



Kiteboarding Australia Limited Membership Regulations

Date: 12 October 2015

1. INTRODUCTION

- (a) Any and all Regulations previously made by Kiteboarding Australia Limited (**KAL**) concerning membership are expressly withdrawn.
- (b) Words and phrases in the KAL Constitution (**Constitution**) have the same meaning in these Membership Regulations and this document is to be read in conjunction with (and subject to) the Constitution.

2. ADOPTION OF THIS BY-LAW

- (a) Clause 13 of the Constitution provides that the members of KAL are to consist of:
 - (i) State Associations;
 - (ii) Affiliated Clubs;
 - (iii) Life Members;
 - (iv) Individual Members; and
 - (v) such new categories of member created in accordance with clause 13(b) of the Constitution.
- (b) Under clause 13(b) of the Constitution the KAL Board (**Board**) has power from time to time to create new categories of membership with such rights, privileges and obligations as are determined applicable even if the effect of creating a new category is to alter rights, privileges or obligations of an existing category of members.
- (c) Under clause 39(a) of the Constitution, the Board may formulate, issue, adopt, interpret and amend such Regulations for the proper advancement, management and administration of KAL, the advancement of the Objects and of Kiteboarding as it thinks necessary or desirable.
- (d) Under clause 39(b) of the Constitution, Regulations are binding on KAL, State Associations and all Members of KAL.

- (e) These Membership Regulations are made by the Board under clause 13(b) and 39(a) of the Constitution and, in accordance with clause 39(b), the Membership Regulations shall bind and apply to all Members.

3. NEW MEMBERSHIP CATEGORIES

The Board has resolved to create the following new categories of Member:

- (a) Instructor Member; and
- (b) School Member;

with the powers and obligations of each new category of Member set out below.

4. INSTRUCTOR MEMBER

- (a) Instructor Members, who shall have the right to be present at General Meetings, but shall have no voting or debating rights.
- (b) Applicants to become Instructor Members must meet the following minimum standards:
 - (i) hold a current qualification under any curriculum nominated by KAL and advertised on the KAL website ("**Approved Curriculum**");
 - (ii) hold a current Provide First Aid Certificate;
 - (iii) be at least 16 years old;
 - (iv) comply with State/Territory legislation including, but not only, child protection laws (if applicable in that state) and powerboating laws;
 - (v) agree to attend you will attend any accreditation course as reasonably required by KAL from time to time; and
 - (vi) have paid the Fee.
- (c) Applications by individuals to become Instructor Members must be made to KAL in the form prescribed from time to time by KAL.
- (d) A person will only be an Instructor Member once they have been recorded in the National Register of Instructor Members and the membership fee under clause 15 of the Constitution has been received.
- (e) KAL has the right to accept or reject any application for Instructor Membership.
- (f) Where KAL rejects an application it shall refund any fees forwarded with the application and the application shall be deemed rejected. KAL is not obliged to provide reasons where it rejects an application.
- (g) Instructor Members must re-affiliate annually.

5. SCHOOL MEMBER

- (a) School Members shall be represented by an individual nominated from time to time in writing by the School Member to KAL. The nominee shall have the

right to be present and to debate on behalf of the School Member at General Meetings, but shall have no voting rights.

- (b) Applicants for a School Member must meet the following minimum standards:
 - (i) be incorporated in the relevant State or trading under a business name as a sole trader;
 - (ii) employ only Instructor Members and provide a list of those instructors when required by KAL;
 - (iii) have had no insurance claims made against the school where
 - (A) a court determination was made in relation to that claim; or
 - (B) any settlement agreed upon between the claimant and the school, or their insurer, was greater than \$25,000;
 - (iv) disclose all previous insurance claims;
 - (v) have a risk management procedure in accordance with the KAL Centre Manual;
 - (vi) operate with the necessary permits;
 - (vii) have been previously teaching an Approved Curriculum;
 - (viii) agree to attendance of Instructor Members at any accreditation course as reasonably required by KAL from time to time; and
 - (ix) have paid the Fee.
- (c) Applications for a School Member must be in writing on the form prescribed by the Board from time to time, from the School or its nominated representative and lodged with KAL accompanied by relevant fee as determined under clause 15 of the Constitution.
- (d) KAL may accept or reject an application whether the Applicant School has met the requirements in this Regulation or not. Where KAL accepts an application, the School will become a School Member.
- (e) School Members must re-affiliate annually.

6. EFFECT OF MEMBERSHIP

Instructor Members and School Members acknowledge and agree that:

- (a) the Constitution constitute a contract between each Member and KAL and that they are bound by the Constitution and the Regulations;
- (b) they shall comply with and observe the Constitution and the Regulations and any determination or resolution which may be made or passed by the Board or any duly authorised committee or board;
- (c) by submitting to the Constitution and the Regulation they are subject to the jurisdiction of KAL;

- (d) the Constitution and the Regulations are necessary and reasonable for promoting the Objects and particularly the advancement and protection of Kiteboarding; and
- (e) they are entitled to all benefits, advantages, privileges and services of KAL membership.

7. FEES

The prescribed fee for the Instructor Member and School Members will be communicated by KAL from time to time and will be determined at the complete discretion of KAL ("**Fee**").