

## **PROPOSED CONSTITUTION CHANGES**

### **Section 5.4**

#### **Current**

5.4 The Honorary Life Commodore's flag shall bear the same device as the Commodore's but shall bear an additional bird emblem in the lower canton of the hoist.

#### **Proposed**

5.4 The Honorary Life Commodores' flag shall bear the same device as the Commodore's but shall bear an additional bird emblem in the lower canton of the hoist.

#### **Reason**

Correcting the position of the apostrophe. The club has more than one Honorary Life Commodore

### **Section 8.6**

#### **Current**

8.6 This form, duly completed, together with the entrance fee and the first years' subscription must be forwarded to the Administrative Officer or the Club Manager. Until an application has been approved, the applicant shall have temporary status.

#### **Proposed**

8.6 This form, duly completed, together with the entrance fee and the first years' subscription must be forwarded to the Administrative Officer or the Club Manager. Until an application has been adjudicated by MANCOM, the applicant shall have temporary status.

#### **Reason**

Current wording can be construed that member shall continue to have temporary status if the application is rejected.

### **Section 10.4.6**

#### **Current**

*NB. The parents or guardian of Junior members shall at all times be responsible for the actions and behavior of the Junior members.*

#### **Proposed**

10.4.6 The parents or guardian of Junior members shall at all times be responsible for the actions and behavior of the Junior members.

#### **Reason**

I am of the opinion that items tagged "NB" with no number do not form part of the constitution

### **Section 10.5.3**

#### **Current**

*NB. The parents or guardian of Student members shall at all times be responsible for the actions and behavior of the Student members.*

**Proposed**

10.5.3 The parents or guardian of Student members shall at all times be responsible for the actions and behaviour of the Student members.

**Reason**

I am of the opinion that items tagged “NB” with no number do not from part of the constitution

**Section 10.6**

**Current**

Junior and Student membership shall be open to non-member’s children upon payment of an entrance fee. Upon attaining the age of 19 years in the case of a junior member or ceasing to be a student member, such members shall on becoming a full member be required to pay the usual entrance fee in addition to any levy or other charges applicable save and except that in the case of the entrance fee the applicant member shall be entitled to a rebate of one-sixth of such entrance fee for each full year such applicant member was a junior and/or student member.

**Proposed**

10.6.1 Junior and Student membership shall be open to non-member’s children upon payment of an entrance fee. Upon attaining the age of 19 years in the case of a junior member or ceasing to be a student member, such members shall on becoming a full member be required to pay the usual entrance fee in addition to any levy or other charges applicable save and except that in the case of the entrance fee the applicant member shall be entitled to a rebate of one-sixth of such entrance fee for each full year such applicant member was a junior and/or student member.

**Reason**

Section number assigned to facilitate addition subsection

**Current**

*NB. The proposer and seconder of non-member’s children shall at all times be responsible for the actions and behavior of such non-member’s children.*

**Proposed**

10.6.2 The proposer and seconder of non-member’s children shall at all times be responsible for the actions and behavior of such non-member’s children.

**Reason**

I am of the opinion that items tagged “NB” with no number do not from part of the constitution

**Section 11.7**

**Current**

11.7 All amounts due in respect of caravan site rentals, moorings charges, or in terms of sub-Article 8.9, shall be payable within 30 (THIRTY) days of date of invoice

**Proposed**

11.7 All amounts due in respect of caravan site rentals, moorings charges, or in terms of sub-Article 8.9, shall be payable on the due date.

**Reason**

Move in line with current practice. Invoices are issued in November for amounts that are only due in March.

## **Section 16**

### **Current**

#### **16 DUTIES OF THE TRUSTEES**

In addition to the Commodore, who shall be a Trustee, two other members of at least 3 years standing and who shall have served for at least one year on MANCOM shall be elected at the Annual General Meeting as Trustees.

The duties of each Trustee are: -

- To give effect to the Club's Constitution so far as is lawful and effective
- To give sound and prudent judgment in giving effect to the specific directions in the Constitution
- To protect the assets and interests of the Club and its members at all times.

The Trustee has a duty to take necessary action and to advise the members of any act prejudicial to their interests

All movable and immovable property of the Club including land, structures and installations and the entire improvements, contents and attachments occurring on Club land or in such structures and installations belonging to the Club shall be deemed to be and are hereby vested in and deemed to be the property of the three Trustees (Commodore plus two Trustees).

- The Trustees shall be the proper persons to transfer, mortgage, cede and assign any immovable property of the Club.
- No disposal of any part of the immovable property of the Club can be made except by a Special Resolution passed at an Annual or Special General Meeting of the Club, notice having been previously given on the particular property to be disposed of.
- The signatures of two of the three Trustees shall be deemed sufficient for the purpose of doing all acts and deeds in the acquisition or disposal of any immovable property whatsoever
- They shall grant Power of Attorney and authorities whatsoever and make any declaration, which may be needed
- A certificate under the hand of the Secretary for the time being of the Club shall for all purposes be sufficient proof that the persons purporting to sign as Commodore and elected Trustees are the persons holding such offices for the time being
- The Trustees shall be members of MANCOM

### **Proposed**

#### **16 DUTIES OF THE TRUSTEES**

In addition to the Commodore, who shall be a Trustee, two other members of at least 3 years standing and who shall have served for at least one year on MANCOM shall be elected at the Annual General Meeting as Trustees.

The duties of each Trustee are: -

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- To give sound and prudent judgment in giving effect to the specific directions in the Constitution
- To protect the assets and interests of the Club and its members at all times.

The Trustee has a duty to take necessary action and to advise the members of any act prejudicial to their interests

All movable and immovable property of the Club including land, structures and installations and the entire improvements, contents and attachments occurring on Club land or in such structures and installations belonging to the Club shall be deemed to be and are hereby vested in and deemed to be the property of the three Trustees (Commodore plus two Trustees).

- The Trustees shall be the proper persons to transfer, mortgage, cede and assign any immovable property of the Club.
- No disposal of any part of the immovable property of the Club can be made except by a Special Resolution passed at an Annual or Special General Meeting of the Club, notice having been previously given on the particular property to be disposed of.
- The signatures of two of the three Trustees shall be deemed sufficient for the purpose of doing all acts and deeds in the acquisition or disposal of any immovable property whatsoever
- They shall grant Power of Attorney and authorities whatsoever and make any declaration, which may be needed
- A certificate under the hand of the Secretary for the time being of the Club shall for all purposes be sufficient proof that the persons purporting to sign as Commodore and elected Trustees are the persons holding such offices for the time being

- *The Trustees (with the exception of the commodore) shall NOT be voting members of MANCOM*

## **Reason**

I am of the opinion that the Trustees are essentially the “watchdogs” of the clubs. I do not believe that a body assigned to watch over the committee should be talking an active part in the process.

## **Section 20**

### **Current**

#### **20 DUTIES OF THE SAFETY OFFICER**

The duties of the Safety Officer are: -

- To ensure that all forms of water craft based at the Club comply in every respect with both the Club and statutory regulations pertaining to inland waters and in particular to Vaal Dam
- To be responsible for the provision of examinations of competency in accordance with procedures prescribed in any regulations or applicable legislation
- He/she has the right to conduct random checks on members’ and visitors’craft as well as the adequacy and reliability of safety gear worn by skiers, jet skiers and canoeists and to prevent entry to or cause the craft to be removed from the water until such time as the infringement has been rectified.
- Members failing to comply with regulations or responding to repeated warnings or instructions in respect of infringements are to be reported to SAILCOM for further action
- To, where necessary and appropriate, submit written reports on matters requiring the attention of SAILCOM
- To report to the Rear Commodore on all relevant activities and to the Vice Commodore where necessary (boat garages, caravan sites, etc.)

### **Proposed**

#### **20 DUTIES OF THE SAFETY OFFICER**

The duties of the Safety Officer are: -

- He/she has the right, but not the obligation, to conduct random checks on members’ and visitors’craft as well as the adequacy and reliability of safety gear worn by skiers, jet skiers and canoeists and to prevent entry to or cause the craft to be removed from the water until such time as the infringement has been rectified.
- Members failing to comply with regulations or responding to repeated warnings or instructions in respect of infringements are to be reported to SAILCOM for further action
- To, where necessary and appropriate, submit written reports on matters requiring the attention of SAILCOM
- To report to the Rear Commodore on all relevant activities and to the Vice Commodore where necessary (boat garages, caravan sites, etc.)

## **Reason**

I am concerned that including the duty of compliance with legislation etc. in our constitution could render the club liable for damages if such duties are not performed.

## **Section 26.8**

### **Current**

26.8 In the event of the Commodore resigning during his term of office, the Vice Commodore shall be the successor. Where this is not possible, MANCOM shall elect a successor from the existing MANCOM members.

26.9 The preceding sub-Article 26.8 shall also apply to all MANCOM members

## **Proposed**

26.8 In the event of the Commodore resigning during his term of office the Vice Commodore shall serve as Acting Commodore until such time as a Special General Meeting is called in order to elect the successor. The Acting Commodore shall continue to perform his duties as Vice Commodore until such time as a successor is elected. The Secretary shall send a notice in terms of sub-Article 32.2 as soon as instructed by Mancom.

26.9 In the event of the Vice-Commodore or the Rear Commodore resigning Mancom shall elect a successor from the existing Mancom members to fill the vacancy until such time as a Special General Meeting is called in order to elect the successor. Where this is not possible, for whatever reason, Mancom shall elect a temporary successor from Sailcom.

26.10 *Previous 26.9*

26.11 *Previous 26.10*

## **Reason**

It is not always possible and in some cases constitutionally incorrect, for MANCOM members to assume the responsibility for more than one role. If MANCOM members are elected by the members, then the members should also elect their replacements.