

**The Constitution of  
International Fireball Association  
Of Australia**

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## **1. NAME**

- 1.1 The name of this body shall be International Fireball Association of Australia and it shall hereinafter be referred to as the "Association".
- 1.2 The Association may also be referred to as IFAA or Fireball Australia.

## **2. INSIGNIA AND FLAG**

- 2.1 The International Fireball insignia shall be a red disc 510mm ± 13mm in diameter placed back-to-back on the two sides of the mainsail above the sail numbers.
- 2.2 The International Fireball Flag shall be dark blue with a red disc.

## **3. OBJECTIVES**

- 3.1 To govern and control the International Fireball one design class yachts in Australia.
- 3.2 To affiliate with, support and abide by the rules of the appropriate International, National and State Sailing authorities.
- 3.3 To adopt and abide by the provisions of the Australian Sailing member protection policy.
- 3.4 To foster the sport of sailing.
- 3.5 To promote the International Fireball one design class throughout Australia in association with other International Fireball class regional and state associations.
- 3.6 To regulate the International Fireball class in Australia and ensure compliance with the International Fireball Class Rules and Measurements.
- 3.7 To promote communications to members and others through regular meetings, newsletters, and information circulars.
- 3.8 To promote social events at which members and their friends may meet.
- 3.9 To oversee the running of the Australian Championships held to determine the National Fireball Champion.
  - 3.9.1 The National Championship will be conducted annually.
  - 3.9.2 Where a State with a local Fireball Association has been awarded the National Championship, the State Association will be responsible for running the National Championship and acting in conjunction with the host club as organising authority with IFAA providing guidance.
  - 3.9.3 Where a State without a local Fireball Association has been awarded the National Championship or the local association has opted not to run the National Championship, IFAA will take on responsibility for running the National Championship and act in conjunction with the host club as organising authority.

## **4. ORGANISATION**

- 4.1 The Association shall be affiliated with and subject to the rules of Australian Sailing (AS).
- 4.2 The Association shall be affiliated with and subject to the rules of Fireball International (FI).
- 4.3 An amount determined by Fireball International shall be paid annually to FI for each registered boat and the helm and crew of such registered boat as payment for affiliation.

## **5. POWERS OF THE ASSOCIATION**

- 5.1 The Association shall have all the powers conferred by Fireball International, and
- 5.2 The Association shall have all the powers conferred by section 25 of the Associations Incorporation Reform Act 2012 (VIC).

## **6. MEMBERSHIP**

- 6.1** For each International Fireball class yacht, a boat registration and two full members being a helm and crew shall be maintained.
- 6.2** Membership is renewed by payment of the annual subscription. The subscription shall be determined annually by the Committee each year. If a fee increase is greater than the annual CPI as at the December quarter or 5% then the fee increase must be approved by the membership at the Annual General Meeting. The subscription is due on 30 November each year or 30 days after publication of the renewal notice whichever comes later.
- 6.3** Membership is terminated if subscriptions or other payments fall into arrears by more than three (3) months or a member makes written request for their membership to be terminated by resignation.
- 6.4** The Committee may reject any application or any renewal. Also, the committee may exercise its right to take disciplinary action against a competitor or boat as provided for in the World Sailing (WS) rules.
- 6.5** Honorary Life Membership may be bestowed upon a member who has given outstanding service to the Association. A Life member will enjoy all of the privileges and rights of a full member without payment of an annual subscription. A Life member shall be elected under the following conditions:
- a) Such Honorary Life Membership must be proposed and seconded by financial members.
  - b) Such proposal must be notified in writing to all members at least 14 days prior to an Annual General Meeting.
  - c) Such proposal will be put forward as a motion at an Annual General Meeting and shall require a 3/4ths majority of members present in person or voting by postal or proxy votes.
  - d) A maximum of two life members may be elected each year.
- 6.6** Full members may:
- a) Vote at meetings.
  - b) Take any position of office.
  - c) Enter and sail in races arranged by the Association.

## **7. RESIGNATION, DISCIPLINE, APPEALS AND GRIEVANCES**

### **7.1 Resignation of a member**

**7.1.1** A member may resign from the association by giving a written notice of resignation to the secretary.

**7.1.2** The resignation takes effect at:

- a) the time the notice is received by the secretary; or
- b) if a later time is stated in the notice, the later time.

### **7.2 Disciplinary Procedure**

**7.2.1** The committee on behalf of the association may take action to terminate or suspend a member's membership if it is determined that the member has:

- a) breached, failed, refused, or neglected to comply with a provision of this constitution, the association's bylaws or any resolution or determination of the board or any duly authorised subcommittee.
- b) refused to support the purposes of the association.
- c) acted in a manner unbecoming of a member, or prejudicial to the character and interests of the association, and/or
- d) brought themselves, the association, any other member, or the sport into disrepute.
- e) been convicted of an indictable offence.
- f) has subscription fees in arrears for at least three months under clause 6.3.

- 7.2.2** If the committee decides to terminate or suspend a member's membership, the secretary must, within seven days after the decision, give the member written notice:
- a) setting out the decision of the board to issue a notice of intention to terminate or suspend membership and the grounds on which it is based.
  - b) stating that the member may address the board at a meeting to be held not earlier than seven days and not later than 28 days after the service of the notice.
  - c) stating the date, place, and time of that meeting.
  - d) informing the member that the member may do either or both of the following;
    - o attend and speak at that meeting.
    - o submit to the committee at or before the date of that meeting written representations relating to the decision.
  - e) setting out the member's appeal rights under clauses 7.3 and 7.4.

- 7.2.3** Before the committee terminates or suspends a member's membership, the committee must:
- a) give the member a full and fair opportunity to make verbal representations at a meeting as mentioned in clause 7.2.2.b
  - b) give due consideration to any written representations submitted to the board by the member at or before the meeting mentioned in clause 7.2.2.b.
  - c) If, after considering all representations made by the member, the committee decides by resolution to terminate or suspend the membership, the secretary must, within seven days of the meeting mentioned in clause 7.2.2.b, give the member a written notice of the decision.

### **7.3 Appeal against termination or suspension of membership**

**7.3.1** A person whose membership has been terminated or suspended may give the secretary written notice of their intention to appeal against the decision.

**7.3.2** A notice of intention to appeal must be given to the secretary within seven days after the person receives written notice of the decision.

**7.3.3** Within seven days of the secretary receiving a notice of intention to appeal, an appeals panel shall be constituted by up to three independent people appointed by the secretary, other than board members.

### **7.4 Appeals panel to decide appeal**

**7.4.1** The appeals panel must hold the appeal meeting within 28 days after the secretary receives the notice of intention to appeal.

**7.4.2** At the meeting, the member must be given a full and fair opportunity to show why the membership should not be terminated or suspended.

**7.4.3** Also, the committee must be given a full and fair opportunity to show why the membership should be terminated or suspended.

**7.4.4** An appeal must be decided by a majority vote of the members of the appeals panel.

**7.4.5** Where a decision of the committee to terminate or suspend a member's membership is set aside by the appeals panel, the membership shall be reinstated to the member's former level of membership without payment of any further fee.

### **7.5 Grievance procedure**

**7.5.1** This grievance procedure applies to disputes between:

- a) a member and another member; or
- b) a member and the committee or
- c) a member and the association.

**7.5.2** This procedure does not apply to any appeal by a member against a decision made in accordance with the disciplinary procedure outlined in clause 7.2.

- 7.5.3** A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- 7.5.4** The parties to a dispute may attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- 7.5.5** If the parties to a dispute are unable to resolve the dispute between themselves within 14 days, the parties may within a further ten days:
- a) notify the board of the dispute; and
  - b) agree to or request the appointment of a mediator; and
  - c) attempt in good faith to settle the dispute by mediation.
- 7.5.6** The mediator may be:
- a) a person chosen by agreement between the parties; or
  - b) in the absence of agreement:
    - o if the dispute is between a member and another member, a person appointed by the committee, or
    - o if the dispute is between a member and the committee or the association, a person appointed or employed by Australian Sailing.
- 7.5.7** A mediator appointed by the committee may be a member or former member of the association but in any case, must not be a person who:
- a) has a personal interest in the dispute; or
  - b) is biased against, or in favour of, any party.
- 7.5.8** The mediator to the dispute, in conducting the mediation, must:
- a) give each party every opportunity to be heard; and
  - 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 throughout the mediation process.
- 7.5.9** The mediator must not determine the dispute.
- 7.5.10** If the mediation process does not resolve the dispute, the committee may take whatever steps it considers appropriate in the best interests of the association and the members concerned.
- 7.5.11** Neither party is entitled to be represented by a legal practitioner at mediation. 7.5.12.
- 7.5.12** The committee may prescribe additional grievance procedures, which are consistent with this constitution, in the association's bylaws.

## **8. COMMITTEE MEETINGS**

- 8.1** Committee meetings are to be held at least every four months.
- 8.2** The President will call a committee meeting, providing 14 days' notice.
- 8.3** The President of the Association shall be the chairperson at all meetings. Should the President not be present then the Secretary shall be the chairperson, unless otherwise appointed by the President and if the Secretary is not present then the members present shall elect a member to be the chairperson for that meeting.
- 8.4** At all meetings the chairperson's decision on points of order shall be final.
- 8.5** The chairperson shall have a casting vote and a deliberative vote.
- 8.6** All full members present shall be entitled to vote. Written proxy or postal votes may be cast.
- 8.7** Ordinary resolutions shall be made by simple majority in most cases. These resolutions are outlined in this constitution.
- 8.8** Visitors/observers to committee meetings may be invited by any committee member but shall be excused by any objection of a committee member.

## **9. ANNUAL GENERAL MEETING**

- 9.1** The Annual General Meeting of the members shall be held within 8 months of the end of the financial year.
- 9.2** Items for the agenda of the Annual General Meeting shall be in the hands of the Secretary at least fourteen (14) days prior to the Annual General Meeting.
- 9.3** The agenda shall be provided to all full members at the Annual General Meeting.
- 9.4** The annual report and reviewed / audited accounts for the association shall be submitted to members at the Annual General Meeting.
- 9.5** The Annual General Meeting may make by-laws necessary for proper administration of the Association. Any by-laws so made shall not be repealed, added to, or amended unless and until:
- Notice of intention to propose such repeal, addition or amendment is first given in writing, in the form of a motion and seconded by members of the Association, to the Secretary of the Association not later than twenty-one (21) days prior to the date of the Annual General Meeting and included in the agenda for such meeting.
  - Such repeal or addition shall be proposed at Annual General Meetings and be approved by not less than 2/3rds majority of the members of the Association present at such meeting and voting thereon.
  - The election of the committee for the ensuing twelve months shall take place at the Annual General Meeting together with any other business mentioned in the agenda.

## **10. SPECIAL GENERAL MEETINGS**

- 10.1** A Special General Meeting of members shall be called at the request of the President, Secretary or any Two (2) members of the committee, or at the written request of six (6) or more financial members of the Association. Such meeting shall be held within thirty (30) days of such request and all members shall be notified in writing not less than ten (10) days before such meeting.

## **11. COMMITTEE**

- 11.1** The business and affairs of the Association shall be under the management and control of a Committee, provided however, that except in the case of extreme urgency the Committee shall not take any action contrary to decisions made at a General Meeting.
- 11.2** The Committee may, subject to the decisions made at General Meetings, exercise all the powers of the Association, and do all such acts and things as may be done by the Association or which it considers necessary or expedient to carry out the objects of the Association.
- 11.3** The Committee shall consist of a:
- President
  - Secretary
  - Treasurer
  - Rear Commodore Australasia
  - Measurer
- 11.4** Should any vacancy occur in the Committee of the Association other than in the normal course of elections, the Committee shall fill such vacancy from the financial members of the Association and such members duly elected shall hold office for the unexpired portion of the predecessor's term.
- 11.5** A complaint about a committee member must be made in writing to the President. The President must table the letter at the next Committee meeting for discussion and may inform the accused of the situation prior to the meeting to avoid embarrassment. Should the Committee or the complainant wish to disqualify the Committee member from their duties the Committee must call a Special

General Meeting for that purpose where a 2/3rds majority must be achieved to disqualify the accused.

## **12. COMMITTEE POWERS**

- 12.1** The Committee shall have the power to delegate any of its powers to a Sub-committee to deal with any particular matter or matters and upon such terms as the Committee may think fit. The President or the Secretary shall be ex-officio members of all sub-committees.
- 12.2** All acts or decisions done or made by any meeting of the Committee or member thereof shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of such member or all or any members of the Committee, be as valid and effective as if they had all been properly appointed, unless it is proven that the appointment was made in fraud or bad faith.
- 12.3** Where prior notice of a motion has been given written proxy or postal votes may be cast.

## **13. ELECTION OF COMMITTEE**

- 13.1** Nomination for each candidate for election as Committee member shall be proposed and seconded by two (2) members at the Annual General Meeting.
- 13.2** No persons shall be eligible for any election unless they are financial members of the Association.
- 13.3** The election of the Committee shall be by ballot of members present and voting thereon, held at the Annual General Meeting. No ballot shall be required when the number of candidates nominated for each office does not exceed the number of vacancies and they shall be declared duly elected.
- 13.4** Each Committee member is elected for a term of one (1) year.

## **14. DUTIES**

- 14.1** The President shall:
- Act as chairperson at all General and Committee meetings.
  - Represent the Association at any function, meeting, or event at which the Association is to be represented. A representative for the President may be appointed by the President.
  - Present a report at the Annual General Meeting.
- 14.2** The Secretary shall:
- Keep a true record of all minutes of all meetings.
  - Attend to correspondence, issue notices of meetings and keep records.
  - Carry out such duties as the Committee may from time to time direct.
  - Keep a register of International Fireball class yachts in Australia and a roll of members of the association.
- 14.3** The Treasurer shall:
- Receive all monies payable to the Association and give receipts for same. All monies so received shall be paid into the banking account of the Association.
  - Present at least at every second Committee Meeting a balance of the finances of the Association (every meeting is recommended) and at each Annual General Meeting a reviewed or audited report of the finances of the Association.
  - Keep proper books of account of all monies received and disbursed.
  - Generally, perform all duties as directed by the Committee.
- 14.4** The Measurer shall:
- Make themselves available to measure and approve any new equipment in a reasonable time frame and with reasonable notice in the absence or non-availability of a local measurer.
  - Keep in contact with the International Measurer to remain informed of any rule changes directly affecting the International Fireball class.
  - Oversee all state measurers and their assistants.



- Keep a register of International Fireball current owners.
- Process any change of ownership or new boat registration forms.
- Present a report at the Annual General Meeting.

## **15. FINANCE**

- 15.1 The financial year shall be from July 1<sup>st</sup> to June 30<sup>th</sup>.
- 15.2 The committee shall decide annually as to the amount of membership subscription, but any fee increase must satisfy 6.2 of the constitution.
- 15.3 All monies of the Association shall be paid into the account of the Association at such bank as the Committee may from time to time direct.
- 15.4 No monies shall be drawn from the Association's account except by when authorised by two of the bank signatories authorised by the Committee. This may be by cheque or electronic funds transfer.
- 15.5 The books and accounts of the Association shall be reviewed annually by two persons appointed by the Annual General Meeting who are not members of the association or audited by an auditor appointed by the Annual General Meeting.
- 15.6 The books and accounts may be viewed at a committee meeting by a member's request received not less than one week prior to the Committee meeting.

## **16. AMENDMENTS TO THE CONSTITUTION**

- 16.1 The Objects of the Association may only be changed by a 2/3rds majority of all financial members, expressed by postal vote, proxy vote or in person, at a Special General Meeting called for such purpose.
- 16.2 Any other part of the Constitution may be altered by a 2/3rds majority of all financial members present in person or by postal vote or proxy vote at an Annual or Special General Meeting.
- 16.3 All alterations, additions to, suspension, revision, or amendment to this Constitution, shall become effective from the date the motion passes.
- 16.4 Any changes resolved must not be changed for at least one (1) year except at a Special General Meeting called for that purpose.

## **17. COMMUNICATION WITH MEMBERS**

- 17.1 All members are responsible to notify the Secretary of a change of address including electronic address or any other relevant details.
- 17.2 All notices shall be deemed to have been duly given if posted to the registered address or electronic address.

## **18. PERPETUAL TROPHIES**

- 18.1 All perpetual trophies presented for National or other events remain the property of the Association, and while they may be held for a period by the winners. Each time such trophies are awarded they shall never become the property of an individual member.

## **19. RACING RULES**

- 19.1 The International Fireball is a strict one design class. Boats which do not conform to the rules of the International Fireball Class Association may be disqualified from competing in Association races.

19.2 All races arranged by or conducted on behalf of the Association shall be conducted under the current Racing Rules of Sailing (RRS) and Safety Regulations of AS and the current Class Rules and Restrictions, provided always that any Special Rule or Regulation made by the Association for the conduct of its own races shall first apply and provided further that such Special Rule and Regulation is made within the discretionary powers allowed by the current WS Rules and AS prescriptions, or has been approved by the Racing Rules Committee or appropriate Safety Sub-committee of AS.

**20. WINDING UP OF THE ASSOCIATION**

- 20.1 If at any time the membership falls to nil (0) persons, the Association shall be disbanded, and the assets of the Association shall be disposed of at a reasonable market value. The proceeds shall be deposited with FI, to hold secure including any interest earned, to be forwarded to a future International Fireball Association of Australia or the like. After a period of not less than ten (10) years FI may absorb the proceeds as an asset of their own.
- 20.2 If a member or members remain a Special General Meeting may be called for the purpose of winding up the Association. Five (5) or half (½) (whichever is greater) of the members from the past two (2) seasons must be present and in agreement. These members shall decide how remaining assets and funds of the Association shall be distributed. However, distribution must only be made to AS, FI, Sailing/Yacht Clubs affiliated with AS or a recognised charity.
- 20.3 At no time may any member be entitled to receive a distribution of the assets or funds of the association upon winding up of the Association.

Constitution voted in at Special General Meeting held, 25 October 2023 and ratified at IFAA Committee Meeting 4 December 2023

Next review due 2026

President

Secretary

John Heywood

Myles Gavin

