

# **BOAT OWNERS' ASSOCIATION OF NSW (INC)**

## **RULES**

**October 2002**

# RULES OF THE BOAT OWNERS' ASSOCIATION OF NSW(INC)

## PART I. PRELIMINARY

### INTERPRETATION

1. (1) In these rules, except in so far as the context or subject matter otherwise indicates or requires "ordinary committee member" means a member of the committee who is not an office bearer of the association, as referred to in rule 16(2);

"secretary" means-

- (a) the person holding office under the rules as secretary of the association; or
- (b) where no such person holds that office - the public officer of the association;

"special general meeting" means a general meeting of the association other than the annual general meeting;

"the Act" means the Associations Incorporation Act, 1984;

"the regulation" means the Associations Incorporation Regulation, 1985.

(2) In these rules-

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of a duty.

(3) The provisions of the Interpretation Act, 1987, apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

(4) The term 'private recreational boating' is deemed to include all forms of private and non-commercial boating activities and to exclude commercial boating.

2. The name of the association shall be -

The Boat Owners' Association of NSW (INC)

3. The objects of the association are -

- (A) To permanently maintain a State-wide, non-profit association of people who are interested in private recreational boating.
- (B) To establish (from membership subscriptions, donations and fund raising activities) sufficient financial resources to achieve its objectives as an effective organisation able to benefit the boating population of NSW.
- (C) To monitor any Federal, State, Local Government, Statutory Authority, commercial or private organisations which may influence, control, derive revenue from, regulate or be involved in private recreational boating matters, and
  - (i) To ensure regulations generated by Government bodies are fair, effective, reasonable and appropriate for contemporary private boating and are in accordance with current law,
  - (ii) To ensure any law or regulation is implemented according to natural justice by the various bodies on a bona fide basis and with equality.
  - (iii) To co-operate with these bodies to improve both their efficiency and their attitudes to the public.
  - (iv) To take action (up to and including litigation assistance) on behalf of members against such Government and other bodies, when it is believed actions by a body towards a member may have been wrong, unjust, unreasonable or harsh.
  - (v) To appraise Government bodies of the needs and wishes of the recreational boating population of NSW, and serve as liaison between the private recreational boating population of NSW and those various Government bodies, to foster mutually beneficial changes.
- (D) To collect and distribute information of interest or benefit to members.
- (E) To organise access by members to existing boating education and safety bodies, and assist establishment of new bodies where needed,
- (F) To negotiate for its members favourable commercial trading terms with manufacturers and retailers of boating equipment and accessories.
- (G) To do such other things which, in the opinion of the committee would be of benefit to recreational boat owners.

## PART II MEMBERSHIP

### QUALIFICATIONS

4. A person is qualified to be a member of the association if, but only if -
- (a) the person is a person referred to in section 15(1)(a), (b) or (c) of the Act and has not ceased to be a member of the association at any time after incorporation of the association under the Act; or
  - (b) the person is a natural person who-
    - (i) participates or intends to participate in private recreational boating in New South Wales; and,
    - (ii) has applied for membership of the association as provided by rule 5; and
    - (iii) has been approved for membership of the association by the committee of the association.

### APPLICATION FOR MEMBERSHIP

5. (1) An application by a person for membership of the association-
- (a) shall be made by an intending member of the association in writing.
  - (b) shall be lodged with the secretary of the association together with the first annual subscription according to Rule 10.
- (2) As soon as practicable after receiving an application for membership, the secretary shall refer it to the committee which shall determine whether to approve or disapprove the application.
- (3) Where the committee determines to approve the application for membership, the secretary shall, as soon as practicable after the determination, notify the applicant of that approval, and enter the applicant's name in the register of members and, upon the name being so entered, the applicant shall become a member of the association.
- (4) Where the committee disapproves the application for membership, the secretary shall, as soon as practicable after that determination, notify the applicant of that disapproval and refund any monies submitted without deduction. The committee may, but shall not be required to give any reason for its disapproval.

## CESSATION OF MEMBERSHIP

6. A person ceases to be a member of the association if the person-
  - (a) dies;
  - (b) resigns that membership;
  - (c) is expelled from the association; or
  - (d) fails to pay his or her annual subscription when due or by such other time as the committee may determine,

## MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

7. A right, privilege or obligation which a person has by reason of being a member of the association-
  - (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon cessation of that person's membership.

## RESIGNATION OF MEMBERSHIP

8. (1) A member of the association is not entitled to resign that membership except in accordance with this rule.
  - (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member shall cease to be a member.
  - (3) Where a member of the association ceases to be a member pursuant to clause (2), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

## REGISTER OF MEMBERS

9. (1) The public officer of the association shall establish and maintain a register of members of the association specifying the name and address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members shall be kept at the principal place of administration of the association and shall be open for inspection free of charge, by any member of the association at any reasonable hour.

## FEES, SUBSCRIPTIONS ETC.

10. (1) A member of the Association shall pay to the Association an annual fee of \$25.00 or, where from time to time some other amount is determined by the committee, that other amount, the annual fee being payable on the date of application approval and on that date in each subsequent year.

## MEMBERS' LIABILITIES

11. The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by rule 10.

## RESOLUTION OF INTERNAL DISPUTES

12. Disputes between members (in their capacity as members) of the association, and disputes between members and the association are to be referred to a Community Justice Centre for mediation in accordance with the Community Justice Services Act, 1983.

## DISCIPLINING OF MEMBERS

13. (1) Where the committee is of the opinion that a member of the association
- (a) has refused or persistently neglected to comply with a provision or provisions of these rules; or
  - (b) has willfully acted in a manner prejudicial to the interests of the association,
  - (c) has been cited for three or more breaches of any acts promulgated by the Government of NSW with regard to waterways safety or pollution control and such breaches have been proven or admitted.

the committee may, by resolution

(d) expel the member from the association; or

(e) suspend the member from membership of the association for a specified period.

(2) A resolution of the committee under clause (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this rule.

(3) Where the committee passes a resolution under clause (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member-

(a) setting out the resolution of the committee and the grounds on which it is based.

(b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice;

(c) stating the date, place and time of that meeting; and

(d) informing the member that the member may do either or both of the following;

(i) attend and speak at the meeting;

(ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution,

(4) At a meeting of the committee held as referred to in clause (3), the committee shall-

(a) give to the member an opportunity to make oral representations;

(b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and

(c) by resolution determine whether to confirm or revoke the resolution.

(5) Where the committee confirms a resolution under clause (4), the secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under rule 14.

(6) A resolution confirmed by the committee under clause (4) does not take effect-

(a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or

(b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to rule 14(4).

## RIGHT OF APPEAL OF DISCIPLINED MEMBER

14. (1) A member may appeal to the association in general meeting against a resolution of the committee which is confirmed under rule 13(4), within 7 days after notice of the resolution is served on the member by lodging with the secretary a notice to that effect.
- (2) Upon receipt of a notice from a member under clause (1) the secretary shall notify the committee which shall convene a general meeting of the association to be held within 30 days after the date on which the secretary received the notice.
- (3) At a general meeting of the association convened under clause (2)-
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the committee and the member shall be given the opportunity to recount their respective cases orally or in writing, or both; and
  - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (4) If at the general meeting the association passes a special resolution in favour of the committee's resolution, it is confirmed.

## PART III

### THE COMMITTEE

#### POWERS, ETC. OF THE COMMITTEE

15. The committee shall be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting
- (a) shall control and manage the affairs of the association;
  - (b) may exercise all such functions as may be exercised by the association other than those functions that are required by these rules to be exercised by a general meeting of members of the association; and
  - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

#### CONSTITUTION AND MEMBERSHIP

16. (1) Subject in the case of the first members of the committee in section 21 of the Act, the committee shall consist of-
- (a) the office bearers of the association; and
  - (b) 8 ordinary committee members, each of whom shall be elected at the annual general meeting of the association pursuant to rule 17.
- (2) The office bearers of the association shall be-
- (a) the president
  - (b) the vice-president
  - (c) the treasurer; and
  - (d) the secretary.
- (3) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but shall be eligible for re-election.

- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

## ELECTION OF MEMBERS

17. (1) Nominations of candidates for election as office bearers of the association or as ordinary members of the committee
  - (a) Shall be made in writing signed by two members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of nomination) and
  - (b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received, the persons nominated shall be deemed to be elected and any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) A nomination of a candidate for election under this clause is not valid if that candidate has been elected to another office at the same election.

## SECRETARY

18. (1) The secretary of the association shall, as soon as practicable after being appointed secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes recording-
  - (a) all appointments of office bearers and members of the committee;

(b) the names of the committee members present at a committee meeting or a general meeting; and

(c) all proceedings at committee meetings and general meetings.

(3) Minutes of proceedings at a meeting shall be signed by the chairman of the meeting or by the chairman of the next succeeding meeting.

## TREASURER

19. It is the duty of the treasurer of the association to ensure that

(a) all money due to the association is collected and received and that all payments authorized by the association are made; and

(b) correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.

## AUDITOR

20. The Association shall at each Annual General Meeting appoint an auditor to hold office until the next Annual General Meeting. The Auditor shall examine the accounts of the Association for the current financial Year and report thereon to the Association at the following Annual General Meeting.

## CASUAL VACANCIES

21. For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member-

(a) ceases to be a member of the association;

(b) becomes an insolvent under administration within the meaning of Corporations Law;

(c) resigns office by notice in writing given to the secretary;

(d) is removed from office under rule 22;

(e) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

(f) is absent without the consent of the committee from all meetings of the committee held during a period of 3 months

## REMOVAL OF A MEMBER

22. (1) The association in a general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed,
- (2) Where a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representation to each member of the association or, if representations are not so sent, shall ensure that the representations be read out at the meeting at which the resolution is considered.

## MEETINGS AND QUORUM

23. (1) The committee shall meet at least 6 times in each Period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting.
- (5) Any 3 members of the committee shall constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to such time and place to be determined by the secretary or president.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

(8) At a meeting of the committee-

(a) the president or, in the president's absence, the vice-president, shall preside; or

(b) if the president and the vice-president are absent or unwilling to act, the members present shall elect one of their number to preside.

#### DELEGATION BY COMMITTEE TO SUB-COMMITTEE

24. (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than-

(a) this power of delegation; and

(b) a function which is a duty imposed on the committee by the Act or by any other law.

(2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

(3) A delegation under this section may be made subject to such conditions or limitations as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation under the rule, the committee may continue to exercise any function delegated.

(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.

(6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn as it thinks proper.

## VOTING AND DECISIONS

25. (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote, but in the event of equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 23(5), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or sub committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of a any member of the committee or sub-committee.

## PART IV

### GENERAL MEETINGS

26. (1) With exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association shall hold its first annual general meeting-
- (a) within the period of 18 months after its incorporation under the Act; and
  - (b) within the period of 6 months after the expiration of the first financial year of the association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

### ANNUAL GENERAL MEETING CALLING OF AND BUSINESS AT

27. (1) The annual general meeting of the association shall, subject to the Act and to rule 26, be convened on such date and such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be-
- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
  - (b) receive from the committee reports upon the activities of the association during the last preceding financial year;
  - (c) to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act and the Auditors Report; and
  - (d) to elect office bearers of the association and ordinary committee members.
  - (e) to elect an Auditor.
- (3) An annual general meeting shall be specified as such in the notice convening it.

## SPECIAL GENERAL MEETINGS-CALLING OF

28. (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting-
- (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the members making the requisition;
  - (c) shall be lodged with the secretary; and
- (b) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within one month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than three months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any expense incurred.

## NOTICE

29. (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 27(2).

- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary, who shall include that business in the next notice calling a general meeting given after receipt of the member's notice.

## PROCEDURE

30. (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Fifteen members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 5) shall constitute a quorum.

## PRESIDING MEMBER

- (1) The president or, in the president's absence, the vice-president shall preside as chairman at each general meeting of the association,
- (2) If the president and the vice-president are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside at the meeting.

## ADJOURNMENT

32. (1) The chairman of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clause (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## MAKING OF DECISIONS

33. (1) A question arising at a general meeting of the association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry recorded to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association a poll may be demanded by the chairman or by not less than 3 members present in person or by proxy at the meeting.
- (3) Where a poll is demanded at a general meeting, the poll shall be taken
  - (a) immediately in the case of a poll which relates to the election of the chairman of the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such time before the close of the meeting as the chairman directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

## SPECIAL RESOLUTION

34. A resolution of the association is a special resolution if
- (a) it is passed by a majority which comprises not less than three quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules; or
  - (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph (a) - the resolution is passed in a manner specified by the Commission.

## VOTING

35. (1) Upon any question arising at a general meeting of the association, a member has one vote only.
- (2) All votes shall be given personally or by proxy but no member may hold more than 5 discretionary proxies.
  - (3) In the case of an equality of votes on a question at a general meeting, the chairman of the meeting is entitled to exercise a second or casting vote.
  - (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the Association has been paid.

## APPOINTMENT OF PROXIES

36. (1) Each member shall be entitled to appoint any other financial member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy shall be in the form set out in Appendix 1 to these rules.

## PART V MISCELLANEOUS

### INSURANCE

37. (1) The association shall effect and maintain insurance pursuant to section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance,

### FUNDS - SOURCE

38. (1) The funds of the association shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.

### FUNDS - MANAGEMENT

39. (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the committee or employees of the association, being members or employees authorised to do so by the committee.
- (3) No surplus or profit may be distributed to any member or former member of the association, provided that this clause shall not prevent members from being reimbursed for expenses incurred on behalf of the association.
- (4) In a winding up of the association, any surplus property is to be distributed in accordance with the Act.

### ALTERATION OF OBJECTS AND RULES

40. These rules may be altered, rescinded or added to only by a special resolution of the association.

## COMMON SEAL

41. (1) The common seal of the association shall be kept in the custody of the public officer.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either by two members of the committee or of one member of the committee and of the public officer or secretary.

## CUSTODY OF BOOKS ETC

42. Except as otherwise provided by these rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association.

## INSPECTION OF BOOKS ETC

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

## SERVICE OF NOTICES

44. (1) For the purpose of these rules, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, pre-paying and posting to the person in a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

APPENDIX 1  
RULE 36(2)

NOTICE OF APPOINTMENT OF A PROXY

I, .....  
(full name)

of .....  
(address)

being a member of the Boat Owners' Association of NSW(Inc)

hereby appoint .....  
(full name of proxy)

of .....  
(address of proxy)

being a financial member of the Boat Owners' Association, as my proxy to vote for me on my behalf at the Annual/Special General Meeting of the Association to be held on the:

..... day of ..... 20..... and at any

adjournment of that meeting.

My proxy is authorised to vote at the proxy's discretion/in favour of/against (delete as appropriate) the following resolution:

.....  
.....  
.....

..... (Signature of member appointing proxy) ..... (Date)

NOTE: A proxy vote may only be given to a person who is a financial member of the Association, and is valid only if the notice is forwarded to the Secretary not later than 24 hours before the time of the meeting to which it refers.