

Revision of the Dover Regatta Association and Aquatic Club Inc. Rules for the Association

Special Resolution, General Meeting, Sunday 3rd April 2022

2022 Rules of Association

The management committee for PESC has obtained legal advice to ensure that the amended Rules of Association fit the needs and intent of the Club and community.

Henry Jones of Dobson Mitchell Allport has reviewed the Rules and has made the following comments and amendments:

- I have left the basic objects of the association to include the promotion of interest in and development of aquatic sports and maritime skills only. Upon further consideration as to whether this should be extended to include using the property at 71 Station Road, Dover (**Property**) for the benefit of the Dover community, my view is that it should not. This could have potential to create a trust relationship for the use of the land, which would be best avoided. Otherwise there is potential for the need to make an application to the Court authorising the disposal of the Property which would be a costly and time consuming exercise for the association. Additionally, if there are restrictions on use of the property which run with the land then there is a risk of diminishing the value of the property. Should you wish to explore such options, please let me know.
- I have amended rule 38 so that the association may, upon winding up, distribute the Property to another association/company/body which benefits the Dover community.
- I have included a new rule 39 which provides for the sale of the Property. Should the Property be sold, the association will need to enter into an agreement with the purchaser to ensure the purchaser used the Property for the benefit of the Dover community. Please let me know if you have any issues with this rule. I note that there is a risk that future members of the association may wish to vary the rules to allow the property to be sold to a purchaser for which the property will not benefit the Dover community. This would be achieved by a special resolution to vary the rules of the association.

Please contact Rebecca Hancock with any questions regarding the proposed changes to the Rules of Association. Suggested amendments must be received by Friday March 18 to be included for consideration at the Special General Meeting.

The following motion is proposed as a special resolution at the upcoming General Meeting:

That the Dover Regatta Association & Aquatic Club Inc. (Port Esperance Sailing Club) Rules of Association, revised 2022, be approved and adopted.