

NHSAA Newsletter

October - November 2012

Monthly Meetings of the Management Committee, held on the third Tuesday of each month, are now being conducted on Skype...if you wish to join in please send your Skype address to jveale@bigpond.com and let him know of your desire to participate before each meeting.

Contents:

**Notice of AGM 14 May 2013
Two Motions to amend the Rules
Invitation to comment on the Motions**

**Membership Renewal Reminder is also included
YOU CANNOT VOTE AT AN AGM IF YOU HAVE NOT PAID YOUR SUBSCRIPTION**

NOTICE OF MEETING

The Annual General Meeting of the National Heron Sailing Association of Australia Inc. will be held at 8pm Eastern Standard Time on 14 May 2013. Participants will be able to "attend" remotely by teleconference facility. However, because the AGM needs at least 15 people to attend "in person" if any amendment made to the Rules is to be legitimate, we need to determine a venue. This will be nominated in the March 2013 Newsletter, along with the Results of the Nationals and comments (if any are made) on the motions for amendment.

NOTICES TO AMEND THE RULES OF NHSAA INC.

MOTION 1

| | |
|----------|----------------------------------|
| Proposed | John Deshon AM (Queensland) |
| Seconded | John Veale (New South Wales) |
| | Laurie Menogue (Victoria) |
| | Richard Gibson (South Australia) |

That the NHSAA Rules be rescinded and the Constitution and Bylaws shown as Attachment "A" be adopted in their stead.

BACKGROUND

The background to this wholesale revision of how we are regulated was included in the September 2012 Newsletter and is reproduced here. Attachment "A" is included in this Newsletter.

When NHSAA became an Incorporated Association (in NSW in 1995), we were obliged to amend our Constitution to meet the requirements of the Act which prevailed at the time. We did this by adding a section at the front of the existing Constitution, Sailing Rules Construction and Measurement Rules. The whole document became "The Rules". The pre-existing Constitution etc was unchanged.

There were a very few contradictions and many repetitions in the amalgamated document.

Amendments made over the years since have not addressed these because they worked well enough and were not a nuisance. The present Rules may be viewed at the NHSAA website <http://www.héronsailing.com.au/directory/NHSSA Rules>

NSW government introduced a new Associations Incorporations Act in 2009, together with a new set of Regulations. Our current document is deemed to meet its requirements until and unless we amend any part of it. When this happens, the whole document is required to meet the provisions of the new Act. As it stands, it doesn't, in some significant matters.

At this time there is no burning issue about measurement or construction before us, so it is opportune to get our house in order so that the next contentious issue may be treated on its merits without distraction.

The essential differences, which must be fixed up, are –

Rules are to be called **Constitution**.

Proxy voting is not favoured for voting on constitution changes or any motion requiring the consent of a special general meeting

Constitution changes must be approved by a majority of three quarters of voters to be carried (presently two thirds)

Of far greater significance, the new Act excludes "by-laws" from the definition of "Constitution", which exempts by-laws from the conditions governing their amendment. The 1984 Act says

rules, in relation to an association, includes the constitution, regulations and by-laws, if any, of the association.

This made the requirements about sailing, construction and measurement subject to the same conditions as those addressing administration and conduct of the Association, an unintended consequence. Any amendment to, say, the shape of the mast had to be sent to the NSW Office of Fair Trading, on the required form and accompanied by the required fee.

Amendments to by-laws are not subject to these conditions under the new Act.

As the majority of amendments over the years have been to do with the Sailing Rules, Construction and Measurement Rules, and not the Constitution or Association Rules, this is an opportunity to separate the two functions, so that the Constitution deals with administrative matters and any others which the Act requires, and the By-laws deal with sailing and boats.

MOTION 2

Proposed Richard Gibson (South Australia)

Seconded Fraser Galloway (Queensland)

James Gough (New South Wales)

Brien Hennessy (Western Australia)

That, in the event that Motion 1 gains the required majority, the first sentence of By-law 19 be deleted and the following three sentences be inserted in its stead

Shrouds shall be made of wire. Forestay may be made of wire, or rope of suitable strength. Standing rigging shall not be adjusted while racing.

That in the alternative, in the event that Motion 1 does not gain the required majority, the first sentence of Paragraph 10 of Part 2 Construction and Measurement Rules be deleted and the following three sentences be inserted in its stead

Shrouds shall be made of wire. Forestay may be made of wire, or rope of suitable strength. Standing rigging shall not be adjusted while racing.

BACKGROUND

The present Rule states that standing rigging (i.e. shrouds and forestay) must be of wire:

In recent years, rope of adequate strength to replace wire for the forestay has become available. Many Herons are now rigged with a rope forestay despite the requirements of this paragraph. The proposed amendment recognises current practice.

MEMBERS' RESPONSE

Both motions will be published on the NHSAA website <http://www.heronsailing.com.au> following despatch of this Newsletter, under the heading "Proposed Rules Amendments 2013".

All members are invited to submit to the Secretary, in writing and before 31 January 2013, argument for and against either or both the motions. A summary (or, depending on the number of responses, the full text) will be published in the March 2013 Newsletter and also on the website.

Warren Monaghan,
Secretary
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ATTACHMENT "A"

Attachment "A" nominated in Motion 1 to amend the Rules of NHSAA
and numbered pages 1 to 17 inclusive follows

NATIONAL HERON SAILING ASSOCIATION OF AUSTRALIA INC.

Registered number Y2235635 issued by Consumer Affairs NSW, 10 August 1995
under the Associations Incorporation Act 1984

CONSTITUTION

| | | |
|----------|------------------|---------------|
| Part I | Preliminary | Clauses 1-3 |
| Part II | Membership | Clauses 4-17 |
| Part III | The Committee | Clauses 18-32 |
| Part IV | General Meetings | Clauses 33-43 |
| Part V | Miscellaneous | Clauses 44-59 |

PART I - PRELIMINARY

DEFINITIONS

- 1.(1) In this Constitution:
- Director-General** means the Director-General of the Department of Services, Technology and Administration.
- ordinary Committee member** means a member of the Management Committee who is not an office-bearer of the Association.
- Secretary** means:
- (a) the person holding office under this constitution as Secretary of the Association; or
- (b) if no such person holds that office - the Public Officer of the Association.
- special general meeting** means a general meeting of the Association other than an annual general meeting.
- the Act** means the Associations Incorporation Act 2009.
- the Regulation** means the Associations Incorporation Regulation 2010.
- 1.(2) In this Constitution:
- (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, if the function is a duty, a reference to the performance of the duty.
- 1.(3) The provisions of the Interpretation Act 1987 apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

NAME

2. The name of the Association is NATIONAL HERON SAILING ASSOCIATION OF AUSTRALIA INC.

OBJECTS

- 3.(1) The objects are:
- (a) to govern and control the Class and to encourage its growth as "ONE DESIGN".
- (b) to ensure racing on equal terms by making rules for the regulation of racing among yachts belonging to the Class and racing under the auspices of the National Heron Sailing Association of Australia Inc. and its affiliates.
- (c) to ensure that all such racing takes place under the Rules of the International Yacht Racing Union, the Special Prescriptions of the Australian Yachting Federation, and the special regulations of the several State Yachting Authorities, and this Constitution and the By-laws
- (d) where necessary, to allow the formation of State and Territory Associations to control the racing of Herons within their respective States and Territories, and to represent the Association in all dealings with the Sailing Authorities of those States and Territories, and to allow such Associations the power to form Divisions within their respective States and Territories where necessary for local liaison between Clubs.
- (e) to publish a Periodical to be known as HERON NEWSLETTER.

PART II - MEMBERSHIP

QUALIFICATIONS

- 4.(1) Membership shall be open to owners of Heron Yachts and others interested in the Class
- 4.(2) A person is qualified to be a member of the Association if the person is a natural person who –
- (a) has been nominated for membership of the Association as provided by clause 6; and
- (b) has been approved for membership of the Association by the Committee of the Association.

CLASSES OF MEMBERSHIP

5. Membership shall comprise the following classifications:
- (a) Sole owner; and
- (b) Joint owners, where the ownership is registered in several names but only ONE subscription is payable; and
- (c) Part owners, where the ownership is registered in several names and FULL subscription is payable by each part owner; and

- (d) Life Members; and
- (e) Others interested in the Class.

NOMINATION FOR MEMBERSHIP

- 6.(1) Application by a person for membership of the Association -
 - (a) shall be made in writing in a form set out by the Management Committee; and
 - (b) shall be lodged with the Registrar of the Association, and
 - (c) shall be accompanied by the subscription set out in clause 12
- 6.(2) As soon as practicable after receiving an application for membership, the Registrar shall determine whether to approve or to reject the application.
- 6.(3) The Registrar shall, on payment by the nominee of the amounts referred to in clause 12, enter the nominee's name in the register of members and, upon the name being so entered, the nominee becomes a member of the Association.
- 6.(4) A member who has given outstanding service to the Association may be elected a Life Member. The election shall be by special resolution at an annual general meeting of the Association.

LIFE MEMBERSHIP

- 7.(1) It shall be a condition precedent to the election of a person as a Life Member that such person shall have been a member of the Association for a period of at least 10 years.
- 7.(2) Subject to the other provisions of this sub-clause, only one (1) person may be elected as a Life Member at any one annual general meeting. Where motions moving for the election of more than one (1) person as a Life Member are considered at any one (1) annual general meeting, then and in that case, that motion receiving the highest number of votes cast in its favour shall be deemed to be carried and that person nominated by that motion shall, subject to the provision of clause 6.(4), be deemed to be the Life Member duly elected at that annual general meeting, and any other motions before the annual general meeting nomination other persons as life members, shall be deemed to have been lost. Where two (2) or more such motions receive an equal number of votes then and in that case those motions shall be deemed to have been carried and, notwithstanding the preceding provision of this sub-clause, the nominees referred to in those motions shall be deemed to be duly elected Life Members at that annual general meeting.
- 7.(3) The proposer and seconder of any motion nominating a person to be a Life Member may, either jointly or severally, submit written comments in support of the nomination to the Secretary with such nomination and providing such written comments do not exceed two hundred (200) words in total, then the Secretary shall publish those comments and forward same to all members in accordance with clause 35.(3)

CESSATION OF MEMBERSHIP

- 8. A person ceases to be a member of the Association if the person -
 - (a) dies; or
 - (b) resigns that membership; or
 - (c) is expelled from the Association: or
 - (d) owes a subscription for more than 12 months from the due date for payment

MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

- 9. 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 the person's membership.

RESIGNATION OF MEMBERSHIP

- 10 Where a member of the Association ceases to be a member, the Registrar 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

- 11.(1) The Registrar 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.
- 11.(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.

- 12.(1) The annual membership subscription and boat registration shall be due and payable on 1st July, or upon joining or upon re-registering a boat or boats.
- 12.(2) The subscription of persons joining on or after 1st. May in any year shall cover the period to the end of the following Association year. Annual subscription and boat registration fees shall be determined from time to time by the Management Committee.
- 12.(3) Members who have been voted into official positions at the prior held AGM (State and National) should pay the appropriate subscription and fees as soon as practical after the election or at least by 1st. July.

REGISTRATION FEE

13. Upon the initial issue of a new boat/sail number for each boat, or upon transfer of registration by an owner to a purchaser, boat registration fee, and, if the new owner is not a member, annual membership subscription, as prescribed by the Management Committee from time to time, shall be payable by the new owner to the Association.

MEMBERS' LIABILITIES

14. The liability of a member of the Association to contribute towards the payment of the debt and liabilities of the Association or the cost, 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 clause 12.

RESOLUTION OF DISPUTES

- 15.(1) A dispute between a member and another member (in their capacity as members) of the Association, or a dispute between a member or members and the Association, is to be referred to a community justice centre for mediation under the *Community Justice Centres Act 1983*.
- 15.(2) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- 15.(3) The *Commercial Arbitration Act 1984* applies to any such dispute referred to arbitration.

DISCIPLINING OF MEMBERS

- 16.(1) A complaint may be made to the Management Committee by any person that a member of the Association:
- (a) has refused or neglected to comply with a provision or provisions of this Constitution; or
 - (b) has willfully acted in a manner prejudicial to the interests of the Association.
- 16.(2) The Management Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- 16.(3) If the Management Committee decides to deal with the complaint, the Management Committee:
- (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the Management Committee in connection with the complaint; and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- 16.(4) The Management Committee may, by resolution, expel the member from the Association or suspend the member from membership of the Association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- 16.(5) If the Management Committee expels or suspends a member, the Secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the Committee for having taken that action and of the member's right of appeal under clause 17.
- 16.(6) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
 - (b) if within that period the member exercises the right of appeal, unless and until the Association confirms the resolution under clause 17, whichever is the later.

RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 17.(1) A member may appeal to the Association in general meeting against a resolution of the Management Committee under clause 16, within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- 17.(2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- 17.(3) On receipt of a notice from a member under clause (1), the Secretary must notify the Management Committee which must convene a general meeting of the Association to be held within 28 days after the date on which the Secretary received the notice.
- 17.(4) At a general meeting of the Association convened under clause (3):
- (a) no business other than the question of the appeal is to be transacted; and
 - (b) the Management Committee and the member must be given the opportunity to state their respective cases orally or in writing, or both; and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 17.(5) The appeal is to be determined by a simple majority of votes cast by members of the Association entitled to vote.

PART III - THE COMMITTEE**POWERS OF COMMITTEE**

18. The Committee shall be called the Management Committee of the Association and, subject to the Act, the Regulation and this Constitution and to any resolution passed by the Association in general meeting -
- (a) shall control and manage the affairs of the Association; and
 - (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 Management Committee to be necessary or desirable for the proper management of the affairs of the Association; and
 - (d) shall appoint the Public Officer of the Association

COMPOSITION OF THE MANAGEMENT COMMITTEE

- 19.(1) The Management Committee shall consist of-
- (a) the officers of the Association each of whom shall be elected at the annual general meeting of the Association pursuant to clause 20; and
 - (b) the chairman of the measurement sub-committee, Life Members, and not less than five ordinary members being representatives of each affiliated State Association according to the quotient set out in clause 21.(3).
- 19.(2) The position of Public Officer may, but need not be, held by a member of the Management Committee.
- 19.(3) The officers of the Association shall be the -
- (a) President;
 - (b) 3 Vice presidents;
 - (c) Treasurer;
 - (d) Secretary;
 - (e) Registrar;
 - (f) Immediate Past President; and
 - (g) Editor of the newsletter.
- 19.(4) Each member of the Management 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 is eligible for re-election.
- 19.(5) In the event of a casual vacancy occurring in the membership of the Management Committee, the Management 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 OFFICERS

- 20.(1) Except for the Immediate Past President, nominations of candidates for election as officers of the Association
- (a) shall be made in writing, signed by 2 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 later than 1st. February each year.
- 20.(2) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for election to two of the positions in subclauses 19.(3)(a), (c) and (d) at the same election.
- 20.(3) If insufficient nominations are received to fill all vacancies on the Management Committee, the candidates nominated unopposed shall be deemed to be elected and further nominations shall be received at the annual general meeting for the vacant position(s).
- 20.(4) If insufficient further nominations are received, any vacant positions remaining on the Management Committee shall be deemed to be casual vacancies.
- 20.(5) In the event of one or more nominations being received for an office, the Secretary shall invite the proposer and seconder to provide, within 7 days, a brief statement in support of the nominee. All such statements received by the Secretary shall be distributed to members along with a suitable ballot paper with the Notice of Meeting.
- 20.(6) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- 20.(7) The ballot for the election of officers shall be conducted at the annual general meeting in such usual and proper manner as the Management Committee may direct.
- 20.(8) Votes shall be cast and counted on the "first past the post" system.
- 20.(9) Following the ballot the new officers shall assume office after seven days. The previous officers will continue to discharge their duties until that time and will each do all things the Association requires including transferring the authority to operate the bank and other accounts of the Association to the new officers.

OTHER MEMBERS OF THE MANAGEMENT COMMITTEE

- 21.(1) The chairman of the measurement sub-committee shall be elected by the sub-committee.
- 21.(2) A Life Member shall be entitled to nominate at an annual general meeting for membership of the Management Committee and be eligible to occupy this office provided that the number nominating each year shall not exceed ten. If more than ten nominations are received, appointment shall be resolved by ballot. For the purpose of this clause, a Life Member holding other office shall not be counted.

- 21.(3) The officers of the Association shall appoint to the Management Committee representatives recommended by State and Territory Associations. The number of representatives to be appointed shall be the quotient, fractions of half and greater being increased to the next higher whole number, obtained by dividing ten times the number of members resident in that State or Territory on 31st. March at the commencement of the relevant year who are eligible to vote under the provisions of clause 41, by the total number of all such eligible members in the Association provided that, where such quotient is less than one half, the number of representatives shall be one.

SECRETARY

- 22.(1) The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- 22.(2) It is the duty of the Secretary to keep minutes of-
- (a) all appointments of office bearers and members of the Management Committee; and
 - (b) the names of members of the Management Committee present at a Management Committee meeting or a general meeting; and
 - (c) all proceedings at Management Committee meetings and general meetings.
- 22.(3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

TREASURER

23. 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 authorised 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.

CASUAL VACANCIES

- 24.(1) In the event of a casual vacancy occurring in the membership of the Management Committee, the Management Committee may appoint a member of the Association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.
- 24.(2) A casual vacancy in the office of a member of the Management Committee occurs if the member:
- (a) dies; or
 - (b) ceases to be a member of the Association; or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth; or
 - (d) resigns office by notice in writing given to the Secretary; or
 - (e) is removed from office under clause 25; or
 - (f) becomes a mentally incapacitated person; or
 - (g) is absent without the consent of the Committee from 3 consecutive meetings of the Committee; or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months; or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

REMOVAL OF MANAGEMENT COMMITTEE MEMBER

- 25.(1) The Association in a general meeting may by resolution remove any member of the Management 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.
- 25.(2) Where a member of the Management 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 representations to each member of the Association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

MEETINGS AND QUORUM

- 26.(1) The Management Committee shall meet at least 6 times in each period of 12 months at such place and time as the Management Committee may determine.
- 26.(2) Additional meetings of the Management Committee may be convened by the president or by any member of the Management Committee.
- 26.(3) Oral or written notice of a meeting of the Management Committee shall be given by the Secretary to each member of the Management Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Management Committee) before the time appointed for the holding of the meeting.

- 26.(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, except business which the Management Committee members present at the meeting unanimously agree to treat as urgent business.
- 26.(5) 5 members of the Management Committee of whom one shall be the President or Vice President or a Life Member constitute a quorum for the transaction of the business of a meeting of the Management Committee.
- 26.(6) No business shall be transacted by the Management 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 the same place and at the same hour of the same day in the following week.
- 26.(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.
- 26.(8) At the meeting of the Management Committee -
 - (a) the President or, in the President's absence, a Vice president, shall preside; or
 - (b) if the President and all Vice presidents are absent or unwilling to act such one of the remaining members of the Management Committee as may be chosen by the members present at the meeting shall preside.

MOTIONS ON NOTICE

27. At the request of the mover of a motion or at the request of a majority of members present at a Management Committee meeting, a motion that has been seconded shall be put on notice for two months. All Management Committee members are to be advised of the motion on notice. Votes from non-attending Management Committee members must be lodged in writing with the Secretary by the specified date and time on the notice of motion.

DELEGATION BY COMMITTEE TO SUB-COMMITTEE

- 28.(1) The Management Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Association as the Management Committee thinks fit) the exercise of such of the functions of the Management Committee as are specified in the instrument of delegation, other than –
 - (a) this power of delegation; and
 - (b) a function which is a duty imposed on the Management Committee by the Act or by any other law.
- 28.(2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 28.(3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 28.(4) Notwithstanding any delegation under this clause, the Management Committee may continue to exercise any function delegated.
- 28.(5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Management Committee.
- 28.(6) The Management Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- 28.(7) A sub-committee may meet and adjourn as it thinks proper.

MEASUREMENT SUB-COMMITTEE

- 29.(1) The Management Committee shall appoint a standing sub-committee known as the measurement sub-committee. The measurement sub-committee shall consist of 5 members including a chairman and secretary, both of whom shall be elected from within their number. The chairman shall become a member of the Management Committee.
- 29.(2) Every year one member of the measurement sub-committee shall retire by rotation but may be eligible for re-appointment. The retirement shall occur on 30th. April, the person with the longest service retiring first.
- 29.(3) As vacancies occur, the Management Committee shall appoint members to the measurement sub-committee.
- 29.(4) A quorum shall be three of which one shall be the chairman or secretary.
- 29.(5) The measurement sub-committee shall report to each meeting of the Management Committee.
- 29.(6) The measurement sub-committee shall be responsible to the Management Committee for the orderly measurement and classification of Heron yachts, including maintenance of the Measurement Form and its amendment, when necessary, to align it with the By-laws.

DISAGREEMENT BETWEEN MEASUREMENT SUB-COMMITTEE AND MANAGEMENT COMMITTEE

- 30.(1) In the event of major disagreement between the measurement sub-committee and the Management Committee, the recommendations of the measurement sub-committee shall be submitted to the next general meeting of the Association.

- 30.(2) Resolution of the disagreement is to be determined by a simple majority of votes cast by members of the Association entitled to vote under clause 41.

VOTING AND DECISIONS OF THE MANAGEMENT COMMITTEE

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

INDEMNITY

32. The members of the Management Committee, members of the measurement sub-committee, and the Trustees for the time being of the Association, and each and every one of them acting in relation to any of the affairs of the Association, shall be indemnified out of the funds of the Association from and against all actions, costs, losses, damages and expenses which they or any of them shall or may incur or sustain by reason of any act done, concurred in or omitted in about the discharge of their duty or supposed duty in their respective offices, any as they shall incur or sustain by or through their own wilful default or dishonesty, and none of them shall be answerable for the acts or defaults of the other or others of them or for joining in any receipt for conformity or for any bankers or other persons with whom any monies or effects belonging to the Association shall or may be lodged or deposited, or for the insufficiency or deficiency of any security upon which any monies or effects of or belonging to the Association shall be placed at or invested or for any loss, misfortune or damage which may happen in the execution of their respective offices or in relation thereto except the same shall happen by or through their own wilful default or dishonesty. The Management Committee shall maintain at all times, on behalf of the Association members, at least the minimum public liability insurance required under the Act.

PART IV - GENERAL MEETINGS

ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

- 33.(1) The annual general meeting of the Association shall, subject to the Act, be convened with not less than 14 days' notice to occur in the first 14 days of May in each year and at such place and time as the Committee thinks fit.
- 33.(2) In addition to any other business which may be transacted at any 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; and
 - (b) to receive from the Committee reports upon the activities of the Association during the last preceding financial year; and
 - (c) to elect office-bearers of the Association and ordinary members of the Management Committee; and
 - (d) to receive and consider the Annual Audited Accounts; and
 - (e) to elect an honorary auditor; and
 - (f) to consider and vote on any motion to amend the Constitution or By-laws of the Association.
- 33.(3) An annual general meeting shall be specified as such in the notice convening it.

SPECIAL GENERAL MEETING - CALLING OF

- 34.(1) The Management Committee may, whenever it thinks fit, convene a special general meeting of the Association.
- 34.(2) The Management Committee shall, on the requisition in writing of not less than 10 per cent of the total number of members or 75 per cent of the Life Members at the time, convene a special general meeting of the Association.
- 34.(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 requisitions;
 - (c) shall be lodged with the Secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 34.(4) If the Management Committee fails to convene a special general meeting to be held within 2 months 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 3 months after that date.

- 34.(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 a general meeting is convened by the Management Committee.

NOTICE

- 35.(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 prepaid 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.
- 35.(2) Where the nature of the business proposed to be dealt with at a general meeting requires a resolution to amend the By-laws, the Secretary shall, within 14 days of receipt of the proposal, cause the proposal to be sent to each member. The proposal may not be considered at a general meeting occurring earlier than 5 months after receipt of the proposal. The proposal shall be signed by the proposer and three other members one of whom shall be from a state of Australia other than the state in which the proposer resides. The proposal shall also be included in the notice of meeting of the general meeting at which it is to be considered.
- 35.(3) 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 terms of the resolution and a statement to the effect that the resolution is intended to be considered as a special resolution.
- 35.(4) 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 clause 33.(2)
- 35.(5) 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 notice from the member.

PROCEDURE

- 36.(1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these clauses to vote is present during the time the meeting is considering that item.
- 36.(2) Fifteen members present in person (being members entitled under these clauses to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- 36.(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 communication by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 36.(4) If at the adjourned meeting a quorum as defined in clause (1) is not present within half an hour after the time appointed for the commencement of the meeting, the meeting shall be abandoned and all motions proposed at the original meeting deemed void.
- 36.(5) No motion to change the Constitution or By-laws of the Association shall be considered except at an annual general meeting or special general meeting.

PRESIDING MEMBER

- 37.(1) The President or, in the President's absence, the Vice-president, shall preside as chairperson at each general meeting of the Association.
- 37.(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 as chairperson at the meeting.

ADJOURNMENT

- 38.(1) The chairperson 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.
- 38.(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.
- 38.(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 are not required to be given.
- 38 (4) A quorum shall be deemed to exist for the adjourned meeting if a quorum existed at the meeting which was adjourned and if the membership present at the adjourned meeting plus the numbers of proxies and postal votes presented by the chairman to the adjourned meeting equals or exceeds the number required for a quorum of a general meeting.

MAKING A DECISION

- 39 (1) A question arising at a general meeting of the Association is to be determined by either:
- (a) a show of hands, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot - a written ballot.
- 39.(2) If the question is to be determined by a show of hands, a declaration by the chairperson 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 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.
- 39.(3) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.
- 39.(4) A question other than one amending the Constitution or the By-laws or the election of a Life Member shall be determined in the affirmative by a simple majority of votes in favour of the resolution.
- 39.(5) A question to be determined by special resolution shall be determined in the affirmative by a majority of at least three-quarters of votes in favour of the resolution.
- 39.(6) A question to amend the By-laws shall be determined in the affirmative by a majority of at least two-thirds of votes in favour of the resolution.

SPECIAL RESOLUTION

40. A special resolution may only be passed by the Association in accordance with section 39 of the Act.

VOTING AT GENERAL MEETINGS

- 41.(1) Upon any question arising at a general meeting of the Association, a member has one vote only, subject to clauses (2) and (4)
- 41.(2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- 41.(3) A member is not entitled to vote at any general meeting of the Association unless all money due and payable by the member, other than the amount of the annual subscription payable in respect of the then current year, has been paid.
- 41.(4) At general meetings those members who are financial at the time of the general meeting may vote:
- (a) Those in classes a, c, d, and e defined by clause 5 shall have one vote;
 - (b) Those in class b defined by clause 5 shall have one vote between them.

PROXY VOTES NOT PERMITTED

42. Proxy voting must not be undertaken at or in respect of a general meeting.

POSTAL BALLOTS

- 43.(1) The Association may hold a postal ballot to determine any issue or proposal (other than an appeal under clause 17).
- 43.(2) A postal ballot is to be conducted in accordance with Schedule 3 to the Regulation.

PART V - MISCELLANEOUS**INSURANCE**

44. The Association may effect and maintain insurance.

FINANCIAL YEAR

45. The financial year of the Association shall commence on 1st. April each year.

FUNDS - SOURCE

- 46.(1) The funds of the Association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting, such other sources as the Management Committee determines.
- 46.(2) All money received by the Association shall be deposited within 14 days of receipt by an officer of the Association and without deduction to the credit of the Association's bank account.
- 46.(3) The Association shall, as soon as practicable after receiving any money, record such payment on the books of the Association.

FUNDS - MANAGEMENT

- 47.(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 Management Committee determines.
- 47.(2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the Management Committee or employees of the Association, being members or employees authorised to do so by the Management Committee.

NEWSLETTER ALLOCATION

48. One quarter of a member's annual subscription shall be set aside for the Newsletter, and be separately accounted for in the annual accounts.

SUPPLY OF PLANS

49. On payment of a fee determined by the NHSAA Inc., drawings detailing the construction of framed and stitch & glue Heron class yachts will be supplied.

ALLOCATION TO STATE AND TERRITORY ASSOCIATIONS AND DIVISIONS

50. Funds shall be allocated to various State and Territory Associations and Divisions in accordance with formulae to be determined from time to time by the Management Committee.

AUDITOR

51. An Honorary Auditor shall be elected annually, who shall perform an audit of the affairs of the Association and report to members at the annual general meeting.

AMENDMENT OF CONSTITUTION

52. The Constitution may be altered, rescinded or added to only by a special resolution of the Association.

COMMON SEAL

- 53.(1) The common seal of the Association shall be kept in the custody of the Public Officer.
53.(2) The common seal shall not be affixed to any instrument except by the authority of the Management Committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the Committee or of 1 member of the Committee and of the Public Officer or Secretary.

CUSTODY OF BOOKS ETC.

54. Except as otherwise provided by these clauses, 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.

55. 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

- 56.(1) For the purpose of these clauses, 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.
56.(2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these clauses to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

BY-LAWS

- 57.(1) The Association may make By-laws not inconsistent with this Constitution for the orderly advancement and management of its objects.
57.(2) A By-law may be altered, rescinded or added to only by a resolution passed by a two-thirds majority at a general meeting of the Association.
57.(3) Notice of a proposal to alter, rescind or add to a by-law shall be administered in accordance with clause 35.(2)
57.(4) When providing members with notice of any proposal to alter, rescind or add to a By-law, the Secretary shall invite members to submit, within 60 days of the invitation, written argument for and against the proposal. The Secretary shall include a summary of the arguments with the notice of the general meeting at which the proposal is to be considered.

INTERPRETATION

58. In the event of any dispute regarding the interpretation of the Constitution or the By-laws, the decision of the Management Committee shall be final.

WINDING UP

59. In the event of the Association winding up its activities, the assets of the Association shall, after meeting all its liabilities, be disbursed to an organisation having similar objects or to a registered charity selected by the then Officers of the Association.

NATIONAL HERON SAILING ASSOCIATION OF AUSTRALIA INC.

BY-LAWS

| | | |
|------------|---|---------------|
| Part I | Sailing By-laws | Clauses 1-2 |
| Part II | Classification and Measurement By-laws | Clauses 3-9 |
| Part III A | Construction By-laws for all Heron Yachts | Clauses 10-22 |
| Part III B | Construction By-laws specific to Plywood Heron yachts | Clauses 23-25 |
| Part III C | Construction By-laws specific to GRP and GRP/Composite Heron yachts | Clauses 26-29 |

PART I – SAILING BY-LAWS

ASSOCIATION LIABILITY

- 1.(1) The Association does not accept any responsibility whatsoever for faults in any boat nor for any claim arising out of the conduct of activities on its behalf by anybody whatsoever.

RACING

- 2.(1) Boats classified "A" shall be eligible to enter in all events organised by, or on behalf of, or under the Rules of the Association.
- 2.(2) Boats classified "B" shall be eligible to take part ONLY in races decided on handicap.
- 2.(3) Boats classified "C" shall be eligible to take part ONLY in club handicap events, at the discretion of the club organising the event.
- 2.(4) In all races under Association rules:
 - (a) The crew shall be at least two, unless otherwise stipulated in the Sailing Instructions for a particular Regatta or event.
 - (b) The Helmsman shall be a member of the Association.

PART II – CLASSIFICATION AND MEASUREMENT BY-LAWS

PRINCIPLE

3. The Heron is a ONE-Design Class and it is therefore the object of these By-laws to ensure that in hull form, weight, size and sail plan, the yachts are as alike as possible. If a Measurer considers that there has been an attempt to depart from the design in any of these particulars he is required to report the matter to the measurement sub-committee of the National Heron Sailing Association of Australia Inc. Tolerances have been laid down, but intentional variations within those tolerances are not allowed. Deviations from the official plans and permitted modifications may render a boat ineligible for "A" Classification. Official Plans are available only from the Association, while registrable hulls for GRP and GRP/Composite Herons are only available from builders possessing a licence issued by the Association for the purpose of constructing such Herons or part thereof.

SAIL NUMBER AND DISPLAY

- 4.(1) A sail number will be issued on application and payment of fees to the Registrar of the Association. A sail number is the permanent identification of the hull of a Heron Yacht.
- 4.(2) The sail number is to be displayed on the mainsail in accordance with Clause 16.(2) and must,
 - (a) in the case of a plywood or GRP/Composite Heron, be carved or stamped on the transom beam or deck beam inside the hull; or
 - (b) in the case of the all GRP Heron, moulded or stamped on the kingpost; in characters at least 12mm high.

MEASURERS

5. Official Measurers shall be appointed by the Management Committee on the recommendation of the measurement sub-committee. Measurers shall adhere strictly to the directions issued to them by the Management Committee and the measurement sub-committee and to the Procedures for Measurement as specified in these By-laws. The Management Committee may terminate any appointment at its discretion.

CLASSIFICATION

- 6.(1) "A", "B", & "C" Classification shall be granted to Heron Yachts built to the NHSAA Official Plans and from officially recognized moulds in the case of GRP and GRP/Composite Herons (subject to any modifications agreed by the Association) in accordance with the provisions of the these By-laws.
- 6.(2) "A" Classification may be granted by the Association to -
 - (a) Plywood Heron yachts built to the NHSAA Official Plans and the Measurement Forms; and
 - (b) GRP or GRP/Composite Heron yachts with hulls built by licensed builders and fitted out according to the Class Rules and the Measurements Forms having decks and/or thwarts and/or side seats built of fibreglass or plywood or solid timber.

- 6.(3) The Association may also approve for "A" Classification specific GRP and GRP/Composite Heron builders' prototypes yachts and early production units which, for reasons accepted by the Association at the time, do not exactly comply with the above requirements. In no other circumstances will the Association approve either a GRP or GRP/Composite Heron yacht for "A" Classification which does not comply. The Association will not approve any such boat where there is a belief that speed through the water is affected to the detriment of other "A" Class Herons.
- 6.(4) "B" Classification may be granted by the Association to Plywood, GRP or GRP/Composite Heron yachts which fail to comply with tolerances laid down by the Association and which, in the opinion of the measurement sub-committee, are not built fairly to plan.
- 6.(5) The measurement sub-committee shall have power to withdraw, alter or restore a Classification when there has been a change in the condition of the Yacht or when re-examination shows that the original Classification was inappropriate.
- 6.(6) Classification shall be issued annually on payment of the annual membership subscription and boat registration fee. The Classification shall be entered on the membership/measurement card of the registered owner. In the event of the sale of a yacht, the card shall be returned to the Registrar, advising the name and address of the new owner.

FORFEIT AND RE-REGISTRATION

7. Classification granted by the Association will be automatically forfeited if a Heron Yacht ceases to be registered for a period in excess of 18 months. Re-registration will require re-measurement to establish the current classification. Re-measurement of a GRP hull that was previously "A" Class and in the opinion of the Measurer has not been modified, is not required. All other measurements shall be re-measured.

STATUS OF CLASSIFICATION

8. Upon issue of a sail number by the Association and until such time as a Heron Class Yacht has been measured by an Official Measurer, it remains in "C" Class – PROVISIONAL, and may take part in club sailing events only at the discretion of the club. When it has been measured, the yacht will be placed by the Association either in "A" Class - UNRESTRICTED, when it may compete in any Association or club sponsored event, OR, in "B" Class - RESTRICTED, if it falls outside the Association's Measurement Rules. It may then compete only in Regattas and races decided on handicap. (It may be possible for faults in a "B" Class boat to be rectified, in which case, on re-measurement it could be re-classified "A" Class). Unauthorised alteration or modification could result in "A" Classification being revoked.

MEASUREMENT

- 9.(1) Only financial members of the Association may submit boats for measurement. Only boats which are registered may be submitted for measurement. On completion of the boat, or on purchase and registration of an unmeasured boat, or when extensive repairs have been made, or when sails are replaced, the owner shall contact an Official Measurer (list available from the Secretary) and arrange a mutually convenient time for the boat and/or sails to be measured or re-measured. The Measurer shall report to the Association upon the boat as to its suitability for Classification as provided in By-law 8.
- 9.(2) No fee shall be payable for measurement but the member shall meet all reasonable travelling and out-of-pocket expenses incurred by the Measurer.
- 9.(3) If submitting a boat or sails or both for measurement the financial owner must produce to the Measurer his/her current membership/measurement card for the boat to be measured. This is proof to the Measurer that all subscription and boat registration fees have been paid and measurement can proceed.
- 9.(4) Measurers will take at least all the measurements listed in the Measurement Form for Plywood or GRP and GRP/Composite Herons as applicable, and in particular will check -
 - (a) that black bands are correctly PAINTED on mast and boom; and
 - (b) that the sail number is correctly displayed on the mainsail; and
 - (c) that the sail number is correctly displayed on the hull; and
 - (d) that, in the case of a GRP or GRP/Composite hull, the licensed builder's licence number issued by the Association, and the hull production number, are correctly displayed on the hull and will record these numbers on the Measurement Form.
- 9.(5) If a Measurer considers that a sail presented for measurement is within the tolerances shown on the Measurement Form, the Measurer shall endorse it in indelible ink at the tack in characters at least 12mm high with:
 - (a) Measurer's name (printed)
 - (b) Measurer's signature
 - (c) Sail number
 - (d) Date measured
- 9.(6) Having recorded all measurements, the Measurer will forward the completed Measurement Forms to the secretary of the measurement sub-committee for classification. The owner shall retain the membership/measurement card which will be endorsed for the new classification by the original Measurer on advice from the Registrar who has been informed by the measurement sub-committee secretary of the boat's new Classification.

PART III A - CONSTRUCTION BY-LAWS FOR ALL HERON YACHTS**APPLICATION**

- 10 The following Construction By-laws apply to ALL Herons whether Plywood, GRP or GRP/Composite construction. By-laws which are specific to one or the other different construction methods are included in PART III B and PART III C of the By-laws.

TIMBERS

- 11 Any timbers may be laminated and/or scarf jointed.

HULL**LENGTH**

- 12.(1) The overall length of hull is measured from transom skin to extreme bow including bow cap but excluding transom beading. The hull shall conform to the plan of sections at full scale and will be measured according to the Measurement Form. Any unduly blunt bow indicating an over-length Plywood yacht shortened will be reported by the Measurer.

WEIGHT

- 12.(2) The weight of the hull with decking, all in a dry condition, shall not be at any time less than 63.5Kg. with bag buoyancy (Plywood boats only) and 66Kg with built-in buoyancy. "Hull" includes permanently attached equipment, centre-board, floorboards, and fittings covering anything essential in this category, fixed to the hull by bolts, screws or rivets and protective finish.

CORRECTORS

- 12.(3) If required to bring the hull up to minimum weight, correctors shall be of metal and shall be attached by screws or bolts to the underside of the forward thwart adjacent to the centre-board case. The measurement card issued by the National Heron Sailing Association of Australia Inc. shall be endorsed to the effect that correctors are required to bring the hull up to minimum weight. Removal or alteration of these correctors renders the Classification shown on the measurement card invalid and the boat then has to be officially re-weighed and re-classified.

CENTRE-BOARD, RUDDER AND TILLER**CENTRE-BOARD**

- 13.(1) The centre-board profile shall be shaped to plan but may be faired to an aerofoil section. In order to ensure correct position, the bolt hole must be placed in the position shown on the plan. The method of keeping the centre-board in the "down" position is optional. Permitted construction materials for centre-boards are timber, plywood, fibreglass and foam. The centre-board shall not be ballasted. Overall thickness shall not exceed 18mm.

RUDDER

- 13.(2) The rudder shall be shaped to plan. Permitted construction materials for rudder blades are timber, plywood, fibreglass and foam. Overall thickness shall not exceed 15mm. Fixed blade is NOT permitted. The rudder blade may be positioned at any angle whilst sailing but shall not be capable of being rotated beyond a position where the leading edge is parallel with the front of the rudder box.

TILLER AND TILLER EXTENSION

- 13.(3) The tiller and tiller extension need not conform to the dimensions specified on the official plan, type and length being optional. The tiller and the extension may be timber or aluminium.

RIG

- 14 Either a gunter or a Bermudan rig may be used. The gaff shall be of wood, generally to plan and shall not be hollowed. The mast and boom may be of wood and shall not be hollowed, or aluminium alloy tube, and be generally to plan.

SPARS**MAST**

- 15.(1) Timber masts shall be essentially circular in cross-section but may be tapered within the mast diameter tolerances stated on the measurement form. The mast shall not have an adjustable step or be capable of swivelling. The mast may be laminated vertically.
- 15.(2) Aluminium masts shall comprise an untapered section of between 50mm and 57mm external diameter from the step to the hounds and may be tapered to 25mm external diameter at the peak. The sail track shall be aluminium or plastic affixed externally and shall not extend more than 17mm from the aft side of the mast. Horizontal cuts in the sail track to fine tune bend characteristics are permitted. Masts may be of a one piece or two piece configuration.

GAFF

- 15.(3) The gaff section may be circular and/or rectangular in section, provided that the finished dimension is such that it will pass through a 54mm square, one side of which lies in a plane parallel to a fore and aft plane through the gaff. The gaff may be tapered to 25mm at the peak and 38mm at the heel.
- 15.(4) The gaff jaws need not conform to the shape shown on the plan provided that the shape neither alters the type of rig nor the intended function. The jaws may be constructed of metal (min 4mm aluminium recommended), timber, plywood or other suitable material.

BOOM

- 15.(5) The length of the boom is measured from the aft side of the mast and includes the gooseneck fitting. The sail track may be opened no more than 229mm from the aft side of the mast, and forward from the aft end of the boom to a point 200mm from the inner edge of the black band, to accommodate a clew track.
- 15.(6) The boom may be constructed of aluminium tubing. A sail track may be affixed externally and shall not extend more than 17mm above the top of the boom. The aluminium boom section shall be circular and no greater than 50mm external diameter.
- 15.(7) Timber booms must be rectangular in cross-section with a maximum rounding of arris not exceeding 6mm. The forward end of the timber may be cut away to take the goose neck fitting.

JIB POLE

- 15.(8) The jib pole shall be constructed of timber or aluminium; its dimensions and length are optional.

BLACK BANDS

- 15.(9) A black band shall be painted
- (a) on the side of the boom, with its inner edge 2286mm from the aft side of the mast. The foot of the mainsail shall not extend beyond the inner edge of this band.
 - (b) on the mast, with its lower edge 1220mm above the hog (plywood) or above the base of the kingpost (GRP and GRP/Composite). The lower edge of the boom must not be above the lower edge of the band.
- 15.(10) Sticky tape bands are not permitted.

SAILS**MATERIAL**

- 16.(1) Sails shall be of any WOVEN material and shall not exceed the dimensions on the Official Plans.

MAINSAIL

- 16.(2) A mainsail shall display the sail number of the boat on both sides in figures not less than 305mm high and 203mm wide. Un-numbered mainsails will NOT be measured. Headboards in mainsails are NOT permitted. The throat cringle is optional and a leech line in the mainsail is permitted. The mainsail may be laced to the mast (any form of track is not permitted on the mast of a gunter rig). A sliding gooseneck for the boom is allowable, to permit luff tensioning on the mainsail without turning the boat on its side. The tack of the mainsail shall be fixed to the gooseneck or end of the boom adjacent to the mast in one position while sailing, provided that the luff of the sail may be tensioned while sailing using a device attached to an eye in reinforced cloth adjacent to the luff of the sail ("Cunningham Eye"). The method of fixing is optional. Alternatively, the luff of the mainsail may be tensioned while sailing by moving the boom downwards. Mainsail boom outhauls to alter the tension of the foot of the sail whilst sailing are permitted. Shock cord is NOT permitted to be fitted to the luff and foot of the mainsail. A different weight cloth in the bottom panel is permitted, provided that the panel is of "woven" material. A transparent panel is permitted in the mainsail. Its area shall not exceed 1290sq.cm, and no part of the panel may be closer than 203mm to any edge of the sail.

BATTEN POCKETS

- 16.(3) There shall be not more than three batten pockets in the mainsail, and none of these shall exceed 610mm in length. The position of the batten pockets is optional except that the forward end of the lowest batten shall not be within 150mm of the top of the boom.
- 16.(4) There shall be not more than two batten pockets in the genoa and neither of these shall exceed 180mm in length. The position of the genoa batten pockets is optional.

JIB

- 16.(5) A transparent panel is permitted in the jib. Its area shall not exceed 1290sq.cm and no part of the panel shall be closer than 203mm to any edge of the sail. Jib luffs shall not be adjusted whilst sailing and the use of jib hanks is optional. Battens are not permitted in the jib. The inboard surface of the jib sheets where they turn through the first lead eye or pulley from the jib clew shall be no closer together than 735 mm and equidistant from the centre line of the yacht.

SPINNAKER

- 16.(6) Spinnakers are NOT allowed, but the clew of the jib or genoa may be boomed out on the opposite side of the mast to the mainsail by a spar (jib pole) which shall be attached to the mast at its inboard end.

GENOA

- 16.(7) A genoa is an approved sail, as an optional alternative to the jib, which may be used in racing when the Notice of Race permits it AND only used by crews of weight exceeding 135 fully dressed for racing. Corrector weights up to 10Kg may be included in the crew weight measurement provided they are securely fixed under the front thwart. The genoa, and corrector weights if fitted, shall be used for every race in any single regatta.

EMBLEM

- 17 The emblem of the National Heron Class is a HERON BIRD and shall be worn on the mainsail at about one-fifth the height of the sail from the peak and shall face the sail luff with the underside of the "bill" parallel to the foot of the sail and the "back" parallel to the luff. The emblem shall be 305mm high.

PERSONAL BUOYANCY

- 18 Personal Buoyancy shall be worn by each member of the crew while racing in events conducted by or on behalf of the Association and must conform to the Australian Standards on "Buoyancy Vests".

STANDING RIGGING

- 19 Standing rigging shall be of wire and shall not be adjusted while racing. Forestay shall be attached to the masthead in plan position and the jib luff shall be parallel to the forestay. The forestay may be fastened at the stem head instead of passing through the decking. The method of attaching the shrouds is optional provided that the chainplates are not further outboard than the outside skin of the yacht and are in position shown on the plan.

RUNNING RIGGING

- 20 Halyards may be of rope and/or wire and must be fitted in such a way that both sails and gaff can be readily lowered without lowering the mast. Halyards may be of other material provided they are no weaker than those shown on the plan.

TRAPEZES

- 21 Trapezes, sliding seats or similar contrivances for increasing the stability of the yacht are not permitted.

PERMITTED MODIFICATIONS FOR ALL HERON YACHTS

- 22 The following modifications are permitted to ALL Herons:
- 22.(1) The addition of washboards, chine rubbers, a stern knee, stern decking, a kicking strap and toe straps.
- 22.(2) Jamming cleats for jib sheets, which may be led through adjustable fairleads on a track or tracks on each side of the deck positioned to suit jib and Genoa. Only one set of such tracks shall be used in any race. The outboard end of any track shall be inside the outer surface of the skin of the hull.
- 22.(3) Outhauls for mainsail foot tensioning while under way.
- 22.(4) A dummy carlin installed to pass inboard of the end of the jib track, following an even curve from frame 2 to at least frame 3 and fully decked to preserve the appearance of the boat. Dummy carlins shall be measured as other carlins (Measurement Form "C")
- 22.(5) A kicking strap (boom vang) attached to the boom at a single FIXED point, no further from the mast than half the length of the boom. (Downhauls attached to the gooseneck are not regarded as kicking straps). The boom vang shall not be rigid.
- 22.(6) Rubbing strips on the gunwales, which may extend out from the hull a maximum distance of 65mm forward of the chainplates and 50mm aft of the chainplates. Rubbing strips on the bottom of the boat are optional.
- 22.(7) Floorboards made of plywood or plywood/timber composite in both cases with plywood thickness recommended 6mm and minimum 4mm, timber, balsa laminate or GRP. Floorboards shall extend from the forward buoyancy tank to a point approximately below the forward edge of the aft thwart. The design of the floorboards is optional.
- 22.(8) The mainsheet attachment on the boom shall not be forwards of the black band. The centre of the sheave of this block shall not be more than 150mm below the underside of the boom.
- 22.(9) The lead of the mainsheet may pass from the transom through blocks in the cockpit, but may not otherwise deviate from the arrangement shown on the plans.
- 22.(10) Sheets may be of any size or material provided that they are not weaker than those shown on the Official Plans.
- 22.(11) Fittings need not be identical with those on the Official Plans.
- 22.(12) The rigging of the mast and boom must be generally to plan and comply with the Measurement Form for sizes, materials, mast position, stay attachment position and black bands. Optional items are jib halyard block strops, (not measured) method of rigging vang, outhauls, downhauls and uphauls, and method of securing halyard pulleys and halyard ends. A hanger between boom and mainsheet pulley is permitted provided the distance between the bottom of the boom and the pulley centre does not exceed 150mm.

- 22.(13) A mast step of any rigid material may be mounted on the deck and shall have a recess approx 40mm x 40mm and 12mm deep to match a square tenon on the base of the mast such that the mast cannot rotate.
- 22.(14) A partial bulkhead may be added on each side of a boat with front half height buoyancy tank to simulate a full height front buoyancy tank but still allowing access for storage, or a full bulkhead may be added to provide a full height front buoyancy tank without front storage. The bulkhead may be constructed of timber or fibreglass.

PART III B - CONSTRUCTION BY-LAWS SPECIFIC TO PLYWOOD HERON YACHTS

CONSTRUCTION

- 23.(1) The Yacht must be built according to the NHSAA Official Plans and Rules of the Association. "NHSAA Official Plans" means:
- The plans drawn by the late Jack Holt; and
 - Those plans as updated in August 2005 by the Measurement Committee; and
 - The plans drawn by John Deshon in 2004; and
 - in all cases any variations therefrom contained in the By-laws of the Association whether illustrated in the plans or not.
- 23.(2) The Official Plans provide the form of construction together with timber sizes. Undersized timbers are not permitted and arrises radiused more than 6mm are unacceptable. Longitudinal floor stringers are permitted.

BOAT BUOYANCY

- 24.(1) Built-in buoyancy compartments forward of frame 2 and to riser level along the sides to the transom conforming with the design of the Official Plans shall be fitted to all yachts built after May 2006, and may be fitted to all other yachts. In both cases plywood construction or fitted GRP mouldings are permitted.
- 24.(2) Built-in buoyancy compartments of plywood construction are permitted in yachts built in prior years either
- up to the deck level forward of frame 2 and aft of frame 5 with no side buoyancy; or
 - up to the deck level or the riser level forward of frame 2 and up to the riser level aft of frame 5.
- 24.(3) Inclusion of rear buoyancy in combination with side buoyancy is permitted.
- 24.(4) Where built-in buoyancy compartments are not part of the boat's construction, standard inflatable bag buoyancy, consisting of one bow bag, two large and two small pillow bags, must be securely fastened in the position and manner recommended by the Association, to comply with Australian Yachting Federation Safety requirements.
- 24.(5) Any Heron not built with built-in side buoyancy tanks may be fitted with standard inflatable side buoyancy bags which shall be securely fastened to the hull beneath the side seats.
- 24.(6) Underfloor board buoyancy is permitted in plywood boats, such buoyancy comprising non-absorbent buoyancy foam material which shall not exceed 37mm in thickness and shall be attached to the underside of the floorboards, so as to allow water circulation below the buoyancy. The floorboards shall be securely attached in three places to each bottom frame member.

PERMITTED MODIFICATIONS FOR PLYWOOD HERON YACHTS

- 25 The following modifications are permitted in Plywood Herons:
- 25.(1) Thwarts and side seats may be of timber or plywood/timber composite, provided that their strength is not less than that of the design on the plans.
- 25.(2) The keel shall be of uniform depth and width provided that it may be tapered to suit the bottom panels forward of 2880mm from the transom. The maximum depth of the keel measured at its outer edge from that point aft shall be 12mm. The skeg must conform to the profile shown on the plans but may be faired off from not more than 305mm forward of the after edge.
- 25.(3) The centre-board case may be of plywood, but only if the sides are not less than 9mm in thickness, or balsa laminate.
- 25.(4) Balsa Laminate may be used in specified applications, namely frames, brackets, buoyancy tank formers, fin case side, bulkheads, floorboards and transom (subject to inclusion of a stiffening piece on the inside surface through which the rudder fitting must be fixed).
- 25.(5) *Balsa Laminate* means end-grain Balsa timber approx. 10mm thick to which fibreglass or dynel fabric has been laminated on both sides with resin for a total thickness of approx 12mm.
- 25.(6) An additional deck beam or carlin may be fitted between frames 1 and 2.
- 25.(7) Where side buoyancy is fitted, the chines may be formed of reinforced glue fillet construction with a minimum fillet radius of 15mm. The fillet may incorporate a timber section of nominal size 19mm x 19mm.
- 25.(8) Where side buoyancy is fitted, those parts of the frames located outside the tanks may be omitted.
- 25.(9) Where side buoyancy is fitted, the riser section may be reduced to any size not less than 19mm x 12 mm.
- 25.(10) All frames brackets and buoyancy tank formers may be fabricated from timber or from plywood pieces, sized to the Official Plans, or may be cut in one or more pieces from sheets of plywood no less than 9mm thick or from sheets of Balsa Laminate.
- 25.(11) A hog formed from timber of minimum thickness 12mm and nominally 90mm wide is mandatory in all hulls. The illustrated strong back pieces for either full or half height front buoyancy in the John Deshon plans are optional alternatives to the stem knee and apron construction illustrated in the original and the updated plans for framed boats.

PART III C - CONSTRUCTION BY-LAWS SPECIFIC TO GRP AND GRP/COMPOSITE HERON YACHTS**CONSTRUCTION**

- 26 A GRP Heron yacht may be of a single skin and/or sandwich construction, and only GRP and GRP/Composite Heron yachts constructed by licensed builders from moulds taken from the Association Master Plugs or other recognised moulds will be eligible for registration. In addition to deviations from the Official Plans and permitted modifications possibly rendering a boat ineligible for "A" Classification, deviations in hull construction specifications for GRP and GRP/Composite yachts may also render a GRP or GRP/Composite yacht ineligible for "A" Classification

BUILDER'S LICENCE NUMBER

- 27 A Builder's licence number, issued by the Association, together with his production unit number, must be moulded on each hull made by him, on the centre outside transom, below the top rudder fitting, in characters approximately 6mm high.

BOAT BUOYANCY

- 28 Boat buoyancy must conform to the AYF Safety Requirements, specifically those relating to separate buoyancy compartments (separated by a solid bulkhead) and built into the hull from moulds recognised by the Association.

PERMITTED MODIFICATIONS FOR GRP AND GRP/COMPOSITE HERON YACHTS

- 29 The following modifications are permitted in GRP and GRP/Composite Herons:
- 29.(1) Thwarts may be made of timber or plywood/timber composite and side seats or thwarts of glass reinforced plastic, provided that their strength is not less than that of the design of the plan.
 - 29.(2) An additional deck beam or carlin may be fitted in the GRP or GRP/Composite Heron yacht approximately 600mm forward of the main deck beam.
 - 29.(3) It is permissible for the licensed builder to omit the 4mm ply stiffener from the centre-board case sides provided that the resultant case sides are equally as stiff as those defined by the Association in specifications issued to the licensed builder.

END