



**GARDEN ISLAND FISHING
&
AQUATIC ASSOCIATION (INC.)**

**DEPT. OF DEFENCE MOORING MANAGEMENT
PLAN**

**GIFAA CONSTITUTION
APPENDICES & BYLAWS**

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GARDEN ISLAND RECREATIONAL MOORINGS MANAGEMENT POLICY (2005)

1. Background

- 1.1 When the last of the holiday huts was removed from Garden Island for development of HMAS STIRLING in 1981, private mooring continued at Herring Bay on the north-west coast and Pig Trough Bay on the north-east coast. An association of holiday-hut users was resurrected in 1981 as the Garden Island Fishing and Aquatic Association (GIFAA) to coordinate arrangements amongst mooring users and to liaise with the Navy on their behalf.
- 1.2 With interest by the boating public in visiting Garden Island rapidly increasing as southern metropolitan Perth expands, the need for a formal management policy for recreational boat mooring within the Controlled Naval Waters which surround Garden Island¹ has been recognised. An Interim Mooring management policy was established in 1997 and following review, is reinstated for a further period.
- 1.3 The Superintendent of Naval Waters² in conjunction with the Garden Island Environmental Advisory Committee (GIEAC)³ has identified the following objectives for the renewed Interim Recreational Moorings Management Policy (2005) for public mooring:
 - provide for Defence requirements,
 - meet the Navy's duty of care for public safety,
 - protect environmental values,
 - comply, wherever practical and possible, with the Garden Island Public Access Policy⁴.
- 1.4 The land forming Garden Island is owned by the Commonwealth and is subject to Commonwealth laws and regulations. Management of public activities in the Naval Waters that surround the Garden Island are subject to both Commonwealth and State legislation. The Control of Naval Waters Act (1918) and Regulations establish powers for the Superintendent of Garden Island Naval Waters to ensure the capacity for the Navy to undertake its operations, and include powers and responsibilities for public safety. Other aspects such as fisheries and protection of native fauna and flora are primarily State responsibilities.
- 1.5 In regard to public moorings, the Navy has powers to regulate the placement and removal of moorings. This Mooring Policy has been developed to reflect, wherever possible and practical, the State's management of moorings (eg within Swan and Canning Rivers and future management of Cockburn Sound (excluding Naval Waters)) and relevant regulations (eg Mooring Regulations 1998). Should at some time in the future the Shoalwater Islands Marine Park be extended to include waters surrounding Garden Island, changes to Mooring Management will, wherever possible, be considered in order to reflect the Management Plan and appropriate regulations. This may involve a greater degree of management by the State, but will be dependent on Defence's requirement under Control of Naval Waters Act (1918).
- 1.6 At the request of the GIEAC, Defence commissioned a study to review the existing mooring situation at Garden Island in 2003 preparatory to reviewing the Interim Recreational Mooring Management Policy. A

¹ In establishing HMAS STIRLING, Controlled Naval Waters were declared along the eastern coastline of Garden Island to provide Naval jurisdiction over approaches to the Defence installations. In 1992, Controlled Naval Waters were extended around the entire Island. The distances from boundary to shore of the Controlled Naval Waters are generally 500-700m but vary depending on shape of the coastline (refer to attached map)

² The Commanding Officer HMAS STIRLING is the Superintendent of the Garden Island Naval Waters.

³ The Garden Island Environmental Advisory Committee (GIEAC) was established by the Commonwealth in 1979 to provide guidance to the Department of Defence on environmental management of Garden Island. The GIEAC consists of four members(*) and additional advisers:

- Commander Australian Navy Submarine Group*;
- Commonwealth representative*;
- State representative*;
- Two community representatives;
- Commanding Officer HMAS Stirling, currently Commander Paul Bartlett*;
- Garden Island Ranger,
- Defence's Senior Environmental Adviser - WA; and
- Regional Environmental Officer - Fleet Base West.

⁴ The Garden Island Public Access Policy was established in 2000 to review existing access and the demands for increased access, and to investigate the potential for future public access provision

follow-up study identified design and siting of potential additional moorings. This report determined that there are suitable conditions and room for additional moorings (a limited and specified number) at Pig Trough Bay, but no further room at Herring Bay. In order to promote 'equitable' use of Garden Island Moorings, these mooring locations have been offered to metropolitan yacht & boating clubs rather than individual members of the public, but, as with all other moorings, will be managed by GIFAA. These new moorings have been (or are in the process of being) allocated by the Superintendent of Naval Waters (and endorsed by GIEAC) based on club membership numbers, anticipated use, and ability to fund and maintain the moorings. No further recreational moorings will be permitted.

- 1.7 The following Recreational Moorings Management Policy (2005) has been formulated by the Superintendent of Garden Island Naval Waters to ensure public safety and to minimise damage to marine environmental values, particularly to seagrass meadows. The State Government, through the Garden Island Environmental Advisory Committee, has endorsed the Policy for implementation by the Navy until the State Government is in a position to undertake more thorough, long-term management.

02 Recreational Moorings Management Policy for the Controlled Naval Waters of Garden Island (2005)

- 2.1 Definitions;
- 2.1.1 *GIFAA* - Garden Island Fishing and Aquatic Association (Inc).
- 2.1.2 *Primary User* - "Primary User" is the term used herein to identify those whom a previous policy referred to as "courtesy mooring holder/owner" or "mooring holder/owner". A Primary User is a GIFAA member (either individual/family or yacht/boat club) to whom a mooring is allocated for their primary use. Primary Users are recognised as having some claim to ownership of the 'top gear' and 'anchorage' of the moorings for which they are registered. 'Ownership' does not extend to the seabed and no proprietary or assignable right in relation to a mooring is afforded to the Primary User. Primary Users are responsible for payment of GIFAA membership and maintenance and other costs associated the mooring(s). (GIFAA is responsible for arranging inspections, insurance, and signing the indemnity).
- 2.2 With the exception of additional mooring locations identified in the 2003 report "Garden Island Recreational Moorings - Design and Siting of Future Moorings", the moratorium on establishment of further moorings in Naval Waters (declared in 1994 by the Superintendent of Garden Island Naval Waters) will be maintained.
- 2.3 The Superintendent of Garden Island Naval Waters officially recognises the Garden Island Fishing and Aquatic Association (Inc) as the body responsible for the day-to-day management of approved "courtesy moorings" & their "Primary Users" in Garden Island Naval Waters. GIFAA management of moorings should be in accordance with the GIFAA Constitution and its Appendices (see attachment A).
- 2.4 The Superintendent of Garden Island Naval Waters reserves the right, under the Control of Naval Waters Act (1918) and Regulations, to when necessary over-ride the GIFAA Constitution (including appendices) and decisions made by the GIFAA in order to protect values for which this Act was established (eg Defence capability, public safety, environmental protection).
- 2.5 Any changes to the GIFAA Constitution and Appendices that affect management of moorings within Garden Island Naval Waters or the intent of the this Mooring Policy shall be submitted in writing to the Superintendent of Garden Island Naval Waters for approval prior to GIFAA endorsement.
- 2.6 Current functions of the GIFAA that are required by the Superintendent of Garden Island Naval Waters include:
- maintaining a registry of mooring Primary Users, including each user's name, address, mooring registration number, boat name and State registration number and boat length;
 - providing copies of the Registry to the Superintendent of Garden Island Naval Waters annually by 1 December;
 - arranging placement of a buoy on each mooring which clearly shows the mooring registration number and mooring class, to be funded by the Primary User;
 - meeting annually with the Superintendent of Garden Island Naval Waters prior to the summer boating season;
 - managing a rubbish pick up service, funded by the Primary Users;
 - ensuring mooring anchorages and top gear are 'fit for purpose' and inspected annually;
 - ensuring all maintenance works recommended during annual mooring inspections are completed in a timely manner;
 - ensuring Primary Users have appropriate insurance coverage, to the satisfaction of the Superintendent of Garden Island Naval Waters (note: this insurance may be taken out by GIFAA on behalf of Primary Users).
 - As established 01 November 1998, signing annually an indemnity on behalf of ALL Primary Users and GIFAA members, taking responsibility for:
 - => all mooring components are 'fit for purpose' - not liable to drag or to part under the conditions of location, size and type of vessel, and severest weather conditions which can be expected when in use;
 - => any damage to persons or property that may arise from the Primary User's use of the mooring or the use by any other person of the mooring;
 - => any damage to the Commonwealth that may arise as a result o the mooring's construction and from the Primary User's use of the mooring or the use by any other person of the mooring; and

- => such other conditions as may be required from time to time by the Superintendent of Garden Island Naval Waters.
- 2.7 Permission to moor will be cancelled in the event of a Primary User failing to maintain annual registration with GIFAA, failing to maintain top gear with a buoy clearly displaying the registration number, or failing to annually sign (of GIFAA sign on their behalf) an agreed Indemnity document. The anchorage and top-gear of such moorings will be removed and any salvageable equipment will be made available at the entrance to the Garden Island causeway for claim by the owner.
- 2.8 Transferring Primary Use of Moorings:
- a) Individual/Private Primary Users. As of 1 December 1997, permission to maintain and use a mooring in Garden Island Naval Waters has not been transferable by any means, including sale, hire or loan. In addition, the Superintendent of Garden Island Naval Waters denies that any such rights existed prior to 1 December 1997. As of 1 June 2005, it is permissible to transfer Primary Use of a mooring in accordance with the GIFAA Constitution and its Appendices (Attachment A).
 - b) Yacht and Boating Club Primary Users. Permission to maintain and use a mooring in Garden Island Naval Waters will not be transferable by any means, including sale, hire or loan, with the exception of the following. As of June 1 2005, the Superintendent of Garden Island Naval Waters may transfer Primary Use to another yacht or Boating Club as detailed in the GIFAA Constitution and its Appendix B (Attachment A). All applications are to be forwarded to Superintendent of Naval Waters via GIFAA.
- 2.9 As established 1 December 1997, relocation of mooring anchorages is only permitted through written approval by the Superintendent of Garden Island Naval Waters.
- 2.10 There is no implication by the Navy that permission to maintain a mooring in the Naval Waters of Garden Island will continue beyond the Interim Policy period.
- 2.11 The Superintendent of Garden Island Naval Waters may amend the provisions of this policy at any time should he/she so require. He/she will seek the advice of the Garden Island Environmental Advisory Committee and the views of the Garden Island Fishing and Aquatic Association on any proposals to amend the policy.

THE CONSTITUTION

GARDEN ISLAND FISHING & AQUATIC ASSOCIATION (INC)

12 August 2018 (updated 18th November 2020)

1. Name of Association

The name of the Association is Garden Island Fishing & Aquatic Association (Inc.)

2. Definitions

In these rules, unless the contrary intention appears-

“Annual General Meeting” is the meeting convened under rule 18 (1) (b);

“Special General Meeting” means a meeting convened under rule 18 (1) (a);

“General Meeting” means either an Annual or Special General Meeting convened under rule 18 (1) (a or b) to which all Ordinary Members are invited;

“Committee Meeting” means a meeting referred to in rule 16;

“Committee Member” means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1);

“Department” means the government department with responsibility for administering the Associations Incorporation Act (1987);

“Financial Year” shall be the 1st October to the 30th September the following year;

“Life Member” means a person has had an honour bestowed on them for services rendered and has the same rights as an Ordinary Member;

“Honorary Member” means a person/s who has been appointed by the Committee due to the role they perform, ie Garden Island Ranger, Naval Commander etc. Honorary Members may attend meetings and functions but do not have voting rights and are ineligible for a Committee position;

“Ordinary Member” means a current financial member of the Association;

“Boat Club Ordinary Member” means an Ordinary Member of a Boat or Yacht Club allocated a mooring under Appendix B;

“Poll” means voting conducted in written form (as opposed to a show of hands);

“Ordinary Resolution” means a resolution used to pass the ordinary business at a General Meeting and includes, appointment of the Committee, acceptance of Treasurer and President reports etc;

“Special Resolution” means a resolution used to pass special business at a General Meeting and is required to make changes to the association’s name, objects, constitution, and or voluntarily winding up or cancelling the registered association and distributing property;

“the Act” means the Associations Incorporation Act 1987;

“the Association” means the Association referred to in rule 1;

“the President” means the person presiding at a Committee or General Meeting in accordance with rule 11;

“the Commissioner” means the Commissioner for Consumer Protection exercising powers under the Act;

“the Committee” means the Committee of management of the Association referred to in rule 10 (1);

“the Mooring Manager “ means the Mooring Manager referred to in paragraph (b) of rule 10 (1).

“the Secretary” means the Secretary referred to in paragraph (c) of rule 10 (1);

“the Treasurer” means the Treasurer referred to in paragraph (d) of rule 10 (1);

3. Objects of Association

- (1) The objects of the Association are to establish, maintain and conduct an association devoted to-
 - a) Promote and encourage fishing and aquatic activities at Garden Island within the rules of the governing bodies;
 - b) Bring about action on the part of Ordinary Members when necessary to protect their property and interests situated at Garden Island;
 - c) Promote and protect the environment and historical background of Garden Island in co-operation with the relative Governing Bodies;
 - d) Raise or secure money for the purpose of the Association in such a manner as the Ordinary Members think fit;
 - e) Manage and control all matters relating to moorings in a fair and equitable manner and to conform to the Department of Defence Mooring Management Policy 2005.
- (2) The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to Ordinary Members, except in good faith in the promotion of those objects.

4. Powers of Association

- (1) The powers conferred on the Association are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Association-
 - (a) may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may-
 - i. Acquire, hold, deal with, and dispose of any real or personal property;
 - ii. Open and operate bank accounts;
 - iii. Invest its money in any security in which trust monies may lawfully be invested or in any other manner authorised by the rules of the Association;
 - iv. Borrow money upon such terms and conditions as the Association thinks fit;
 - v. Give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
 - vi. Appoint agents and or Sub-Committees to transact any business of the Association on its behalf;
 - vii. Enter into any other contract it considers necessary or desirable; and
 - viii. May act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Association.

5. Qualification for Ordinary Membership of the Association

- (1) Ordinary Membership of the Association is open to Australian residents 18 years of age and over;
- (2) A person who wishes to become an Ordinary Member must-
 - (a) Apply for Ordinary Membership to the Committee in writing in such form as the Committee from time to time directs; and
 - (b) Signed by that person
 - (c) Be proposed and seconded by two Ordinary Members.
- (3) The Committee Members must consider each application made under sub-rule (2) at a Committee

Meeting and must at the Committee Meeting or the next Committee Meeting accept or reject that application;

- (a) As soon as is practicable after the Committee has made a decision under rule 5, the Committee must notify the Applicant in writing of the outcome of their Ordinary Membership application but is not obliged to provide reasons for the decision.
- (4) An applicant whose application for Ordinary Membership of the Association is rejected under sub-rule (3) must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection;
- (5) When notice is given under sub-rule (4), the Association in a General Meeting no later than the next Annual General Meeting, must either confirm or set aside the decision of the Committee to reject the application, after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the General Meeting.

6. Register of Ordinary Members of Association

- (1) The Secretary, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining-
 - (a) In an up to date condition a register of the Ordinary Members of the Association and their postal or residential addresses and, upon the request of an Ordinary Member of the Association, shall make the register available for the inspection of the Ordinary Member and the Ordinary Member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
 - (b) An Ordinary Member may be required to provide a statutory declaration setting out the purposes of the request.
- (2) The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the Committee decides;
- (3) The Secretary must cause the name of a person who dies or who ceases to be an Ordinary Member under rule 8 to be deleted from the register of Ordinary Members referred to in sub-rule (1).

7. Subscriptions

- (1) The Ordinary Members may from time to time at a General Meeting determine the amount of the subscription to be paid by each Ordinary Member;
- (2) Each Ordinary Member must pay to the Treasurer, at least 7 days before the Annual General Meeting, the amount of the subscription determined under sub-rule (1);;
- (3) Subject to sub-rule (4), an Ordinary Member whose subscription is not paid by the 30th November ceases on the expiry of that period to be an Ordinary Member, unless the Committee decides otherwise;
- (4) A person exercises all the rights and obligations of an Ordinary Member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2);

8. Termination of Ordinary Membership of the Association

- (1) Ordinary Membership of the Association may be terminated upon-
 - (a) Receipt by the Secretary or another Committee Member of a notice in writing from an Ordinary Member of his or her resignation from the Association
 - i. The notice to be tabled at the next Committee Meeting;
 - ii. Such person remains liable to pay to the Association the amount of any subscription due and payable by that person to the Association but unpaid at the date of termination;
 - (b) Non-payment by an Ordinary Member of his or her subscriptions by 30th November will be deemed to have resigned;
 - (c) Expulsion of an Ordinary Member in accordance with rule 9.

9. Suspension or expulsion of Ordinary Members of Association

- (1) If the Committee considers that an Ordinary Member should be suspended or expelled from Ordinary Membership of the Association because his or her conduct is detrimental to the interests of the Association, the Committee must communicate, in writing, to the Ordinary Member-
 - (a) Notice of the proposed suspension or expulsion and of the time, date and place of the Committee Meeting at which the question of that suspension or expulsion will be decided;
and
 - (b) Particulars of that conduct, not less than 30 days before the date of the Committee Meeting referred to in paragraph (a).
- (2) At the Committee Meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the Ordinary Member a reasonable opportunity to be heard by, or to make representations in writing to the Committee, suspend or expel or decline to suspend or expel that Ordinary Member from the Association and must, after deciding whether or not to suspend or expel that Ordinary Member, communicate that decision in writing to that Ordinary Member;
- (3) Subject to sub-rule (5), an Ordinary Member has his or her Ordinary Membership suspended or ceases to be an Ordinary Member 14 days after the day on which the decision to suspend or expel an Ordinary Member is communicated to him or her under sub-rule (2);
- (4) An Ordinary Member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (3);
- (5) When notice is given under sub-rule (4);
 - (a) The Association in a General Meeting, must either confirm or set aside the decision of the Committee to suspend or expel the Ordinary Member, after having afforded the Ordinary Member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the General Meeting; and
 - (b) The Ordinary Member who gave that notice is suspended, and ceases to be an Ordinary Member unless and until the decision of the Committee to suspend or expel him or her is overturned under this sub-rule.
- (6) If a Primary User or Authorised User is;
 - (a) Suspended, they will lose their mooring – Primary or Authorised User – status for the duration of the suspension
 - (b) Expelled, they will lose their mooring – Primary or Authorised User – status

10. Committee

- (1) Subject to sub-rule (6), the affairs of the Association will be managed exclusively by a Committee consisting of a -
 - (a) President;
 - (b) Secretary;
 - (c) Treasurer;
 - (d) Mooring Manager; and
 - (e) Not more than 7 other persons (Committee Members), all of whom must be Ordinary Members of the Association.
- (2) Committee Members must be elected to Membership of the Committee at an Annual General Meeting or appointed under sub-rule (5);
 - (a) A person is excluded from being on the Committee (without special approval by the Commissioner for Consumer Protection) if they:
 - i. Are bankrupt or their affairs are under insolvency laws

- ii. They have been convicted of an indictable offence in relation to the formation or management of a body corporate in the last 5 years
 - iii. They have been convicted of an offence involving fraud or dishonesty punishable by at least 3 months imprisonment in the last 5 years
 - iv. They have been convicted of an offence under the Act, where a person has allowed an association to operate while insolvent in the last 5 years
- (3) Subject to sub-rule (5), a Committee Member's term will be from his or her election at an Annual General Meeting until the election referred to in sub-rule (2) at the next Annual General Meeting after his or her election, but he or she is eligible for re-election to membership of the Committee;
- (4) If the number of persons nominated for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled the Returning Officer must declare those persons to be duly elected as Members of the Committee at the Annual General Meeting concerned;
- (5) If a vacancy remains on the Committee after the application of sub-rule (4), or when a casual vacancy within the meaning of rule 15 occurs in the Membership of the Committee-
- (a) The Committee may appoint an Ordinary Member to fill that vacancy; and
 - (b) An Ordinary Member appointed under this sub-rule will -
 - i. Hold office until the election referred to in sub-rule (2); and
 - ii. Be eligible for election to Membership of the Committee at the next following Annual General Meeting.
 - (c) If the vacancy is that of the President, rules 11 (2) and 11 (3) apply;
- (6) The Committee may delegate, in writing, to one to more Sub-Committees (consisting of such Ordinary Member or Ordinary Members of the association as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than-
- (a) The power of delegation; and
 - (b) A function which is a duty imposed on the Committee by the Act or any other law.
- (7) Any delegation under sub-rule (6) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated;
- (8) The Committee may, revoke wholly or in part any delegation under sub-rule (6).

11. President

- (1) The President must preside at all General, Special and Committee Meetings;
- (2) Any Ordinary Member nominating for election as the President – at an Annual General Meeting or casual vacancy as per Rule 10 (5) – must have served on the Committee for a minimum of 2 years; and have served on the Committee in office, immediately prior to the Annual General Meeting;
- (3) In the event of the President being absent from a meeting, a Committee Member elected by the other Committee Members present at the meeting will act as the President for the duration of the meeting, in this case Sub Rule (2) will not apply;

12. Secretary

- (1) The Secretary must-
 - (a) Co-ordinate all correspondence of the Association;
 - (b) Keep full and correct minutes of the proceedings of the Committee and of the Association;
 - (c) Comply on behalf of the Association with-
 - i. Section 27 of the Act with respect to the register of Ordinary Members of the Association, as referred to in rule 6;

- ii. Section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Association and, upon the request of an Ordinary Member of the Association, must make available those rules for the inspection of the Ordinary Member and the Ordinary Member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
- iii. Section 29 of the Act by maintaining a record of -
 - a) The names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules, including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 22; and
 - b) The names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Association,
 - c) And the Secretary must, upon the request of an Ordinary Member of the Association, make available the record for the inspection of the Ordinary Member and the Ordinary Member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose
 - (d) Unless the members resolve otherwise at a Committee Meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rules 13 and 14 to be kept and maintained by, or in the custody of, the Treasurer and Mooring Manager;
 - (e) Perform such other duties as are imposed by these rules on the Secretary.

13. Treasurer

(1) The Treasurer must-

- (a) Be responsible for the receipt of all monies paid to or received by, or by him or her on behalf of, the Association and must issue receipts for those monies in the name of the Association;
- (b) Pay all monies referred to in paragraph (a) into such account or accounts of the Association as the Committee may from time to time direct;
- (c) Make payments from the funds of the Association with the authority of a General Meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Committee Member, or by any two others as are authorised by the Committee;
- (d) Comply on behalf of the Association with sections 25 and 26 of the Act with respect to the accounting records of the Association by-
 - i. Keep such accounting records as correctly record and explain the financial transactions and financial position of the Association;
 - ii. Keep its accounting records in such manner as will enable true and fair accounts of the Association to be prepared from time to time;
 - iii. Keep its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and
 - iv. Submit to Ordinary Members at each Annual General Meeting of the Association audited accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year. (The Committee shall arrange for the financial records to be audited. The Auditor shall audit the accounts and have the power at any time to call for all books, papers and accounts etc relating to the affairs of the association. The auditor need not necessarily be an Ordinary Member of the Association).
- (e) Whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;

- (f) Unless the Ordinary Members resolve otherwise at a General Meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and
- (g) Perform such other duties as are imposed by these rules on the Treasurer.

14. Mooring Manager

- (1) A Mooring Manager shall be responsible for managing and controlling all matters relating to moorings including-
 - (a) Maintenance of all records relating to registered mooring holders, waiting lists and allocation of moorings as they become available in Herring and Pig Trough Bay;
 - (b) Mediation of objections arising from mooring utilisation practices and decisions.
- (2) The Mooring Manager's decisions/recommendations must be ratified by the Committee.

15. Casual vacancies in Committee, including President, Secretary, Treasurer and Mooring Manager

- (1) A casual vacancy occurs in the office of a Committee Member and that office becomes vacant if the Committee Member-
 - (a) Dies; or
 - (b) Resigns by notice in writing delivered to the President or, if the Committee Member is the President, to the Secretary and that resignation is accepted by resolution of the Committee; or
 - (c) Is convicted of an offence under the Act; or
 - (d) Is permanently incapacitated by mental or physical ill-health; or
 - (e) Is absent from more than 3 Committee Meetings in the same financial year without tendering an apology to the person presiding at each of those Committee Meetings; or
 - (f) Ceases to be an Ordinary Member of the Association; or
 - (g) Is the subject of a resolution passed by a General Meeting of Ordinary Members terminating his or her appointment as a Committee Member.

16. Proceedings of Committee

- (1) The Committee must meet together for the dispatch of business not less than 6 times per year;
- (2) Each Committee Member has a deliberative vote (The President shall have a casting vote only and shall decide all questions of order);
- (3) A question arising at a Committee Meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee Meeting will have a casting vote only;
- (4) At a Committee Meeting, 6 Committee Members constitute a quorum;
- (5) Subject to these rules, the procedure and order of business to be followed at a Committee Meeting must be determined by the Committee Members present at the Committee Meeting;
- (6) As required under sections 21 and 22 of the Act, a Committee Member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the Ordinary Member of the Committee is an Ordinary Member of a class of persons for whose benefit the Association is established), must-
 - (a) As soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
 - (b) Not take part in any deliberations or decision of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the Member of the Committee is an employee of the Association;

- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by an Member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made;
- (9) Committee Meetings may be called, cancelled and/or rescheduled by the President and/or Secretary provided notice is given to all Members of the Committee in writing eg letter or email;
 - (a) In the absence of the President and Secretary, a majority of the Members of the Committee may convene a meeting of the Committee.

17. Powers of Committee

- (1) The Committee shall have the sole management of the affairs of the Association including:
 - (a) The application, disposal and investment of its funds
 - (b) Power to make a call on all Ordinary Members should the funds fall short of the required amount to administer the affairs of the association
 - (c) The President or Secretary can call a Special General Meeting upon a requisition signed by not less than five (5) financial Ordinary Members of the Association (Notice of the meeting and a copy of the requisition shall be mailed to all financial Ordinary Members twenty one (21) days before the date of said meeting)
 - (d) Power to appoint one or more Sub-Committees from among the Ordinary Members of the Association for the efficient carrying out of the objects of the Association
 - (e) To lease or hire land or premises on such conditions as they think fit for the purposes of carrying out the objects of the Association
 - (f) All monies due and payable to the Association shall be received by the Treasurer who shall lodge them in an approved bank account
 - (g) All cheques shall bear the signature of any two of the following officers (Secretary, Treasurer or President)
 - (h) The nomination of a person who has rendered meritorious service to the Association as a Life Member for acceptance by the Ordinary Members at a General Meeting
 - (i) The appointment of a person to the Association as a Honorary Member
 - (j) Appoint an Auditor for the Associations Financial Statement
 - (k) Pay Honorariums if deemed appropriate and approved at the Annual General Meeting
 - (l) The President shall have a casting vote only and shall decide all questions of order

18. General Meetings

- (1) The Committee-
 - (a) may at any time convene a Special General Meeting;
 - (b) must convene Annual General Meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner, except for the first Annual General Meeting which may be held at any time within 18 months after incorporation; and
 - (c) must, within 60 days of-
 - i. receiving a request in writing to do so from not less than 50 Ordinary Members, convene a Special General Meeting for the purpose specified in that request; or
 - ii. the Secretary receiving a notice under rule 9 (4), convene a General Meeting to deal with the appeal to which that notice relates.
 - (d) must, after receiving a notice under rule 5 (4), convene a General Meeting, no later than the next Annual General Meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Association at that next Annual General Meeting in

relation to the Committee's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Committee.

- (2) The Ordinary Members making a request referred to in sub-rule (1) (c) (i) must-
 - (a) state in that request the purpose for which the Special General Meeting concerned is required; and
 - (b) sign that request.
- (3) If a Special General Meeting is not convened within the relevant period of 60 days referred to-
 - (a) in sub-rule (1) (c) (i), the Ordinary Members who made the request concerned may themselves convene a Special General Meeting as if they were the Committee.
- (4) When a Special General Meeting is convened under sub-rule (3) (a) or (b) the Association must pay the reasonable expenses of convening and holding the Special General Meeting.
- (5) Subject to sub-rule (7), the Secretary must give to all Ordinary Members not less than 14 days notice of a Special General Meeting and that notice must specify-
 - (a) time, date and where the General Meeting concerned is to be held; and
 - (b) particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted.
- (6) Subject to sub-rule (7), the Secretary must give to all Ordinary Members not less than 21 days notice of an Annual General Meeting and that notice must specify-
 - (a) time, date and where the Annual General Meeting is to be held;
 - (b) the particulars and order in which business is to be transacted, as follows-
 - (i) first, the consideration of the accounts and reports of the Committee;
 - (ii) second, the election of Committee Members to replace outgoing Committee Members; and
 - (iii) third, any other business requiring consideration by the Association at the General Meeting.
- (7) A Special Resolution may be moved either at a Special General Meeting or at an Annual General Meeting, however the Secretary must give to all Ordinary Members not less than 21 days notice of the meeting at which a Special Resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a Special Resolution;
- (8) The Secretary must give a notice under sub-rule (5), (6) or (7) by-
 - (a) serving it on an Ordinary Member personally; or
 - (b) sending it by post to an Ordinary Member at the address of the Ordinary Member appearing in the register of Ordinary Members kept and maintained under rule 6.
- (9) When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the Ordinary Member concerned by ordinary prepaid mail.

19. Quorum and proceedings at General Meetings

- (1) At a General Meeting 10% of Ordinary Members present in person constitute a quorum;
- (2) If within 30 minutes after the time specified for the holding of a General Meeting in a notice given under rule 16 (5) or (6)-
 - (a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action under rule 16 (3) a quorum is not present, the General Meeting lapses; or
 - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.

- (3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned General Meeting a quorum is not present, the Ordinary Members who are present in person or by proxy may nevertheless proceed with the business of that General Meeting as if a quorum were present;
- (4) The President may, with the consent of a General Meeting at which a quorum is present, and must, if so directed by such a General Meeting, adjourn that General Meeting from time to time and from place to place;
- (5) There must not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned;
- (6) When a General Meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting;
- (7) At a General Meeting-
 - (a) an Ordinary Resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rules (8), (9), (10), (11); and
 - (b) A Special Resolution put to the vote will be decided by a majority of not less than 75% of votes cast on a show of hands, subject to sub-rules (8), (9), (10) and (11).
- (8) A declaration by the President of a General Meeting that a resolution has been passed as an Ordinary or Special Resolution at the meeting will be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9);
- (9) At a General Meeting, a poll may be demanded by the President or by three or more Ordinary Members present in person or by proxy and, if so demanded, must be taken in such manner as the President directs;
- (10) If a poll is demanded and taken under sub-rule (9) in respect of an Ordinary or Special Resolution, a declaration by the President of the result of the poll is evidence of the matter so declared;
- (11) A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

20. Minutes of meetings of Association

- (1) The Secretary must cause proper minutes of all proceedings of all General Meetings and Committee Meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or Committee Meeting, as the case requires, in a minute book kept for that purpose;
- (2) The President must ensure that the minutes taken of a General Meeting or Committee Meeting under sub-rule (1) are checked and signed as correct by the President of the General Meeting or Committee Meeting to which those minutes relate or by the President of the next succeeding General Meeting or Committee Meeting, as the case requires;
- (3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-
 - (a) the General Meeting or Committee Meeting to which they relate (in this sub-rule called “the meeting”) was duly convened and held;
 - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

21. Voting rights of Ordinary Members of Association

- (1) Subject to the sub-rule (1) (a), each Ordinary Member present or by proxy at a General Meeting is entitled to one deliberative vote;
- (2) An Ordinary Member which is a Boat Club Ordinary Membership is a Club/Association and may appoint in writing a GIFAA Ordinary Member, who is a natural person, to represent it at a particular General Meeting or at all General Meetings;

- (3) An appointment made under sub-rule (2) must be made by a resolution of the board or other governing body of the body corporate concerned-
 - (a) the resolution must be in writing and lodged with the Returning Officer.
- (4) A person appointed under sub-rule (2) to represent an Ordinary Member which is a body corporate is deemed for all purposes to be an Ordinary Member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular General Meeting, which appointment is not so revoked, the conclusion of that General Meeting.

22. Proxies of Ordinary Members of Association

- (1) An Ordinary Member (in this rule called “the appointing Ordinary Member”) may appoint in writing another Ordinary Member who is a natural person to be the proxy of the appointing Ordinary Member and to attend, and vote on behalf of the appointing Ordinary Member at, any General Meeting, however, proxies cannot be used for the election of Committee or Office Bearers.

23. Rules of Association

- (1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-
 - (a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by Special Resolution but not otherwise;
 - (b) Within one month of the passing of a Special Resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the Special Resolution setting out particulars of the alteration together with a certificate given by an Ordinary Member of the Committee certifying that the resolution was duly passed as a Special Resolution and that the rules of the Association as so altered conform to the requirements of this Act;
 - (c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with;
 - (d) An alteration of the rules of the Association having effect to change the name of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;
 - (e) An alteration of the rules of the Association having effect to alter the objects or purposes of the association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.
- (2) These rules bind every Ordinary Member and the Association to the same extent as if every Ordinary Member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

24. Common seal of Association

- (1) The Association must have a common seal on which its corporate name appears in legible characters;
- (2) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 18;
- (3) The affixing of the common seal of the Association must be witnessed by any two of the President, the Secretary and the Treasurer;
- (4) The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

25. Disputes and mediation

- (1) The grievance procedure set out in this rule applies to disputes under these rules between-
 - (a) an Ordinary Member and another Ordinary Member; or
 - (b) an Ordinary Member and the Association; or

- (c) if the Association provides services to non-Ordinary Members, those non-Ordinary Members who receive services from the Association, and the Association.
- (2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties;
- (3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator;
- (4) The mediator must be-
 - (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement-
 - (i) in the case of a dispute between an Ordinary Member and another Ordinary Member, a person appointed by the Committee of the Association;
 - (ii) in the case of a dispute between an Ordinary Member or relevant non-Ordinary Member (as defined by sub-rule (1) (c)) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- (5) An Ordinary Member of the Association can be a mediator;
- (6) The mediator cannot be an Ordinary Member who is a party to the dispute;
- (7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation;
- (8) The mediator, in conducting the mediation, must-
 - (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- (9) The mediator must not determine the dispute;
- (10) The mediation must be confidential and without prejudice;
- (11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

26. Distribution of surplus property on winding up of Association

- (1) If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the Ordinary Members, or former Ordinary Members;
- (2) The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual Ordinary Members, and which association shall be determined by resolution of the Ordinary Members.

End of Constitution

Bylaws (amended 14-9-2020)

1. Life Members

- (1) A Life Member nominated by the Committee as per Section 17 (1) (h), may be elected at a General Meeting by a 75% majority of the Ordinary Members present at that meeting;
- (2) A Life Member shall be liable to pay all fees and levies, but shall not be liable to pay any Fees or levies relating to Ordinary Membership;
- (3) When Life Membership has been confirmed, a suitable badge shall be presented.

2. Honorary Ordinary Members

- (1) A Honorary Ordinary Member shall be liable to pay all fees and levies, but shall not be liable to pay any fees or levies relating to Ordinary Membership;

3. Returning Officer

- (1) The Returning Officer is responsible for preparing the nomination form and ballot paper;
- (2) Certifying the applicant's nomination forms are correct and the nominee, proposer and seconder are financial;
- (3) Conducting the election;
- (4) Supervising the count;
- (5) Declaring the poll;
- (6) Having the final decision concerning the election process.

4. Election of President, Secretary, Treasurer, Mooring Manager and Committee

- (1) The Secretary shall forward the approved form to all Ordinary Members calling for nominations for all Office Bearers Positions of the association not less than forty five (45) days prior to the Annual General Meeting.
- (2) Completed approved nomination forms to be returned to the Returning Officer by the advised closing date appearing on the nomination form.
- (3) Notice of meeting to be mailed out not less than twenty one (21) days prior to the date of the Annual General Meeting with any notices of motion and a list of candidates who have nominated for Committee positions.
- (4) The election of Officer Bearers shall be by ballot and will take place before the Annual General Meeting
- (5) Any Ordinary Member nominating for President must have served on the Committee for a minimum of 2 years and be serving on the current Committee.
- (6) Sixty (60) days prior to each Annual General Meeting the Committee shall appoint a person who is not a candidate for office to act as returning officer for the forthcoming election.
- (7) In case of where no more than the required number of Officers shall be nominated those so nominated shall be declared elected
- (8) If there are insufficient nominations to fill all the vacancies on the list of officers those declared elected shall have the power to fill the vacancies
- (9) The Annual General Meeting is held on the 3 Wednesday in November of each year
- (11) Only Ordinary Members are entitled to vote at the election of President, Secretary, Treasurer, Mooring Manager and Committee at the Annual General Meeting;
- (12) Only Ordinary Members may nominate for President, Secretary, Treasurer, Mooring Manager and Committee positions;
- (13) Voting shall be determined by first past the post;
- (14) In the case of a drawn vote the candidate to be elected shall be determined by a draw conducted by the Returning Officer;

- (15) Nominations for President, Secretary, Treasurer, Mooring Manager and Committee positions must be in writing on the approved form, signed by the candidate, his/her proposer and seconder, all of whom must be Ordinary Members;
- (16) Nominations must be returned to the Returning Officer no later than 5.00pm thirty (30) days prior to the Annual General Meeting;
- (17) The position of candidate's names on the ballot paper shall be determined by a draw conducted by the Returning Officer and the Secretary prior to the Annual General Meeting;
- (18) The Secretary and the Returning Officer shall then prepare a ballot paper with names of nominees and positions to be filled. A dot in front of a nominee's name indicates they are a current Member of the Committee;
- (19) The Treasurer on the day of the Annual General Meeting shall prepare a master roll on which shall appear the names of every Ordinary Member;
- (20) No new Ordinary Memberships will be processed during the thirty (30) days preceding the Annual General Meeting;
- (21) The election shall take place on the night of the Annual General Meeting commencing at 5pm and Closing at 7pm.

5. General Rules and Responsibilities When Visiting Garden Island

GIFAA manages the public recreational moorings located in Herring and Pig Trough Bay under the Recreational Moorings Management Policy (2005). The Association is the authorised manager on behalf of the Royal Australia Navy (RAN):

- (1) Public access to Garden Island is via private boat only;
- (2) Access is prohibited to Closed Naval Waters and Prohibited areas on land;
- (3) Access is from sunrise to sunset;
- (4) Camping overnight is not permitted;
- (5) Lighting of fires is prohibited (portable gas BBQ are permitted on the beach), free gas BBQ's are located at each picnic area);
- (6) Please take your rubbish with you;
- (7) All native animals and plants are protected;
- (8) NO animals (including pet dogs) or plants are to be brought onto the island;
- (9) All heritage items and structures are protected, visitors are not permitted to damage, alter or remove any items;
- (10) Only use the toilet facilities provided;
- (11) Do not feed the Wildlife;
- (12) Sand boards are prohibited;
- (13) The use of spear fishing implements are prohibited in Naval Waters;
- (14) Fishing must comply with all State regulations, limits and licensing. Further information can be obtained from WA Department of Fisheries.

6. Navigation and Mooring Responsibilities

- (1) There is an 8 knot speed limit in the two entrance channels into Herring Bay and a 5 knot limit in the mooring areas in both Herring and Pig Trough Bay;
- (2) Anchoring is discouraged within seagrass meadow areas;
- (3) Anchoring is prohibited in navigational channels and within 50m of a registered mooring;
- (4) Beach anchoring is only permitted during daylight hours, vessels must not be onshore overnight;

- (5) Tenders left on moorings are not to be used without approval from the owner;
- (6) The rafting of vessels is prohibited in Naval Waters with the exception of “Approved Secondary Vessels”;
- (7) Vessels over 13m are not permitted to enter Herring Bay;
- (8) The use of generators is allowed between 7AM and 9PM;
- (9) Music should be kept to acceptable levels and lights not shined into other vessels;
- (10) Casual use of moorings is allowed but the visitor must vacate if the Primary or Authorised User arrives;
- (11) Anti social behaviour will not be tolerated;
- (12) All vessels entering Naval Waters must hold current registration and carry comprehensive insurance.

7. A Mooring Sub-Committee was approved by the Committee of GIFAA to assist the Mooring Manager carry out his duties.

Duties and responsibilities of the Mooring Sub-Committee:

- (1) The Sub-Committee persons are to be drawn from the Committee and shall consist of the Mooring Manager and four (4) other Committee Members;
- (2) The Mooring Manager has oversight of the Mooring Sub-Committee;
- (3) The Sub-Committee shall be responsible for the maintenance of all records relating to registered mooring holders, waiting lists and allocation of moorings as they become available in Herring and Pig Trough Bay;
- (4) The Mooring Sub-Committee shall be required to mediate objections arising from mooring utilisation practices and make decisions;
- (5) The Mooring Sub-Committee shall be responsible for all mooring related matters arising from Appendix “A”, “B” & “C”.

Appendix A

1. Maintaining Access to Moorings

- (1) Ordinary Members whose Ordinary Membership subscriptions are not received in full by 30th November each year will be deemed to be non-financial Ordinary Members and automatically deemed resigned;
 - (a) If they are a Primary User or Authorised User they will lose their mooring status.
- (2) Primary or Authorised Users who have not returned their Insurance and Vessel Registration documents by 30th November each year will lose their mooring status;
- (3) All Ordinary Members and mooring users will be deemed to have accepted GIFAA's constitution and appendices and acknowledge this by payment of annual subscriptions and fees;
- (4) Primary or Authorised Users who will no longer use their mooring are required to notify the Mooring Sub-Committee for future allocation and management of the mooring by GIFAA;

2. Annual Survey of Moorings

- (1) All moorings under GIFAA management must be surveyed and ultimately certified fit for purpose by an independent professional surveyor at least once per annum;
- (2) A complete and up to date set of mooring records are to be kept by the Mooring Sub-Committee in advance of the commencement of surveys and made available to the President/Mooring Manager no later than the 3rd week of August each year;
- (3) Annual surveys are to be completed during September/October
 - (a) all authorised minor repairs will be completed during the survey and all necessary repairs will be carried out to complete the survey;
 - (b) On the completion of these surveys the Mooring Sub-Committee – under direction of the Mooring Manager shall pass the completed survey documentation to the Secretary within five (5) working days. The timely execution and completion of certification for all moorings is essential for GIFAA to comply with the Department of Defence requirements for the indemnity to be in place by the 31st December each year.

3. Primary User, Authorised User

- (1) A Primary User is an Ordinary Member who has been allocated a mooring on a permanent basis;
 - (a) The Primary User is responsible for the first \$200 of repair costs and 80% of the costs of repairs over \$200
- (2) An Authorised User is an Ordinary Member who has been allocated the secondary use of a Primary Users mooring on a negotiated/agreed basis.
 - (a) The Authorised User is responsible for 20% of the cost of repairs over \$200

4. Allocation of Moorings

- (1) An up to date register of Primary and Authorised Users will be maintained by the Mooring Sub-Committee and this register will be available for all GIFAA Ordinary Members to review;
- (2) It is a condition of maintaining Primary or Authorised User status for any mooring that the primary user provides proof of ownership of a vessel of suitable size and fit out to facilitate overnight/long stay use of the mooring-
 - (a) The decision on the suitability of a vessel for any mooring will be at the discretion of the Mooring Sub-Committee;
 - (b) Any dispute will be forwarded to the Committee whose decision will be final.
- (3) A register of all applications for moorings will be maintained and available to GIFAA Ordinary Members for review;

- (4) The register will be broken into four classes-
- (a) Category A Moorings (Blue Float, Vessels up to 7m)
 - (b) Category B Moorings (Yellow Float, Vessel up to 10m)
 - (c) Category C Moorings (Red Float, Vessel up to 13m)
 - (d) Category D Moorings (Black Float, Pig Trough Bay Only, Vessel up to 17m)
- (5) Ordinary Members applying for a position on the waiting list will be required to produce current registration and insurance documents as proof of vessel ownership and lodge a refundable deposit, the amount determined by the Committee;
- 6) When moorings become available for allocation the Sub-Committee will use the mooring wait list only to make recommendations which will be submitted to the Committee for approval:
- (a) An Ordinary Member may apply to the Committee for the transfer of a specific Primary User mooring, outside of the usual Wait List process, if all of the following conditions are met;
 - (i) The current mooring holder agrees to the allocation of the mooring, or the mooring is available for allocation
 - (ii) The requesting Ordinary Member has a boat suitable for the category of mooring they are applying for
 - (iii) The requesting Ordinary Member is related to the previous Primary User of the requested mooring
 - (iv) The requesting Ordinary Member and or the previous Primary User have a history of extensive family utilisation of that particular mooring over a period of time of not less than 10 years
 - (v) The Committee will make a discretionary decision to allocate the mooring taking into account the previous family usage, historical connection and any other matters the Committee deems appropriate.
- (7) In the event of a registered primary user wishing to transfer to an alternative mooring that has become available for allocation, the Sub-Committee will require the primary user to submit a written request detailing their reasons for transfer-
- (a) The Sub-Committee will then make their recommendations to the Committee having considered all aspects in relation to all applicants.
- (8) New applicants will be able to transfer between mooring categories.
- (a) The date of the original application will determine the position in the new category;
 - (b) Primary Users wishing to upgrade their mooring to accommodate larger vessels must make a written submission in advance to Mooring Sub-Committee for review;
 - (c) Such review shall consider swing room, access, depth of water at low tide and any other relevant information including submissions from neighbouring primary users before a decision is made;
 - (d) The primary consideration in all cases will be safety of all vessels entering and using the mooring precincts;
 - (e) Any Primary User who upgrades to a larger vessel without observing these rules may have their mooring privileges revoked.
- (9) The onus of where a primary user can be contacted lies with the primary user and any changes to telephone numbers, addresses or email addresses should be communicated to the GIFAA secretary in writing ASAP;
- (10) Any mooring leasing agreements arranged outside the GIFAA Appendices will not be recognised or accepted by GIFAA and could result in a loss of mooring status;
- (11) Where an Ordinary Member uses a mooring not allocated to them without permission from the Primary User they must;

- (a) Not leave a dingy on the mooring when they vacate said mooring;
 - (b) Have a person on board at all times who is capable of moving the vessel if required to do so.
- (12) Any vessel entering Herring Bay must be 13m or under in length;
- (a) Vessels longer than this will constitute safety and environmental hazards due to limited swing room and depth of water.

5. Utilisation of Moorings

- (1) When a Primary or Authorised User sells or otherwise disposes of a boat or a share in a boat registered with GIFAA in relation to a mooring, they are required to notify the Mooring Sub-Committee within fourteen (14) days and provide documentary evidence eg copy of the Bill of Sale – Statutory Declaration etc;
 - (a) If the User is no longer the primary shareholder in the boat, GIFAA will deem the User to have disposed of the boat.
- (2) Ownership or acquisition of a share in a boat will not of itself qualify an Ordinary Member for Primary or Authorised user status;
- (3) Unless the primary user intends to immediately purchase another vessel and continue use of the mooring, the Committee will, in the interest of maximising utilisation of moorings, arrange for the mooring to be used on a short term basis;
- (4) If the Primary User has not acquired a replacement vessel within a period of six months the mooring will automatically be taken into the control of GIFAA for reallocation. The mooring will remain registered in the name of the original primary user and temporarily allocated to the next suitable applicant on the appropriate waiting list on the following terms;
 - (a) Option A: the Primary User may opt to continue to pay all maintenance and insurance costs related to the mooring in which a case a minimum of only one weeks notice from the Primary User will be required to recommence utilisation of the mooring;
 - (b) Option B: the Primary User may opt to have the temporary user pay all maintenance and insurance costs attributable to the mooring whilst they have the usage thereof. If this option is selected by the primary user then the primary user would be required to give the Mooring Sub-Committee a minimum of three months notice of their desire to resume utilisation of the mooring.
- (5) Where a mooring has not been utilised by the primary user for a period of one (1) year GIFAA will contact the primary user to establish their intentions;
 - (a) Unless the primary user intends to recommence utilisation within three months the mooring will become available for reallocation on a permanent basis;
 - (b) If the original Primary User so desires their details will be placed on a priority waiting list and should they wish to return to active boating and take up a mooring at Garden Island they will be given priority for the allocation of a mooring for a further period of one year;

APPENDIX B

1. Moorings held by other Yacht and Boat Clubs

The rules outlined in Appendix A also apply to Yacht and Boating Club Mooring Holders, with the following changes/additions:

- (1) Yacht and Boating Club Ordinary Members whose subscription/fees etc are not received in full by the 30th November each year will be automatically deemed resigned and the mooring(s) returned to The Department of Defence. The mooring(s) will then be available for re-allocation to other Yacht and Boating Clubs;
- (2) New moorings locations available to Yacht and Boating Clubs (and subsequent re-allocation of these moorings) are to be approved by the Superintendent of Garden Island Naval Waters (or his/her delegated representative);
 - (a) All applications should be made directly to the Committee, who will forward detail of the proposal to the Superintendent of Garden Island Naval Waters for approval.
- (3) Applications by Yacht and Boating Club Ordinary Members for additional mooring(s) are to be submitted to the Superintendent of Garden Island Naval Waters via the Committee;
 - (a) Moorings issued to individual GIFAA Ordinary Members cannot be re-allocated to Yacht and Boating Clubs and vice versa.
- (4) Yacht and Boating Club Mooring Holders wishing to upgrade their mooring to accommodate larger vessels must make a written submission in advance to the Committee for review;
 - (a) Such review shall consider swing room, access, depth of water at low tide and any other relevant information including submissions from neighbouring mooring holders before a decision is made;
 - (b) The primary consideration in all cases will be safety of all vessels entering and using mooring precincts;
 - (c) Should the request require actual movement or relocation of the Mooring Location/Site, approval must be obtained from the Superintendent of Garden Island Naval waters (or his/her delegated representatives) via the Committee.
- (5) The Yacht and Boating Club Mooring Holder is responsible for managing use of the mooring amongst their relevant yacht/boat club Ordinary Members;
 - (a) Any mooring leasing agreements arranged outside the GIFAA Appendices will not be recognised or accepted by GIFAA as such arrangements would be in breach of the Department of Defence Recreational Moorings Management Policy.

APPENDIX C (updated 15-01-2023)

1. Tender and Secondary Vessel Authorisation and Usage

- (1) Tenders are vessels up to 3.75 metres
- (2) Secondary Vessels are from 3.76 to 6.75 metres

2. Limits to Secondary Vessels Based on Mooring Categories

- (1) Category B Moorings (Vessel up to 10m) may include a Secondary Vessel up to 4.7m and or a Tender
- (2) Category C Moorings (Vessel up to 13m) may include a Secondary Vessel up to 6.0m and or a Tender
- (3) Category D Moorings (Pig Trough Bay Only, Vessel up to 17m) may include a Secondary Vessel up to 6.75m and or a Tender.

3. Regulations

- (1) All moorings to be inspected annually and certified to jointly hold the Primary Vessel and the Tender/ Secondary Vessel;
- (2) Mooring Holders are to provide the Secondary Vessel's current DOT and Insurance papers to GIFAA annually;
- (3) GIFAA will maintain a data base of approved Secondary Vessel's and allocated mooring numbers;
- (4) Secondary Vessels are to be tethered to the side of the Primary Vessel to facilitate clear passageway for other vessels travelling to moorings;
- (5) Tethering tenders to the side of the Primary Vessel will further assist clear passage, but it is accepted that tenders can be tethered to the stern of the Primary Vessel on a rope not longer than 3metres;
- (6) The rafting of vessels over these sizes is strictly prohibited;
- (7) Each moored vessel is allowed only one Secondary Vessel moored alongside, however you may still have a tender attached.

4. Tenders and Secondary Vessels left on Moorings

- (1) Tenders or Secondary Vessels can only be used with the prior consent of the owner;
- (2) Tenders or Secondary Vessels can only be left unattended on a mooring with the approval of the Primary User;
- (3) Tenders or Secondary Vessels left unattended on a mooring must be left in a way that allows the use of the mooring by other GIFAA Ordinary Members.

5. Anchoring

- (1) With the exception of beach anchoring, vessels are not permitted to anchor within 50m of a registered mooring.
- (2) Anchored vessels are not to be rafted together.
- (3) Vessels are not permitted to anchor in the entrance channels or approaches to Herring Bay.

APPENDIX D (added 14-09-2020)

The information below provides guidance for the GIFAA Committee when considering nominations for Life Membership of the Association.

1. Life Membership

Life membership is an honour bestowed on individual members who's exceptional, loyal, and outstanding service and contribution has provided measurable benefit to GIFAA over an extended period.

Life Membership is the highest recognition that can be awarded. To maintain its prestige, it should not be awarded easily. Life Membership should be hard to obtain so that it is respected by members and valued by recipients.

2. Who can be Nominated, who can Nominate?

Any Ordinary Member can be nominated for Life Membership by a current Committee Member.

Nominations may be accompanied by a letter outlining the qualifications and GIFAA related history of the nominee.

3. Qualification Criteria

1. Nominees must be an Ordinary Member and have been an Ordinary Member for 15 years or more, AND
2. Nominees must have served the club in either:
 - An official Committee position for at least 10 years, OR
 - A voluntary contribution role for at least 10 years, this may include fund-raising, assisting at GIFAA events, caretaking at the Island etc or other issues the Committee sees as relevant, OR
 - A combination of official and general contribution of at least 10 years, AND
3. Nominees must have an attitude and demeanour that reflects credit upon GIFAA and have actively contributed to the objectives of GIFAA as stated in the Constitution:
 - Promote and encourage fishing and aquatic activities at Garden Island within the rules of the governing bodies
 - Bring about action on the part of Ordinary Members when necessary to protect their property and interests situated at Garden Island
 - Promote and protect the environment and historical background of Garden Island in co-operation with the relative Governing Bodies
 - Raise or secure money for the purpose of the Association in such a manner as the Ordinary Members think fit
 - Manage and control all matters relating to moorings in a fair and equitable manner and to conform to the Department of Defence Mooring Management Policy 2005.

4. Limited Numbers

There should be a maximum of one recipient per year.

It should also be recognised that Life Membership does not need to be awarded each year.

5. Role of Committee

The Committee's role is to assess all Nominees suitability for an all Ordinary Members vote at an AGM.

There is no rating scale that categorically dictates someone should or should not be awarded Life Membership except for Qualification Criteria rule 1 and 2 which makes the decision to award a Life Membership a subjective decision.

Each Committee person, when voting, needs to weigh up both the positive and negative attributes and achievements of a nominee, and decide, whether the person has done enough to warrant Life Membership.

Voting for Nominees at a Committee meeting should be conducted under a secret ballot, with a simple majority vote.

Voting for Nominees at the AGM should be conducted as per the AGM process.

The Committee is reminded of their responsibility in relation to potential conflict of interest, ie family and or business relationship. Any potential conflict of interest should be declared at the time and any affected Committee person/s should be excluded from the deliberations of the Committee and from the Committee vote.