



**HILLARYS YACHT CLUB INC. 36th ANNUAL GENERAL MEETING
HYC HARBOUR ROOM 65 NORTHSIDE DRIVE HILLARYS
SUNDAY 6 AUGUST 2023 AT 10.00AM**

ORDER OF BUSINESS

1. Minutes
 - 1.1 Confirmation of Minutes of the 2022 Annual General Meeting
 - 1.2 Confirmation of Minutes from the Special General Meeting 30 June 2022
 - 1.3 Confirmation of Minutes from the Special General Meeting 15 December 2022
 - 1.4 Notes from the Special General Meeting 22 March 2023
2. Receive the Annual Report of the Commodore
3. Receive the Financial Report for Year Ended 30 April 2023 by the Honorary Treasurer
4. Receive the Auditor's Report for the Year Ended 30 April 2023
5. Receive and endorse the Proposed Budget for 2023/24
6. Receive the annual report of the Constitutional Compliance Committee
7. Election of Management Committee for 2023/24
8. Endorsement of Section nominations for Rear Commodores for 2023/24
9. Endorse the election of Patron and Vice Patron for 2023/24
10. To endorse the Management Committee's appointment of Auditor for 2023/24
11. Election of Constitutional Compliance Officer for 2023/24
12. Consideration of Notices of Motions
 - 12.1 Constitution Amendment Clause 6.1.3 – Special Resolution
 - 12.2 Constitution New Clause 5.13.9 – Special Resolution
 - 12.3 Constitution Amendment Clause 5.9 – Special Resolution
 - 12.4 Constitution Amendment Clauses 31.4 and 31.5 – Special Resolution
13. Election of Honorary Life Member
14. Presentation of Club Member and Sportspersons of the year awards
15. General Business
 - 15.1 HYC Special Purpose Levy Software Purchase
 - 15.2 Move Membership Clause from Constitution to Policy

BUSINESS CONFIRMED

Item 7. Election of Management Committee for 2023/24

Commodore (1 position) the following 2 nominations received:

Nominee: Kerry Lewis 1507	Proposer: Ian Patterson 1080	Seconder: Brian Meade 0442
Nominee: Mark Taylor 7099	Proposer: Marshall Fox 0085	Seconder: Paul Manuel 6253

A Vote by Members will be conducted at the AGM.

Vice Commodores (2 positions unopposed)

Nominee: Graham Townsend 6865	Proposer: Kerry Lewis 1507	Seconder: Ranald McDonald 1487
Nominee: Marshall Fox 0085	Proposer: Mark Taylor 7099	Seconder: Jason Tutty 9698

Honorary Treasurer (unopposed)

Nominee: Luke Gibson 9912	Proposer: Jarrad Tonkin 3651	Seconder: Nathan Hearn 8730
---------------------------	------------------------------	-----------------------------

Management Committee Member (unopposed) 1 position vacant

Nominee: Jon Tomkins 5927 Proposer: Paul Harris 6563 Seconder: Mark Taylor 7099

Item 8. Endorsement of Section Rear Commodore Nominations for 2023/24

Angling

Nominee: Bill McPherson 1260 Proposer: Allan McDiarmid 7106 Seconder: Dennis Loran 6592

Dive

Nominee: Paul Harris 6563 Proposer: Jon Tomkins 5927 Seconder: Mark Taylor 7099

Marina Facilities

Nominee: No nominations received*

Power

Nominee: Nathan Hearn 8730 Proposer: Graham Townsend 6865 Seconder: Kevin Hinds 2230

Sailing

Nominee: Jos Colvin 9636 Proposer: Barney Poutney 10260 Seconder: Neil Harrison 6045

* No nomination received by due date. Management have Approved to fill the casual vacancy by appointing Mark Hull 4156.

Item 9. The election of Patron and Vice Patrons for 2023/24

- Patron: Caitlin Collins MLA Member for Hillarys
- Vice Patrons: The Hon Mayor, City of Joondalup Albert Jacobs and Federal Member for Moore, Ian Goodenough MP.

Item 10. Endorsement of Management Committees appointment of Auditor for 2023/24

- Criterion Audit is proposed as the Club Auditor for 2023/24

Item 11. Election of Constitutional Compliance Officer for 2023/24 (unopposed) 1 position vacant

Nominee: Garry Cunningham 0123 Proposer: Jim Suffield 1735 Seconder: Kerry Lewis 1507

Item 12. Consideration of Notices of Motions - Constitutional Amendments Special Resolutions

12.1 Constitution Clause Amendment 6.1.3 – Special Resolution

Rationale: The Management Committee are proposing an amendment to the level of Nomination Fee required to become a member of Hillarys Yacht Club.

At present, the Constitution requires that the Nomination Fee be set as a percentage of the Ordinary Membership Subscription, as shown in the table at Clause 6.1.3 of the Constitution.

To enable the Management Committee to act in a timely manner with the ever-changing influences on the club membership particularly relating to financial and economic landscape movements, flexibility is required to promote and advertise Club membership without the need to call a Special General Meeting (SGM) or wait for the next Annual General Meeting (AGM) and seek member approval to alter the level of a Nomination Fee, as is currently required. This can take time and can result in the Club reacting too slow to market influences.

Motion: It is therefore proposed that the Management Committee are given the authority to alter a Nomination fee between the range of no less than 25% and no more than 200% of the Ordinary Subscription.

A Special Resolution to be passed by a three quarters majority of the Members present and entitled to vote to replace current Clause 6.1.3 with the proposed Clause 6.1.3.

Proposer: Mark Taylor Second: Graham Townsend

Current Clause:

6.1.3 All other subscriptions and nomination fees shall be expressed as a percentage of the Ordinary Membership subscription as shown in the following table:

Category of Membership	Subscription	Nomination Fee	Food & Beverage Levy P/A
Ordinary	100%	200%	Applicable Rate
Associate	67.5%	Nil	Applicable Rate
Corporate	100%	200%	Applicable Rate
Student	20%	Nil	Nil
Country	50%	200%	Nil
Reciprocal	50%	200%	Nil
Honorary	Nil	Nil	Nil
Honorary Life	Nil	Nil	Nil
Junior (Under 18)	10%	Nil	Nil
Crewing	20%	Nil	Nil
Senior Citizen	75%	200%	Applicable Rate
Temporary	Nil	Nil	Nil
Transitional	20% (5yrs)	20% (5yrs)	Applicable Rate
Clubhouse Single	50%	Nil	Applicable Rate
Clubhouse (with spouse/partner)	60%	Nil	Applicable Rate
Absentee	10%	Nil	Nil

Proposed Clause:

6.1.3 All other subscriptions and nomination fees shall be expressed as a percentage of the Ordinary Membership subscription as shown in the following table. At any given time, Management Committee, are able to set the Nomination Fee provided it is not lower than 25% or higher than 200%, of the Ordinary Membership subscription.

Category of Membership	Subscription	Nomination Fee	Food & Beverage Levy P/A
Ordinary	100%	25% - 200%	Applicable Rate
Associate	67.5%	Nil	Applicable Rate
Corporate	100%	25% - 200%	Applicable Rate
Student	20%	Nil	Nil
Country	50%	25% - 200%	Nil
Reciprocal	50%	25% - 200%	Nil
Honorary	Nil	Nil	Nil
Honorary Life	Nil	Nil	Nil
Junior (Under 18)	10%	Nil	Nil
Crewing	20%	Nil	Nil
Senior Citizen	75%	25% - 200%	Applicable Rate
Temporary	Nil	Nil	Nil
Transitional	20%	25% - 200%	Applicable Rate
Clubhouse Single	50%	Nil	Applicable Rate
Clubhouse (with spouse/partner)	60%	Nil	Applicable Rate
Absentee	10%	Nil	Nil

12.2 Constitution Clause New 5.13.9 – Special Resolution

Rationale: As a result of the amendment to Clause 6.1.3 to facilitate the flexibility for Management Committee to set the Nominations Fee between 25% and 200%, this proposed new clause to be added to Transitional Membership aims to clarify the level of nomination fee payable and over what period of time it can be paid.

Current Clause 6.1.3 indicates that the Nomination Fee is payable over a 5 year period. The amended clause 6.1.3 now makes it clear that the standard nomination of the day is payable for a Transitional Member, as it is for other applicable membership applications.

Motion: The following proposed new Clause to be added to Transitional Membership Clause 5.13, makes it clear that a Nomination Fee is payable and can be made in equal instalments over a 5 year period, and that should a Transitional Member resign their membership within this time period, any outstanding nomination fees remain due and payable.

A Special Resolution to be passed by a three quarters majority of the Members present and entitled to vote to propose New Clause 5.13.9.

New Clause 5.13.9

The applicable Nomination Fee payable as a Transitional Member, may upon request to the Management Committee, be paid in equal instalments over a 5-year period. Should a Transitional Member resign their membership within the 5-year period, any outstanding Nomination Fees installments are due and payable.

Proposer: Kerry Lewis Seconder: Mark Taylor

12.3. Constitutional Clause Amendment 5.9 – Special Resolution

Rationale: As a result of the amendments to clarify the rights and fees payable of a Transitional Member, the following proposed Clause amendment aims to provide Junior Members who are no longer eligible for Junior Membership, the ability to transition into Transitional Members without the payment of a Nomination Fee, subject to them meeting certain criteria. Transitional Membership is critical for the future of HYC as its important for the Club to look after its Junior Members as they transition into independency and ensure the Club membership remains a financially viable option. Junior Members currently do not pay a Nomination fee upon turning 18 should they elect to transfer to Ordinary or Student Membership, but not if they elect to transfer into Transitional membership.

New Members joining the Club under the age of 31 as a Transitional member will continue to pay the Nomination Fee of the day given, they have no prior link to the Club.

Motion: The following revised Clause removes the need for a Junior Member transitioning into Transitional membership to pay a Nomination Fee.

A Special Resolution to be passed by a three quarters majority of the Members present and entitled to vote to replace current Clause 6.1.3 with the proposed Clause 6.1.3.

Current Clause:

5.9.5 A Junior Member attaining the age of 18 years may be elected an Ordinary Member or Student Member in accordance with this constitution except that such junior member need not be nominated and payment of a nomination fee shall not be required if:

- (a) in the opinion of the Management Committee the junior member has been an active member for at least two (2) years; and
- (b) the application for Ordinary or Student Membership is received within three (3) months of the age of 18 years being attained.

Proposed Clause:

- 5.9.5 A Junior Member attaining the age of 18 years may be elected an Ordinary Member, Transitional Member or Student Member in accordance with this constitution except that such junior member need not be nominated and payment of a nomination fee shall not be required if:
- (a) in the opinion of the Management Committee the junior member has been an active member for at least two (2) years; and
 - (b) the application for Ordinary or Student Membership is received within three (3) months of the age of 18 years being attained.

Proposer: Kerry Lewis

Secunder: Mark Taylor

12.4 Constitution Clause Amendment 31.4 & 31.5 - Special Resolution

Rationale: At the 2022 Annual General Meeting (AGM), substantial Constitution Clause amendments were passed by Special Resolution to facilitate the implementation of the Management Committee restructure.

Following approval of the required Clause changes by Members at the AGM and before the amended Constitution could be implemented and used by the Club, the updated Constitution was required to be lodged with the Department of Mines, Industry Regulation and Safety (DMIRS) for acceptance. As part of this process, it has been brought to the Clubs attention that Clause 31.4 is required to be updated, to reflect the current governing Act. That is, the Associations Incorporation Act 1987 has been repealed and replaced with the Associations Incorporation Act 2015 the "Act". This error was simply an oversight by the Club when drafting the revised Constitution.

Additionally, since the introduction of the amended Act in 2016, there is no longer a requirement to lodge Constitution alterations with the Director of Liquor Licensing. The Special Resolution aims to also remove this antiquated requirement.

Motion: That Clause 31.4 be amended to reflect the current Act requirements.

A Special Resolution to be passed by a three quarters majority of the Members present and entitled to vote to replace current Clause 31.4 and 31.5 with the proposed Clause 31.4 and 31.5
Current Clause:

31.4 Within one (1) month after the making of any amendment or alteration to the constitution the Management Committee shall send or deliver to the Director of Liquor Licensing and to the appropriate government body, a full copy of the amendments or alterations in accordance with the requirements of the Associations Incorporation Act, 1987

31.5 No amendment of or alteration to the Constitution shall take effect until lodged and accepted by the Director of Liquor Licensing and Department of Commerce in Western Australia.

Proposed Clause:

31.4 Within one (1) month after the making of any amendment or alteration to the constitution, the Management Committee shall lodge the required documents in accordance with the Associations Incorporation Act 2015.

31.5 No amendment of or alteration to the Constitution shall take effect until lodged and accepted with any Authority as required by the Associations Incorporation Act 2015.

Proposer: Kerry Lewis

Seconder: Mark Taylor

Item 13. Election of Honorary Life Member

Election of Brent Griffiths as Honorary Life Member

List of Service

Power Captain 2004 - 2005 Rear Commodore Power 2005 - 2007

Vice Commodore 2007 - 2010

Commodore 2010 - 2013

Constitution Compliance Committee 2013 - Present

Constitution Rewrite 2010 - 2012

Co-founder HYC Caravan Social Group 2021 - Present

Moved: Honorary Life Member Sub Committee

Proposer: Jim Suffield 1735

Resolution for the Approval by the majority of Members present.

Item 14. Presentation of Best Club Member and Sportspersons of the year recipients

Club Member of the Year Award: Bill McPherson and Greg Shakeshaft (posthumous)

Junior Sportsperson of the Year Award: Jack McInnes

Senior Sportsperson of the Year Award: Eleanor Wise

Item 15. General Business

Apologies for the AGM may be recorded with the Club Office on 9246 2833 or emailed to admin@hillarysyachtclub.com.au