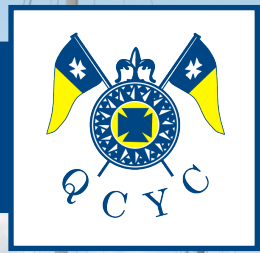


Queensland Cruising Yacht Club



# BY-LAWS

VERSION 7



# QUEENSLAND CRUISING YACHT CLUB INC.

ABN: 20 862 178 786

and

## QCYC HOLDINGS LTD.

ABN: 13 0140 022 661

# BY-LAWS

Version 7 – Published 25<sup>th</sup> September 2016

## Introduction

The following by laws have been drafted by the Executive and Officers of the Queensland Cruising Yacht Club Inc. to assist in the smooth running and administration of the club and its facilities. Members, their relatives and friends are welcome at the club at all times and these by-laws serve to remind members of their rights and responsibilities while on, or using club property and facilities.

These By-Laws have been compiled under the authority of the constitutions of QCYC Inc. and QCYC Holdings Limited and may be altered or amended from time to time, when the members will be advised.

## Definitions

"The Executive"	The Board and any sub committees of the Queensland Cruising Yacht Club Inc. and Queensland Cruising Yacht Club Holdings Ltd, for the time being.
"Flag Officers"	The Commodore, Vice Commodore & Rear Commodore for the time being.
"The Secretary"	The Secretary of the Queensland Cruising Yacht Club Inc.
"Office"	The Administration Office of the Queensland Cruising Yacht Club Inc.
"The Club Management"	The General Manager of Queensland Cruising Yacht Club Inc.
"The Club"	The Queensland Cruising Yacht Club Inc. and Queensland Cruising Yacht Club Holdings Limited.
"The Clubhouse"	Includes the land leased by the QCYC Holdings Limited from the Department of Transport and Main Road at Sinbad Street, Shorncliffe, and the improvements thereon and the marina constructed in Cabbage Tree Creek adjacent to the said leased land by the Queensland Cruising Yacht Club Inc.
"Member"	A member of Queensland Cruising Yacht Club Inc. (all membership classes)
"Voting Member"	A financial Member of QCYC Holdings Limited and Queensland Cruising Yacht Club Inc.

## Management and Direction

The overall management and control of the business and affairs of the Club is vested in the Board of Directors consisting of the Flag officers and Directors who are elected annually by the members. Sub Committees may be established to assist with the management of the Club and its sailing and other activities.

## **Clubhouse and grounds**

1. The Clubhouse shall be open for such hours as the Executive or Club Management may advise from time to time.
2. Members and their guests are required by law to comply with all directions given to them by Bar staff, Duty Manager or Club Management under the "Responsible Service of Alcohol" and other relevant legislation.
3. Members, their guests, and all visitors must conduct themselves in a manner consistent with good behaviour and must not act in a way that may cause annoyance or offence to other members or persons in the vicinity. Directions given to a member to leave the club by the Duty Manager, Club Management or a Director must be obeyed immediately.
4. Voting Members may store yachts and/or dinghies at the Club grounds in the area set aside for that purpose subject to availability, upon application to the Club Management and upon payment of the prescribed fee subject to approval by the Executive.
5. Parking in the Club grounds is only available to Voting Members. Guests and other members are asked to park outside the Club grounds.
6. Vehicles parked on Club property are left and parked at owner's risk.
7. Members shall conduct themselves in an orderly manner at all times.
8. Non-Members shall not be allowed in or about the Clubhouse unless introduced and accompanied by a Voting Member or by meeting the requirements under Liquor Licensing Regulations for a Club Premises. The Voting Member introducing such a visitor shall enter his/her name in the visitor's book kept for that purpose. The Voting Member shall remain with such visitor until the latter leaves the premises and shall be responsible for his/her visitors' behaviour and dress.
9. Club property may not be removed from the Clubhouse without the permission of the Club Management or the Executive.
10. Any Member using any of the Club property shall replace same in its appointed place and shall be responsible for any loss occasioned by its misuse or neglect.
11. No animals shall be brought into or permitted to remain on the Club property unless on a hand held lead. Under no circumstances are dogs permitted into the licensed or food areas of the Clubhouse. Owners are responsible for their animals and must remove or clean up any soiling caused by their animal within the grounds or marina.
12. No skateboarding, roller-skating, roller-blading or ball games are permitted within the grounds or on the marina. Scooters and bicycles are not to be ridden around the club grounds or upon the marina.
13. No flammable liquids shall be brought into the Clubhouse buildings.
14. Children must be under the supervision of an adult Member at all times and they shall be responsible for the child's behaviour. Under no circumstances is a child permitted in the bar areas of the Clubhouse without adult supervision.
15. No liquor shall be sold or supplied to any person under the age of 18 years.
16. No liquor shall be served to Members beyond the hours fixed by law.
17. No liquor shall be brought into or consumed in the designated licensed areas of the Club unless it has been purchased from the Club's bar.
18. The Club's license prohibits Members and guests using the Club as a BYO establishment.
19. Yacht gear and personal effects shall only be stored in such areas of the Club as approved by the Club Management or Executive from time to time.
20. All Members shall be suitably attired at all Club functions, i.e. Smart casual dress. Otherwise, Members and their guests shall remain tidily dressed at all times.
21. Flag Officers shall wear white shirts with epaulettes signifying their rank on such occasions, as the Executive shall determine.
22. No pamphlet, advertisement or notice of any kind shall be placed in or posted at the Clubhouse without the permission of the Club Management.

23. Members shall not affix personal notices to the Clubhouse Notice-Boards. Personal notices (such as advertisements for sale) shall be handed to the Office and at the Club Management's discretion may be placed on the Notice Board, electronic communication channels or the Club website for a period of two months.
24. Only Members of the Executive and Club staff shall use club stationery and not otherwise except with the express permission of the Executive or Club Management, and then only in connection with Club business.
25. No Member shall engage, on the Club grounds, in conduct prohibited by law or by these bylaws.
26. No Member shall carry on his/her profession or business in the Clubhouse and no Member shall appoint the Club, by advertisement or otherwise, as a business medium.
27. Suggestions and complaints should be made in writing either to the Club Management or the Commodore.
28. Complaints against Clubhouse facilities or staff shall not in any circumstances be directed to Clubhouse staff nor shall any Member personally reprimand any employee or agent of the Club. If a Member has any complaint, he/she shall lodge same, without delay, in accordance with the preceding By-Law.
29. No Member shall give any money or gratuity to any employee or agent of the Club unless authorised by the Executive.
30. Alterations to club grounds or premises are not permitted without permission of the Executive or Club Management.

### **Hardstand & slipway**

31. The Club offers a hardstand facility to Voting Members at a rental rate determined by the Executive.
32. This facility is a storage area within the Club grounds in which to park the vessel/trailer where indicated.
33. Goods, stored within the Club grounds are done so on an, 'owner's risk' basis.
34. The Club, through its Officers and/or Staff reserves the right at all times to move or otherwise deal with vessels stored on the hardstand without notice. The proper management of the hardstand area may well demand the right of the Club to move, temporarily or permanently, any hardstand vessel or trailer stored within the Club grounds.
35. Moves will not be made indiscriminately, and all due care will be exercised in such an event.
36. The carrying out of major repairs, painting or re-fitting of vessels in the Hardstand area is prohibited. The only repairs and maintenance which may be carried out within the Hardstand precincts are minor repairs, internal painting, mechanical adjustments and electrical work. The question of whether works are minor or major shall be at the discretion of the Club Management.
37. Boats on hardstand area shall meet the insurance requirements outlined in the Insurance section of these By-Laws.
38. Any electrical leads used must be removed immediately after use, no leads are to remain plugged in overnight or lay on the ground.
39. The Club ramp is available to Voting Members free of charge.
40. The maximum allowable weight on the boat ramp is eight (8) tonnes.
41. Before launching or retrieving your boat it should be made ready so that minimum time is spent on the ramp and it does not inconvenience others.
42. There is a hose provided at the top of the ramp to enable owners to wash their boats thus allowing the water to flow back down the ramp. It is not permitted to wash boats beside the Clubhouse or in the car park or boat storage area. Compliance with BCC water restrictions may prevent the use of this hose from time to time.

### **Marina & pile moorings**

43. All owners of vessels entering the Marina & Pile Moorings must have read, understood, and agree to adhere to the following bylaws.
44. The long "L" shaped finger directly in front of the Clubhouse is a designated Visitors Area.
45. Voting Members with a vessel on the hardstand are entitled to berth for one night directly following putting their boat in the water and for one night prior to removing their boat. There is no limit to the number of occurrences per annum although a "fair-use" responsibility is inferred. This is a "free of charge" benefit subject

to availability; periods of more than one night are at the discretion of the Club Management and may incur a fee.

46. Voting Members involved in an event organised or sanctioned by the Club are entitled to berth for the duration of the event plus one night before and after the event. There is no limit to the number of occurrences per annum although a "fair-use" responsibility is inferred. This is a "free of charge" benefit subject to availability. Members should inform Club Management of their intentions.
47. Voting Members are entitled to berth for one night, free of charge. Stays in excess of one night will incur the prescribed fee. This is a "free of charge" benefit that is intended to be utilised on an occasional basis only and subject to availability. A "fair-use" responsibility is inferred and all stays are at the discretion of the Club Management.
48. Other members and visitors must arrange berthing in advance with Club Management and provide requested documentation. Fees will apply for the entire length of stay and will include temporary membership fees as applicable.
49. Staying aboard is not permitted but special dispensation may be given upon written application to Club Management in advance. A fee may be payable.
50. All stays in the Visitors Area and Marina in general are subject to availability.
51. Fishing is prohibited from the Marina Pontoons. This also applies to set lines and crab pots.
52. Swimming is prohibited within the marina except than for hull and marina maintenance.
53. All vessels using the marina & pile moorings do so at the owner's risk. All vessels are moored and berthed on the condition that the Club, the Executive Members or other servants or agents of the Club do not assume and are under no liability or responsibility whatsoever for the safety of any yacht, vessel, dinghy or equipment moored or berthed at the pontoon or in adjacent waters and further will not be liable for the consequence of any fire, theft, or damage to any yacht, vessel, dinghy or equipment or any other property whatsoever, howsoever arising, whether or not due to any negligence act or omission on the part of the Club, the Executive, Members or other officers, servants or agents of the Club.
54. Any member who does use the Marina, pile moorings or the hardstand area shall indemnify the Club against all loss and damage that the Club may suffer, and any legal costs on a solicitor and client basis if the Club is sued for any such claim for loss and damage.
55. Members and visitors acknowledge that The Executive, with 7 days' written notice has the right to remove any vessel or equipment from the marina, at the owner's expense and risk.
56. A long term Berth or Pile Occupier must be a Voting Member. Short-term memberships are available for short-term occupiers.
57. Only vessels in a seaworthy condition will be permitted in the marina & pile moorings. All boats must be registered as required by law, insured, identified, equipped and maintained as required by law and safe boating practice.
58. All vessels moored at the marina or pile moorings shall be moored in accordance with the following:
  - a. Of appropriate size for mooring berth determined at the sole discretion of Club Management.
  - b. Substantial mooring lines appropriate to the size and type of vessel shall be used,
  - c. Fenders of a type and size appropriate to the size of the vessel must be in place before the yacht approaches the marina. Plastic containers and tyres are not adequate fenders. Mooring lines and fenders must be provided by Boat Owners and must be adequate strength and size and properly secured to the fixtures provided on the pontoons.
  - d. It is recommended that all yachts moored overnight use two bow and two stern lines. It is also recommended that spring lines be used.
  - e. When a yacht, because of special circumstances, needs to be left overnight, the owner or skipper must first obtain the consent of the Club Management or Duty Manager and complete the appropriate form which is obtainable from the office.
  - f. All vessels must pay the required fee for an overnight stay with the exception of financial club members who shall receive the first night free of charge.



- g. Where a yacht is moored overnight on the pontoon on the eve of a race day and will not be actively used on that day, it shall vacate the pontoon by 0830 on the race day.
  - h. A yacht must not be moored in a marina berth without the consent of the Club Management or Duty Manager should the office be closed.
59. Onboard toilets must not be used whilst the vessel is in the marina or on the pile moorings.
  60. Members must adhere to the current Recreational Vessels Sewage storage and disposal Legislation whilst mooring in the marina. The executive reserves the right to conduct spot checks on any vessel in the Marina to ensure compliance with these provisions, since noncompliance may jeopardise the Lease between Holdings and TMR.
  61. Accidental fuel spills and discharges are to be immediately reported to The Environmental Protection Agency (ph: 1300 130 372) and the instructions contained on the FUEL SPILL KIT located on the main walkway, between B and C fingers are to be followed.
  62. Boat owners and users of the Marina must not permit their vessel or the marina dock to become unsightly or unclean so as to reflect on the marina unfavorably. Marina areas must be kept clear of the boat owner's gear including dinghies. Bowsprits or anchors must not overhang the walkways. Pontoons are not to be used for private storage. In the interest of safety QCYC will immediately impound any equipment found on the Marina walkways. Boarding steps must be approved in writing by the Club Management.
  63. Permitted attachments to the Marina (dock storage and berthing wheels) must be of an approved design and installed only by QCYC contractors at the berth owners expense.
  64. The carrying out of major repairs, painting or re-fitting of craft in the Marina area is prohibited. The only repairs and maintenance which may be carried out within the Marina precincts are minor repairs, internal painting, mechanical adjustments and electrical work. The question of whether works are minor or major shall be at the discretion of the Club Management.
  65. Laundry of any type or any items of personal apparel shall not be hung out on boats to dry or air.
  66. Boat owners shall take all necessary precautions against outbreak of fire in or about their respective vessels and berths and the marina.
  67. All garbage must be taken to the bins provided. Industrial bins are located at both the northern and southern ends of the hardstand and 3 wheelie bins are located at the main gate.
  68. Members are not permitted to live on board for more than 2 consecutive days without prior approval from the office. Any member or person who does not comply with this By Law may be denied, at the Executive's discretion, any liberty to live on board for up to 6 months.
  69. Speed limits must be observed at all times.
  70. All collisions or damage to any part of the marina shall be reported to the Office immediately. If the office is closed it must be reported on the next working day. Damage or collisions to other vessels or property within the Marina should also be reported to the Club Management.
  71. All care must be taken to protect the Marina walkways from any damage especially that related to the dropping of heavy objects or the spillage of paints and solvents. Such damage should it occur must be reported to the Club Management.
  72. No repair, or upkeep to the Marina or removal of marine growth may be undertaken by any unauthorised person without permission from the office.
  73. Boat owners shall ensure that any Contractors engaged to carry out work on their vessels shall hold a paid up policy of insurance against any liability the contractor shall or may incur resulting from the performance of any such work. All contractors are required to sign in at the office where their insurance details may be noted.
  74. Children must be accompanied by an adult at all times while in the Marina.
  75. On sale or disposal of a vessel moored in the marina to a non-member, the member must ensure the vessel is removed from the marina and the club grounds within 7 days, unless the purchaser has made application to join the club as a voting member. Notifications of sales must also be given to the Club Management.
  76. All persons shall abide by the QCYC By-Laws, Queensland Department of Transport and Main Roads (TMR) regulations for the Cabbage Tree Creek Boat Harbour. Marina Sub-Lessees and their tenants shall abide by the Marina Berth Rental Agreement.

77. Marina gates are not under any circumstances to be forcibly left open by any person unless otherwise approved by the Club Management.
78. All owners must insure their vessel as per the requirements in the Insurance Section of these By-Laws.
79. Power and water services are provided to vessels on a 'reasonable use' basis. Owners are responsible for ensuring that their use is not excessive and must comply with any restriction imposed by local council regarding the use of water.

### **Insurance**

80. All vessels entering the marina, pile moorings and hardstand must maintain Comprehensive Insurance and Third Party Liability Insurance to a minimum amount of \$10 million, unless otherwise approved by the Executive. Proof of this cover will be requested by Club Management upon entry to the marina and subsequently annually.

### **Service charges**

81. The Executive reserves the right to charge members with overdue accounts a service fee to offset the additional cost of carrying and recovering the member's debt. The amount charged will vary depending on the individual circumstances of the matter.

### **Private functions - clubhouse hire**

82. Areas of the Clubhouse and grounds designated to any private hirer for use for private functions shall generally be for the exclusive use of that hirer and their invited guests.
83. Where possible, no member shall intrude upon, or join or enter any such function except by permission or invitation of the function principal.
84. Where possible, members will be allocated an alternate area from that occupied by the function, to enjoy the usual services of the Club.
85. Private functions are governed by a separate set of rules and obligations.



Scott Murphy  
Commodore



Glen Somerville  
Secretary

By Order of the Board of Directors



# Queensland Cruising Yacht Club

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