

**THE NATIONAL
125 ASSOCIATION
OF AUSTRALIA
CONSTITUTION**

Last amendment January 2008

CONSTITUTION OF THE
NATIONAL 125 ASSOCIATION
AUSTRALIA

PART I-GENERAL

1. The National 125 Association of Australia is the organisation generally consisting of and representing the interests of owners and sailors in Australia of the class of sailing dinghy known as the "125" (pronounced one-two-five).
2. The objects of the National 125 Association of Australia (herein after described as the Association and not to be confused with State Associations or other 125 groups) are:
 - (a) To encourage the growth, racing, sailing and general popularity of the 125.
 - (b) To maintain and foster family participation in all aspects of the class activities.
 - (c) To provide information and specifications in relation to the construction of the 125 and racing rules to govern and control the class as a one design class.
 - (d) To ensure that all racing takes place under the Rules of the International Sailing Federation (I.S.A.F.) and the prescriptions of Yachting Australia (YA), the special regulations of the yachting authorities of the States and Territories of the Commonwealth of Australia, and this Constitution.
3. The Association shall be affiliated with YA.

PART II-ADMINISTRATION

4. Definitions
 - (a) "The National Council" is the governing body of the Association in Australia and consists of the Divisions and members of the National Executive.
 - (b) "Divisions" are groups of 125 members, being either State or Territory 125 Associations, who have been recognised as Divisions by a Conference. There shall be only one Division from each State or Territory, and they may be termed, for example, "the 125 Association - South Australian Division. "
 - (c) "National Executive" shall consist of a President, Secretary/Treasurer, Measurer/Plan Supervisor and National Publicity Officer/National Website Administrator.
 - (d) "Conference" shall be a conference of members of the National Executive, delegates from each division, and observers referred to in clause 9, and may include a telephone or video conference.
 - (e) "Annual Conference" shall be a conference

held annually preferably in conjunction with the Australian Championships.

- (f) "Delegate and Observer" as described in Clause 9(b) and 9(c) shall be nominated by each Division to represent the Division at the Conference.
 - (g) "Host Division" is the Division which shall be in charge of the forthcoming Australian Championships.
5. Election of Office Bearers of the National Executive
 - (a) President, Secretary/Treasurer, and Measurer/Plan Supervisor shall be elected at the Annual Conference and the term of office shall commence from the 30th March after the conference for the proscribed period of one to two years. This period may be extended by a period of up to one further year if nominated and accepted at a National Annual Conference. The National Publicity Officer/Website Administrator's term of office may be longer than two years and will be at the discretion of a majority of members of the National Executive.
 - (b) The Secretary shall call for nominations to the positions on the National Executive 16 weeks before the day of the Annual Conference. Nominations, which shall be in writing, must be signed by two members of the Association and accompanied by the acceptance of the nominee, will be deemed valid. Nominations shall close 12 weeks before the day of the Annual Conference, but in the event that no nominations are forthcoming for a position by that date, the Secretary may accept nominations for that position up to the date of the Annual Conference.
 - (c) Should any vacancy occur in the position of President, Secretary/Treasurer or Measurer between Annual Conferences, then, the Division from which the departee was a member shall fill such vacancy, until the next Annual Conference.
 - (d) President, Secretary/Treasurer, and Measurer/Plan Supervisor shall not hold Executive Office (President, Secretary, Treasurer or Measurer) of a Division nor hold two or more of the defined positions of the National Executive simultaneously.
 6. The Association documents shall consist of this Constitution, its Schedules and the Rules of Construction and Measurement.
 7. The National Executive shall be responsible to a Conference and when a Conference is not in session shall have the power to:
 - (a) Administer the affairs of the Association and expend monies as it may consider essential having regard to

the objects of the class.

- (b) Interpret any Association rules.
 - (c) Suggest discussion items for the Agenda for a Conference, but shall not propose nor second changes to the Rules of Construction and Measurement or to the Constitution, except to clarify errors or omissions. (refer para 18)
 - (d) Call for a postal vote.
 - (e) Call for an emergency conference if requested in writing by at least three fifths (3/5) of the Divisions and must give at least six (6) weeks notice to all the Divisions of Agenda, Date, Time and Venue of such conference. Such emergency conference shall have full constitutional powers except those stated in paragraph 18.
 - (f) The National Executive may expend monies or call for a postal vote, or if requested, interpret any Association rule, if such action is agreed to by at least two (2) members of the National Executive, one of whom should usually be the President. The duties of each member of the National Executive shall be as defined in Schedule 1 of this Constitution.
8. Except as provided elsewhere in this Constitution the legislative and judicial powers of the National Council acting on behalf of the Association shall be vested in a Conference which should be held once each year preferably in conjunction with the Australian Championships.
 9. A Conference shall comprise of:
 - (a) The National Executive.
 - (b) A Delegate elected by each Division and nominated in writing to the National Executive six (6) weeks before a Conference. Where a Delegate is unable to attend a Conference a proxy may attend. Such proxy shall present written evidence to a conference chairman of the granting of the proxy from the Division concerned.
 - (c) One Observer from each Division who shall act in an advisory capacity only and can take part in debate, but cannot vote.
 10. No other persons shall be admitted to a Conference unless called for a specific purpose by a conference.
 11. Voting power at a Conference shall be vested in Division delegates or their proxy. Hereinafter any reference to a delegate also includes a reference to his or her proxy.
 12. Members of the National Executive shall not vote unless acting as a delegate except in deadlocked vote, when the Chairman shall exercise a Casting vote to preserve the status quo.
 13. A quorum for a Conference shall be delegated or proxies from at least three fifths (3/5) of the number of the Divisions.
 14. Items to be included on the Agenda for the Annual Conference shall be forwarded to the Secretary eight (8) weeks before the Conference. The Secretary shall forward to the Executive Committee of each Division a complete Agenda six (6) weeks before the Conference. Changes to this Constitution or to the Rules of Construction and Measurement may be voted upon only if scheduled on the Agenda.
 15. The National Executive may at any time except for the three (3) weeks prior to a Conference, call for a postal vote on any matter except changes to this Constitution or Rules of Construction and Measurement. The voting papers shall be posted by certified mail to each Division by the Secretary/Treasurer and votes shall be valid only if returned to him within five (5) weeks of such mailing.
 16. Alternations to this Constitution, if passed by an affirmative vote from at least three fifths (3/5) of the delegates or proxies present and voting at a Conference, shall take effect immediately.
 17. New Divisions may be recognised only by an affirmative vote of at least three fifths (3/5) of the delegates or proxies at a Conference present and voting. However, this need not inhibit the National Executive or Divisions in conducting the affairs of the Association relative to a prospective Division prior to actual recognition.
 18. Changes to the Rules of Construction and Measurement shall, if passed by a majority of more than half (1/2) of the delegates or proxies present and voting, be automatically included on the Agenda for the next Conference. If passed similarly for the second time, such changes shall be enforced from 1st June following the Conference. The only exception will be by a NEC initiated conference Agenda item and ratified by a majority vote at the Conference, in circumstances where rule review is deemed necessary to protect the current 125 class design "status quo", and in circumstances of errors and omissions in the Rules of Construction and Measurement.
 19. All other matters voted on by a Conference shall be adopted immediately following a majority vote by more than one half (1/2) of the delegates present and voting at the Conference, or if voted on by a postal vote shall be adopted following a majority valid vote by more than one half (1/2) of the Divisions and the result of this vote having been conveyed to the Divisions by the National Executive.
 20. The minutes of a Conference shall be written and agreed to by the least 2 members of the National Executive holding office at the time of the Conference and shall be issued within four (4) weeks to all Divisions. These minutes shall be considered confirmed unless a written objection is received from any delegate within six (6) weeks of receipt of their minutes. The minutes may be posted by certified mail or sent via "Receipt Requested" email. Should an objection be received, then, the members of the National Executive present at the Conference shall consider the alteration required and re-circulate the minutes within 2 weeks. The objection period mentioned above shall be 2 weeks for other than the initial period. Should a series of 3 non-acceptances occur then the NEC should consider an emergency conference, which in this case may be by phone conference. Only items relating to the minute objection may be discussed.

21. The annual subscription of Divisions shall be on a pro rata membership basis, such membership to be the number of members, regardless of grade, that are financial one day prior to the end of the financial year. Each delegate shall submit to the Annual Conference Secretary/Treasurer a statement of membership to that date signed by the Division President and Secretary, or two members of their Executive at the commencement of the Annual Conference. Failure to do this may at the discretion of the remaining delegates preclude that Division from voting rights. The Annual Conference shall determine the rate of the subscription.
22. A Division, which has not paid its subscription for the previous year, shall be denied voting power at the Conference.
23. The Annual Conference shall appoint the Auditor or failing such appointment or if the Auditor appointed by the Annual Conference is unwilling or unable to act, the National Executive shall appoint the Auditor whose duty it shall be to audit the accounts of the Association for current Year and to report to the Association on the truth and accuracy thereof.
24. (i) The financial Year of the Association shall end on the 30th September in each year. The Treasurer shall prepare a report of the financial situation of the Association as it stands at the 30th day of October of that year and shall forward a copy of that report to each Division at least five weeks prior to the Annual Conference:
(ii) At the conclusion of the financial year, the Treasurer shall cause the accounts of the Association to be audited by the Auditor and shall thereupon forward a copy of the audited accounts to each Division.
25. The funds of the Association shall be kept in a banking or other savings account, at a financial institution that has branches in all States and Territories of Australia. The drawings on these funds shall only be made on the signatory of two members of the National Executive.
26. Each Division whilst being a separately constituted body shall abide by this Constitution and the rules and directions of the National Council.
27. Each Division shall affiliate with YA through its respective State or Territory yachting authority.
28. Each Division shall send to the Secretary/Treasurer of the National Executive sufficient copies of:
 - (a) Minutes of monthly or other regular meetings;
 - (b) Newsletters;
 - (c) Any other publicity information
 - (d) Enquiries concerning any matter outside the jurisdiction of the Division.
29. In the event of the association winding up its activities the assets of the Association shall be dispersed to the Divisions in proportion to their financial membership at the date the decision to wind up shall take effect, or in the event of any Divisions having ceased to exist, then to the

remaining Divisions in like proportion or to an organisation or organisations having similar objectives.

PART III - ADMINISTRATION **AUSTRALIAN CHAMPIONSHIPS**

30. All races for the Australian Championships (hereinafter called the Championships) shall be sailed under the current I.S.A.F. Rules as adopted by YA, the relevant State: or Territory controlling bodies and the Class prescriptions.
31. The order in which Divisions shall be invited to host the National Championships shall be: NSW, Queensland, South Australia, Western Australia, Victoria, Tasmania and that the venue submitted shall be ratified by the conference two (2) years in advance.
32. All helmsmen and crew shall be financial members of a Division.
33. All competing boats shall have a current valid registration certificate.
34. The boat crew is to consist of two (2) people consisting of a "helmsman" and "crew" who both must be aged eight (8) years or more. The "crew" may be changed only with the permission of the racing committee, but there may be no change to the "helmsman". To be eligible for the Junior Championship both skipper and crew are to be less than 18 years of age on 1st December prior to the Championships.
35. All boats shall be subject to a measurement check at any reasonable time during the Championships. Such checks may include but not be limited to checks required by the issued sailing instructions.
36. The Host Division shall perform the measuring at each Championships under the supervision of the National Measurer/Plan Supervisor. The measurer of the Host Division shall submit a report on such measurement to the Measurement Committee.
37. Only one mainsail, one jib and one spinnaker shall be allowed during races for the Championships. Replacement of damaged or lost sails will be allowed only with the approval of the racing committee conducting them. Replacement or repair of any other component usually subject to the measurement of the boat or rigging shall be allowed only with the approval of the racing committee after consultation with the Host Division Measurer.
38. The use of 'on board' electronic and or solar powered navigational aids such as Tac-Tics, GPS systems, etc is NOT permitted. Watches are permitted.
39. A log book shall be maintained by the Association which shows the final position the boats finished and the order in all heats of the Championships.
40. The Association shall not be responsible for any losses incurred by any Division or any member thereof over the conducting of or participating in the Championships, or other Association event.
41. The Master & Junior Titles are decided by the highest placings in the overall results.
42. If the Australian Championships include back-to-back races there must be provision for more than one (1) dropped race, if five (5) or more races are sailed.

PART IV- MEASURING

43. The Measurement Committee shall be comprised of:
 - (a) The National Executive Measurer/Plan Supervisor (or his proxy) who shall act as chairman of the Measurement Committee.
 - (b) One nominee (preferably the measurer) from each Division.
44. The Measurement Committee shall meet prior to the Conference at each Championships to consider the reports of the National Executive Measurer/Plan Supervisor and of the measurer of the Host Division and hear any appeals against a decision of a Divisional Measurer. The Committee shall submit a report incorporating the two above reports and the results of the meeting to the Conference.
45. The Measurement Committee shall advise the Conference whether items brought to their attention are such to warrant:
 - (a) Disqualification of a boat or boats in the current Championships;
 - (b) Permission for a boat or boats to continue to sail in the current Championships without alteration;
 - (c) Permission to be granted for a boat or boats to sail unaltered in the current and future Championships.
46. Notice of non-compliance of any boat competing in the Championships together with details of the non-compliance with the Rules of Construction and Measurement is to be brought to the attention of all Divisions. Any boat competing in subsequent Championships with this same or a similar manner of non-compliance without the permission of the Conference shall be disqualified.
47. The Measurement Committee may make recommendations to the Conference on the Rules of Construction and Measurement, the amendment thereof and measuring procedures.
48. The decision of a Division Measurer shall be immediately effective within that Division, however, any owner shall have the right to appeal to the Measurement Committee. The owner and/or the Divisional Measurer shall have the right of appeal to the Conference. Such appeal shall be in writing, may be lodged up to twenty-four hours prior to the Conference and must be accompanied by a fee of five (5) dollars which will be refunded if the appeal is successful. The decision of the Conference shall be final.

PART V - GRP ADMINISTRATION

49. The Plug
 - (a) There shall be one approved plug from which all licensed moulds shall be taken. If for any reason the plug becomes unserviceable, the replacement of the plug and the method of replacement shall only be approved by a majority vote of all State Divisions.
 - (b) The plug shall be insured against damage in transit or storage by and at the discretion of the NEC.
 - (c) Application for use of the plug must be made to the National Executive Committee. On receipt of details of insurance the NEC may approve use of plug in writing. The plug shall only be allocated for use in States where the State Association have paid all moneys due to the National Executive.
50. Moulds.
 - (a) Moulds shall be numbered and certified as correct and adequate by the State Measurer and details forwarded to the National Executive.
51. Licensing and Royalty Fees
 - (a) Builders (which may include amateur builders) shall be licensed in writing by State Associations.
 - (b) Prior to construction, a Plan Fee is payable to the State Association in which the boat is to be registered. Where a State is unfinancial, the fee is payable to the NEC. A Sail Number will then be issued.
 - (c) Measurers shall register a GRP boat which has been constructed using either a registered mould built from the authorised plug, or built from a male mould construction to plywood/GRP specifications, and which complies with the specifications and Rules of Construction and Measurement.

SCHEDULE

Duties of each member of the National Executive

President

- (a) To be chairman at the Annual Conference unless a proxy for the President acts as chairman.
- (b) To co-ordinate the activities of the National Council.
- (c) To submit a full report on the year's activities to the Conference.

Secretary/Treasurer

- (a) To deal with all correspondence in relation to the Association
- (b) To conduct the financial activities of the Association and to prepare a statement of accounts consisting at least of a balance sheet/statement of income and expenditure.
- (c) To arrange for the audit of the accounts by the Auditor and to submit such accounts to the Divisions in accordance with Clause 24.
- (d) To arrange for the attendance of delegates to the A.Y.F. if required.
- (e) To compile and maintain the log book.
- (f) To circulate copies of Division meeting minutes, newsletters and publicity items to each Division.

Measurer/Plan Supervisor

- (a) To compile and maintain the boat registers and to allocate registration numbers.
- (b) To give interpretations on enquiries regarding Rules of Construction and Measurement submitted by the Divisions.
- (c) To submit an annual report in writing to the Measurement Committee.
- (d) To give technical advice to the Divisions.
- (e) To review the Rules of Construction and measurement and keep them up to date.
- (f) To be chairman of the Measurement Committee.
- (g) To prepare a uniform building plan and instructions with power to co-opt a subcommittee for plan set activities.

Publicity Officer

- (a) To promote all forms of publicity within and outside Australia with power to co-opt a subcommittee for publicity purposes.
- (b) To collate and maintain a library of promotional material. This may include photographs, digital images and video/CDROM/DVD's, as well as traditional brochures, posters and printed material.
- (c) To maintain the Association's website.
- (d) To maintain a relationship with the printed media to promote the 125 Association.

Comments from Don Barnett, SA Division President, December 2005.

This copy of the Constitution is based on a 1998 copy, with changes since then being identified. Attempts have been made to verify the accuracy of the original document.

This revision is based on the following National Conference Minutes in my possession.

Where possible missing minutes should be forwarded and I will complete the job.

1 st Conference 1978	Black Rock YC, Vic.	general discussion only.
2 nd Conference 1979	Lake Cootharaba SC, Qld.	Constitution tabled & passed.
3 rd Conference 1980	Brighton & Seacliff YC, SA	MINUTES REQUIRED
4 th Conference 1981	Mordialloc SC, Vic.	MINUTES REQUIRED
5 th Conference Dec. 30th 1981	Sydney Flying Squad, NSW	no changes.
6 th Conference 1983	Royal Brisbane SS, Qld.	MINUTES REQUIRED
7 th Conference Dec. 1983	Glenelg SC, SA	changes to item 20 included.
8 th Conference Dec. 1984	Koombana Bay YC, WA	change to item 34 included.
9 th Conference Jan. 1986	Derwent SS, Tas.	Possible changes to be confirmed
10 th Conference Jan. 1987	Gippsland Lakes YC, Vic.	possible change to item 18 [to be confirmed]
11 th Conference Dec. 1987	Rose Bay RSL, NSW	change to item 31 included.
		change to item 18 included.
12 th Conference Jan. 1988	Qld.	MINUTES REQUIRED
13 th Conference Jan.3, 1990	Largs Bay SC, SA	possible change to item 5 to be confirmed
14 th Conference Jan. 1991	Nedlands YC, WA	no changes.
15 th Conference Jan. 1992	Chelsea YC, Vic.	change to item 5(a) included.
		changes to items 7,9,10,11,13,15,16,17, 19,20,21 & 23 included.
16 th Conference Dec. 1992	Sunshine SC, NSW	changes to items 7(e),13,16 & 17 included.
		change to item 5(a) included.
		changes to item 21 included.
17 th Conference Dec. 1993	Cairns YC, Qld.	no changes.
18 th Conference Dec. 1994	Port Lincoln YC, SA	change to item 46(c) included
		change to item 48(c) included
19 th Conference 1995	South of Perth YC, WA	quorum of 2/3 from 17 th Conference to be checked.
20 th Conference Jan. 1997	Blairgowrie YS, Vic.	change to item 21 included.
21 st Conference 1998	NSW	MINUTES REQUIRED
22 nd Conference Jan. 1999	Darling Point SS, Qld.	no changes.
23 rd Conference Jan. 2000	Adelaide SC, SA	no changes.
24 th Conference Dec. 2000	East Fremantle YC, WA	no changes.
25 th Conference Jan. 2002	Mordialloc SC, Vic.	item 40 introduced, then renumbering, included.
26 th Conference Jan. 2003	Sth Lake Macquarie SC,NSW	no changes.
27 th Conference Jan. 2004	Hervy Bay Qld.	Changes to items 5(a), 5(d),2,3,27,30 new item 38 and renumbering included.
28 th Conference Jan. 2005	Adelaide SC, SA	no changes.
29 th Conference Dec 2005	Perth WA	Changes to Items 16,17,18,20,31,38 Delete Part IV completely
30 th Conference Jan 2007	Paynesville Vic	The Agenda of the 29 th Conference was rejected by the 30 th Conference and the Constitution reverted to the Post 28 th Conference position. Change to item 24(i), new item 42 Introduced, then Renumbering Included.
31 st Conference Dec 2007	South Lake Macquarie Amateur Sailing Club, NSW	Grammatical changes to Items 4, 5(b), 5(c) Insertion of a header to Item 5 Changes to Items 14,16,17,18,20,21,22,51(c) Duties of the Publicity Officer inserted