

# The National 125 Association of Australia Constitution

Last amendment September 2022



# Constitution of the National 125 Association of 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 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 World Sailing and the prescriptions of Australian Sailing, 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- Australian Sailing.
5. Election of Office Bearers of the National Executive Committee
  - (a) A National President, a National Secretary/Treasurer, a National Measurer and a National Publicity Officer/National Website Administrator shall be appointed by majority vote of the Delegates. The Delegates have the power to co-opt members from any Division of the Association, who are willing to serve in the positions of the National Executive Committee. The term of office shall commence immediately and continue whilst they hold the confidence of the majority of Delegates or until they resign, or are unable to continue. If the Delegates were unable to "co-opt" a member from any Division then a Delegate would be required to perform the duties until a willing member could be found.
  - (b) Should any vacancy occur in the positions of the National Executive Committee, then, the Delegates shall appoint a replacement in accordance with Clause 5(a).
6. The Association documents shall consist of this Constitution, its Schedules and the Rules of Construction and Measurement.
7. The National Executive Committee shall be responsible to the Annual Conference and when the Annual 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 of the Annual Conference, but shall not propose nor second changes to the Rules of Construction and Measurement or the Constitution, except to clarify errors or omissions. (Refer Clause 18)
  - (d) Call National Council Meetings as and when required or if requested to do so by a Delegate.
  - (e) Call for a "read receipt" email" vote.
  - (f) Call for an Emergency Conference if requested in writing by a majority of the Division and must give at least six (6) weeks notice to all the Divisions of the Agenda, Date, and Time of such conference. Such an emergency conference shall have full constitutional powers except those stated in Clause 18.
  - (g) The National Executive Committee 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 Committee, one of whom should usually be the President. The duties of each member of the National Executive Committee shall be 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 the Annual Conference.

## PART II ADMINISTRATION

4. Definitions
  - (a) "The National Council" is the governing body of the Association in Australia and consists of a Delegate from each of the Divisions and members of the National Executive Committee.
  - (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 Committee" shall consist of a National President, a National Secretary/Treasurer, a National Measurer and a National Publicity Officer/National Website Administrator.
  - (d) "Annual Conference" shall be a meeting of the National Council and may be conducted by telephone, internet or video conference. The Annual Conference will be held between 1<sup>st</sup> June and 31<sup>st</sup> July.
  - (e) "Emergency Conference" shall be a meeting of the National Council and may be conducted by telephone, internet or video conference. An Emergency Conference can be held as and required except in the period eight (8) weeks prior to the Annual Conference.
  - (f) "National Council Meeting" shall be a meeting of the National Council and may be conducted by telephone, internet or video conference. A National Council Meeting can be held whenever required, for the purpose of 2 way information exchange between Divisions and shall not have any legislative powers whatsoever.
  - (g) "Delegate" shall be the President of the Division or his nominated Proxy.
  - (h) "Host Division" is the Division which shall be in charge of the forthcoming Australian Championships.

- 9 The Annual Conference shall comprise of:
  - (a) The National Executive Committee.
  - (b) The Delegate from each Division. Where a delegate is unable to participate at the Annual Conference, a proxy may participate. Such proxy shall present written evidence, or via email to the Annual conference chairman of the granting of the proxy from the Division concerned.
- 10 No other persons shall participate in the Annual Conference unless called for a specific purpose by the conference.
- 11 Voting power at the Annual 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 Committee 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 the Annual Conference shall be delegates or proxies from a majority of the number of the Divisions.
- 14 Motions to be included on the Agenda for the Annual Conference shall have been discussed at a previous National Council Meeting and shall be forwarded to the Secretary six (6) weeks before the Annual Conference. The Secretary shall forward to the Executive Committee of each Division a complete Agenda four (4) weeks before the Annual Conference. Changes to this Constitution or the Rules of Construction and Measurement may be voted on only if scheduled on the Agenda.
- 15 The National Executive Committee may at any time except for the three (3) weeks prior to the Annual conference, call for a postal vote on any matter except changes to this Constitution or Rules of Construction and Measurement. Voting papers shall be sent electronically via "read receipt" email to each Division by the National Secretary/Treasurer and votes shall be valid only if returned to him/her, via "read receipt" email within five (5) weeks of the voting papers being sent out.
- 16 Alterations to this Constitution, if passed by an affirmative vote from a majority of the delegates or proxies at the Annual Conference, shall take effect immediately.
- 17 New Divisions may be recognised only by an affirmative vote of a majority of the delegates or proxies at the Annual Conference. However, this need not inhibit the National Executive Committee or Divisions in conducting the affairs of the Association relative to a prospective Division prior to its actual recognition.
- 18 Changes to the Rules of Construction and Measurement shall, if passed by an affirmative vote of a majority of the delegates or proxies be automatically included on the Agenda of the next Annual Conference. If passed similarly for the second time, such changes shall be enforced from 1<sup>st</sup> August following the Annual Conference. The only exception will be by a National Executive Committee initiated Annual Conference Agenda item and ratified by a majority vote at the Annual 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 the Annual conference shall be adopted immediately following a majority vote of the delegates at the Annual conference, or if voted on by a postal vote shall be adopted following an affirmative valid vote of a majority of the Divisions and the results of this vote having been conveyed to the Divisions by the National Executive Committee.
- 20 The minutes of the Annual Conference shall be written and agreed to by at least 2 members of the National Executive Committee holding office at the time of the Annual 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 the receipt of their minutes. The minutes will be forwarded to the Delegates and Division Secretaries via "receipt requested" email. Should an objection be received from a Delegate at the Annual Conference, then, the members of the National Executive Committee participating at the conference shall consider the alterations required and recirculate the minutes within two (2) weeks. The objection period mentioned above shall be two (2) weeks for other than the initial period. Should a series of three (3) non-acceptances occur then the National Executive Committee 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 Annual Conference.
- 23 The financial year of the Association shall end on 30<sup>th</sup> April in each year. The National Secretary/Treasurer shall prepare a report of the financial situation of the Association as it stands at the 30<sup>th</sup> day of May of that year and shall forward a copy of that report, by "read receipt" email to each Division at least two weeks prior to the Annual Conference.
- 24 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. All National Council members shall have "read only" access to this account. The drawings on these funds shall only be made on the signatory of two members of the National Executive Committee.
- 25 Each Division whilst being a separately constituted body shall abide by this Constitution and the rules and directions of the National Council.
- 26 The Association shall be affiliated with the National Sailing Authority.
- 27 In the event of the association winding up its activities the assets of the Association shall be dispersed to 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 the remaining Divisions in like proportion or an organisation or organisations having similar objectives.

## **PART III ADMINISTRATION AUSTRALIAN CHAMPIONSHIPS**

- 28 All races for the Australian Championships (hereinafter called the Championships) shall be sailed under the current Racing Rules Of Sailing (RRS as adopted by Australian Sailing, the relevant State or Territory controlling bodies and the Class prescriptions.
- 29 The order in which Divisions shall be invited to host the National Championships shall be: New South Wales, Queensland, South Australia, Western Australia, Victoria, Tasmania and that the venue submitted shall be ratified by the conference two (2) years in advance.
- 30 All helmsman and crew shall be financial members of a Division.
- 31 All competing boat's shall have a current valid measurement certificate
- 32 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 1<sup>st</sup> December prior to the Championships.
- 33 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.
- 34 The Host Division shall perform the measuring at each Championships under the supervision of the National Measurer. The Divisional Measurer of the Host Division shall submit a report on each measurement to the Measurement Committee.
- 35 Only one mainsail, one jib and one spinnaker shall be allowed during races for the Championships. Replacement 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 measurements of the boat or rigging shall be allowed only with the approval of the racing committee after consultation with the Host Division's Measurer.
- 36 The use of satellite navigation or positioning devices are not permitted, electronic compasses that do not have the ability to receive satellite or position data or be linked to devices that can receive satellite or position data are allowable. Watches that do not have the ability to receive satellite or position data or be linked to devices that can receive satellite or position data are allowable.
- 37 A log shall be maintained by the Association which shows the final position the boats finished and the order in all heats of the Championships.
- 38 The Association shall not be responsible for any losses incurred by any Division or any members thereof over the conducting of or participating in the Championships, or other Association events.
- 39 The Master and Junior Titles are decided by the highest placing this in the overall results.
- 40 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.
- 41 Advertising on Sails/Hulls in Australian Championships (apart from the sailmakers/boatbuilders brand limited to the current and reasonable dimensions and location) is not permitted on sails or visible hull surfaces during Australian Championship events. This shall include the naming of a boat so as to not permit an individual boat

to be named similar/same as a company/brand. Advertising is permitted where the party/sponsor in question is an event or association sponsor whereby the benefits are available to all competitors and Association in the provision of trophies, costs etc. The above should be contained in the Notice of Race Australian Championships. Failure to conform to this position will render the boat in question open to protest and disqualification from the event and/or races where it is deemed the boat in question had not complied.

## **PART IV MEASURING**

- 42 The Measurement Committee shall be comprised of:
  - (a) The National Measurer (or use proxy) who shall act as chairman of the Measurement Committee.
  - (b) The Host Division's Measurer and one nominee (preferably the measurer or his proxy) from each division.
- 43 The Measurement Committee shall meet annually preferably during the Championship to consider the following.
  - (a) Any anomalies found during the measurement checks resulting from interruption of a Rule.
  - (b) Any undesirable hull shapes occurring as a result of the lack of a control measurement or a Rule.
  - (c) Recommendations on how to fix the problems.The Measurement Committee shall submit a report incorporating the results of the meeting to the National Council
- 44 The Measurement Committee may consider requesting an Emergency Meeting of the National Council through the National Measurer if items brought to their attention are such to warrant:
  - (a) Disqualification for a boat or boats to continue to sail 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.Only the National Council has the judicial powers to disqualify or grant permission to continue to sail in a Championships.
- 45 Notice of non-compliance of any boat competing in the Championships together with details of 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 similar manner of non-compliance without the permission of the National Council shall be disqualified.
- 46 The measurement committee may make recommendations to the National Council on the Rules of Construction and Measurement, the amendment thereof and measurement procedures.
- 47 The decision of a Divisional 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 to appeal to the National Council. Such appeal shall be in writing, may be lodged up to twenty four hours prior to the Emergency Meeting of the National Council 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 NEW BUILD ADMINISTRATION**

### 48 Moulds

- (a) Moulds shall be numbered and certified as correct and adequate by the State Measurer and details forwarded to the National Executive.

### 49 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 NEC. A registration number will then be issued
- (c) Measurers shall register a boat that has been constructed to and complies to Rules of Construction and Measurement.

## **SCHEDULE 1**

Duties of each member of the National Executive Committee

### **National President**

- (a) To be chairman and facilitator at the Annual Conference, Emergency Conference and National Council Meetings unless a proxy for the President acts as chairman or facilitator.
- (b) To coordinate the activities of the National Council.
- (c) To submit a full report on the year's activities to the Conference.

### **National 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 sheets/statement of income and expenditure.
- (c) To arrange for the attendance of delegates to Australian Sailing if required.
- (d) To compile and maintain the computerised log book.

### **National Measurer**

- (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 plans and instructions with power to co-opt a subcommittee for plans set activities.
- (h) To maintain the record of non-compliance of boats

### **National 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 collect and maintain a library of promotional material. This may include photographs, digital images and video/CDROM/DVDs, 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 1998 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 <sup>st</sup> Conference 1978	Black Rock YC, Vic.	General discussion only
2 <sup>nd</sup> Conference 1979	Lake Cootharaba SC, Qld.	Constitution tabled & passed
3 <sup>rd</sup> Conference 1980	Brighton & Seacliff YC. SA	MINUTES REQUIRED
4 <sup>th</sup> Conference 1981	Mordialloc SC. Vic.	MINUTES REQUIRED
5 <sup>th</sup> Conference Dec. 30 <sup>th</sup> 1981	Sydney Flying Squad, NSW	no changes
6 <sup>th</sup> Conference 1983	Royal Brisbane SS, Qld	MINUTES REQUIRED
7 <sup>th</sup> Conference Dec. 1983	Glenelg SC, SA	changes to item 20
8 <sup>th</sup> Conference Dec. 1984	Koombana Bay YC, WA	change to item 34
9 <sup>th</sup> Conference Jan. 1986	Derwent SS, Tas.	Possible changes [to be confirmed]
10 <sup>th</sup> Conference Jan. 1987	Gippsland Lakes YC, Vic.	possible change to item 18 [to be confirmed]
11 <sup>th</sup> Conference Dec. 1987	Rose Bay RSL, NSW	change to items 18 & 31
12 <sup>th</sup> Conference Jan. 1988	Qld.	MINUTES REQUIRED
13 <sup>th</sup> Conference Jan.3, 1990	Largs Bay SC, SA	possible change to item 5 [to be confirmed]
14 <sup>th</sup> Conference Jan. 1991	Nedlands YC, WA	no changes.
15 <sup>th</sup> Conference Jan. 1992	Chelsea YC, Vic.	changes to items 5(a), 7, 9, 10, 11, 13, 15, 16, 17, 19, 20, 21 & 23
16 <sup>th</sup> Conference Dec. 1992	Sunshine SC, NSW	changes to items 5(a), 7(e), 13, 16, 17, & 21
17 <sup>th</sup> Conference Dec. 1993	Cairns YC, Qld	no changes
18 <sup>th</sup> Conference Dec. 1994	Port Lincoln YC, SA	changes to items 46(c) & 48(c)
19 <sup>th</sup> Conference 1995	South of Perth YC, WA	quorum of 2/3 from 17 <sup>th</sup> Conference [to be checked]
20 <sup>th</sup> Conference Jan. 1997	Blairstown YS, Vic.	change to item 21
21 <sup>st</sup> Conference 1998	NSW	MINUTES REQUIRED
22 <sup>nd</sup> Conference Jan. 1999	Darling Point SS, Qld.	no changes
23 <sup>rd</sup> Conference Jan. 2000	Adelaide SC, SA	no changes
24 <sup>th</sup> Conference Dec. 2000	East Fremantle YC, WA	no changes
25 <sup>th</sup> Conference Jan. 2002	Mordialloc SC, Vic.	item 40 introduced, then renumbering
26 <sup>th</sup> Conference Jan. 2003	Sth Lake Macquarie ASC, NSW	no changes
27 <sup>th</sup> Conference Jan. 2004	Hervy Bay Qld.	Changes to items 5(a), 5(d), 2, 3, 27, 30 new item 38 and renumbering
28 <sup>th</sup> Conference Jan. 2005	Adelaide SC, SA	no changes
29 <sup>th</sup> Conference Dec 2005	Perth WA	Changes to Items 16,17,18,20,31,38 Delete Part IV completely
30 <sup>th</sup> Conference Jan 2007	Paynesville Vic	The Agenda of the 29 <sup>th</sup> Conference was rejected by the 30 <sup>th</sup> Conference and the Constitution reverted to the Post 28 <sup>th</sup> Conference position. Change to item 24(i), new item 42 Introduced, then Renumbering
31 <sup>st</sup> 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
32 <sup>nd</sup> Conference Dec. 2008	Hervy Bay Qld	no changes
33 <sup>rd</sup> Conference Jan. 2010	Henley SC, SA	Changes to items 33, 51b Addition to duties of Measurer (h)
34 <sup>th</sup> Conference		No changes
35 <sup>th</sup> Conference Dec 2011	McCrae Yacht Club	43 Added (Advertizing at Nationals), subsequent clauses renumbered
36 <sup>th</sup> Conference Jan 2013	South Lake Macquarie Amateur Sailing Club, NSW	Changes to 4(c) & 4 (e).
Emergency Conference May 2013	Skype conference 19/05/2013	Major rewrite of PART II - ADMINISTRATION
38 <sup>th</sup> Conference July 2014	Skype Conference 13/7/2014	Changes to Part III, Clauses 28 & 34. Part IV, Clauses 42 to 47 – To enable the Measurer's meeting to be held during the Australian Championships and report to the following Annual Conference.
39 <sup>th</sup> Conference July 2015	Skype Conference 26/07/2015	No Changes

40 <sup>th</sup> Conference July 2016	Skype Conference 31/07/2016	No Changes
41 <sup>st</sup> Conference August 2017	Skype Conference 06/08/2017	No Changes
42 <sup>nd</sup> Conference July 2018	Skype Conference 29/07/2018	No Changes
43 <sup>rd</sup> Conference October 2019	Skype Conference 08/10/2019	No Changes
44 <sup>th</sup> Conference August 2020	Skype Conference 30/08/2020	No Changes
45 <sup>th</sup> Conference July 2021	Skype Conference 25/07/2021	Part 1.2 (d) – Remove ISAF & YA and replace with world sailing and Aust Sailing Part 3.28 & Schedule 1 Sec/Treas (c) – Remove YA and replace with Aust Sailing Part 2.4 (d,e,f) & Part 4.44 - Remove Skype Part 2.26 – Affiliation Part 4.43 – add annually preferably Part 4.43 (c) – Remove repeated word Part 5 – replace GRP with New Build Part 5.48 (a,b,c) - The Plug be removed Part 5.50 (c) – remove wording and replace
46 <sup>th</sup> Conference August 2022	Zoom Conference 21/8/2022	Part 36 – Modified to allow electronic compasses