.

10.6 Observers

Registered owners and interested parties are entitled to attend General Meetings of the Council, make contributions to debates and voice opinions but have no voting rights.

10.7 Postal and Proxy Voting

10.7.1 POSTAL VOTES

Postal votes shall be accepted providing such a vote is received by the secretary prior to the meeting.

10.7.2 PROXY VOTES

Proxy votes shall be accepted when the appointment of a proxy is made in writing by the absent member.

10.8 Quorum

A minimum of 75% of eligible voters (not including office bearers and honorary life members) is necessary to constitute a quorum for the transaction of business at Annual General, General and Special General meetings.

Rule 11 Books, etc.**11.1 Custody**

Except as otherwise provided by these rules, the Public Officer shall keep in his or her custody or under his or her control minutes of Annual General Meetings, Special General Meetings and General Meetings together with copies of all Annual Reports.

11.2 Inspection of Books etc.

The records, books and other documents of the Council shall be open to inspection, free of charge, by a member of the Council at any reasonable hour.

Rule 12 Insurance

The Council shall effect and maintain Insurance pursuant to section 44 of the Act.

Rule 13 By-laws**13.1 Purpose and Content**

The By-laws shall contain rules for the day to day administration of the class, including guidelines for the conduct of National Championships.

13.2 Adoption and Change

By-Laws can be adopted or changed by motions submitted with notice at an Annual General Meeting.

13.3 Flexibility in Organisation of the Nationals

The Organising Authority for a National Championship may vary the provisions and rules set out in the By-laws if the following provisions are all met:

- (i) The Member Association in the State where the Nationals is to be held approves the variation.
- (ii) The variation is submitted in writing to the CNCA Management Committee prior to 1 September in the year that the Nationals are due to commence.
- (iii) That the Council approves the variation in advance.
- (iv) The CNCA Management Committee approves the subsequent Notice of Race and Sailing Instructions for the Nationals.
- (v) That the variation is consistent with good race and event management practice and complies with all ISAF and Yachting Australia rules and guidelines.

In instances when a National Championship is conducted outside the provisions of the By-laws the By-laws will continue to apply in full for any subsequent Nationals. Any variation approved under this Rule shall not set a precedent for any future National Championships.

BY-LAWS

By-law 1 Conduct of Australian Championships

1.1 Venue

The Australian Championship shall be held every year in each State, Territory or area rotation as decided by the Council. These venues shall be decided as least two (2) years in advance, where possible. Special years, e.g. Worlds, Inter-dominion, Centenary, etc. may be accommodated by agreement. The Championship series shall commence not before 27th December and not after 31st December each year.

1.2 Trophies

1.2.1 OPEN

The Australian National Cherub Championship Perpetual Trophy donated by Newhaven Yacht Squadron shall be provided by Council for annual competition and shall be awarded to the best placed yacht at completion of the championship series.

1.2.2 JUNIOR

The Basil Wright Perpetual Junior Trophy shall be awarded to the best placed skipper under the age of 21 and over 18 on the first of December in the season of the championship. On occasions when the best placed Junior skipper is the Open Champion the trophy shall be awarded to the next best placed Junior skipper.

1.2.3 CADET

The Gordon Wright Perpetual Cadet Trophy shall be awarded to the best placed skipper under the age of 18 on the first of December in the season of the Championship. On occasions when the best placed Cadet skipper is the Open Champion the trophy shall be awarded to the next best placed Cadet skipper.

1.2.4 VETERANS

The Veterans Perpetual Trophy shall be awarded to the best placed veteran crew (skipper and for'd hand) whose average age is equal to or greater than 28 years on the first of December in the season of the Championship.

1.2.5 FEMALE SKIPPER

The W.M. Blaskett Perpetual Trophy for the leading female skipper shall be awarded to the best placed female skipper.

1.2.6 HANDICAP

The Matthew's Brothers Perpetual Handicap Trophy shall be awarded to the winner of the series on handicap. The handicap of competing yachts shall be determined by a handicap committee. The handicap committee will consist of a representative from each of the Member Associations represented in the series. The handicaps of competing yachts may be adjusted throughout the series.

1.2.7 BEST PRESENTED BOAT

The O'Mahony Boat Construction Perpetual Trophy shall be awarded to the owner of the boat which is deemed by the Race Committee to be the best presented boat at the series.

1.2.8 WOMEN FORWARD HAND

The trophy for the leading female for'd hand shall be awarded to the best placed female for'd hand.

1.2.9 ALL FEMALE CREW

The trophy for the leading all female crew (skipper and for'd hand) shall be awarded to the best placed all female crew.

1.2.10 RETURN OF TROPHIES

All trophies shall be held by the successful skipper or crew until before the next succeeding Championships. The trophy shall then be forwarded to the member conducting the series and shall be in good order. It will be the responsibility of the CNCA to issue a reminder notice to all trophy holders. For every week in default a penalty of \$5.00 shall be imposed by the CNCA of the Member to which the holder of the Trophy is affiliated.

1.3 Number of Races

The number of races for each Championship shall be decided by the Member conducting the event. There will be not less than seven and not more than 10 scheduled races. Where more than seven races are programmed there shall be a combination of short and long races. 55% of the scheduled races shall be completed to constitute a series. The host member may program one or invitation races to be sailed prior to the start of the championship series.

1.4 Scoring

Points scoring shall be in accordance with the ISAF Racing Rules of Sailing (RRS) Low Points System.

1.5 Eligibility

No yacht may score points unless:

- (i) the yacht is currently registered with the CNCA
- (ii) it is sailed by two persons, the helmsman of whom is an amateur member of a club recognised by Yachting Australia or any of its members.
- (iii) the helmsman and crew are both financially affiliated with a Member of the CNCA.
- (iv) the owner of the yacht holds a valid Registration Certificate issued by or under the authority of the CNCA, and is a member of a club recognised by Yachting Australia or any of its members.
- (v) the helmsman and crew are as declared upon the entry form, unless written notification of change is given to the Race Committee before the first race, or permission for change of crew is obtained from the Race Committee. Only for substantial reasons will substitutes be allowed. In no circumstances shall crew changes be permitted to suit weather conditions.

1.6 Courses

Courses to be sailed shall be set with a race length that takes in to account the expected breeze conditions. The length of the course shall be set such that the targeted race time for a long format race is 80 minutes and the target race time for a short format race is 45 minutes. Courses shall not be set with a windward leg of less than 0.35 of a nautical mile. Courses shall be laid in an area chosen to offer as far as possible winds free from local effects, and waters (if tidal) free from local effects.

As far as practical courses shall be, a triangle, loop, triangle and loop followed by a windward beat to the finish. Figure 1 illustrates the course for a port hand course, the starboard course would be a mirror image.

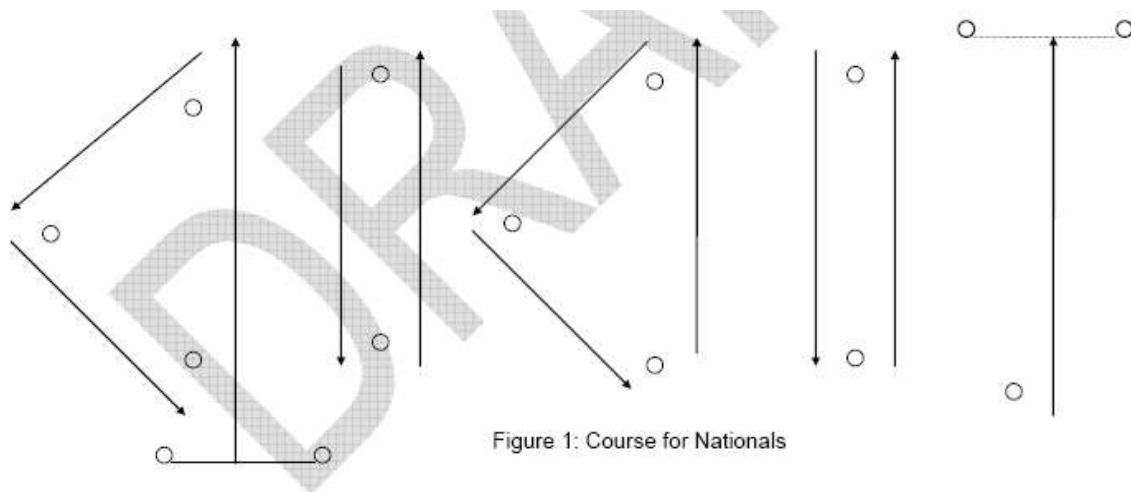


Figure 1: Course for Nationals

1.7 Wind Strength

A race shall not be started if the average wind strength is above 25 knots. The race committee may also postpone the start of the race or abandon the race if it deems that the conditions are unsafe or conducive to fair sailing.

1.8 Rules

All races shall be conducted under the Racing Rules of Sailing as issued by the ISAF, the prescriptions and safety regulations of Yachting Australia all as in force at the time of the Championship, and all as modified by the Sailing Instructions. The CNCA Rules and Restrictions shall also apply at all times during the Championship, the CNCA Rules and Restrictions shall not be modified by the Sailing Instructions.

1.9 Measurement

Each yacht entered shall be subject to inspection by the Measurement Committee prior to the commencement of the Championships. The measurement committee shall comprise, to the extent practical, National Technical Officer and the Technical Officer (or his representative) from each Member Association represented. Once inspected and passed a yacht shall be immune from protest on points of measurement unless alterations can be shown to have been after the inspection. Sails shall be fully measured under the direction of the CNCA Technical Officer prior to the commencement of the Championships and stamped when passed. Only those sails which carry the official stamp shall be used during the Championships.

1.10 Advertising on Yachts

National Championships shall be YA Category A events. Advertising on yachts competing in the Championships is not allowed except under the following circumstances:

- (i) the advertising is for the sponsor of the Championships;
- (ii) the advertising is for the sponsor of a Member of the CNCA, i.e. state team.

By-law 2 Yacht Specifications

Yachts affiliated with the Cherub National Council of Australia shall be measured to the "Rules and Restrictions of the Cherub National Council of Australia".