



STARTING A PADDLESPORTS CLUB OR ORGANISATION.

PaddleNSW 30th April 2009

INITIAL CONCEPT

An individual or group wishes to create an organisation whose principal function is to support a common interest in paddlesports. The organisation will endeavour to exist over an extended period of time with stability and an even distribution of responsibility and workload.

AIMS AND OBJECTIVES OF THE ORGANISATION.

The **aims** of the organisation should be clearly identified prior to its formal establishment. This can be a simple list of ideals to which the organisation will focus its energy and may include some of the following examples:

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- To provide a social and/or competitive structure for pursuing paddling activities
- To foster the development of junior paddlers
- To create a supporting organisation for a group of recreational paddlers
- To foster the pursuit of excellence and peak performance in ocean ski racing

The **objectives** may include some of the following examples:

- To set up an organisation with an agreed recognised constitution and with suitable office bearers.
- To provide insurance cover for members
- To encourage memberships, and facilitate affiliations and member support
- To establish proper organisation management procedures
- To correctly and adequately manage the finances of the organisation for the benefit of its members.

GETTING STARTED:

Go to the Dept of Fair Trading website. www.fairtrading.nsw.gov.au , then go to “Co-operatives and Associations”

What are the main benefits of incorporating as an association?

- create a legal entity that is separate from the individual members
- provide a certain amount of limited liability for members
- continue regardless of changes to membership
- enter into enforceable contracts including buying and selling property
- sue (but also to be sued).

What are the steps to incorporation?

A **minimum** of **five** members are required for a group to be eligible for incorporation. The steps to incorporation vary, depending on whether your group is already an unincorporated association or whether you are starting from scratch.

Starting from scratch

Step 1. If the association doesn't already exist, five or more persons may:

- Authorise a person (18 years or over and a resident in NSW) to apply for incorporation
- Approve a set of objectives and rules
- Nominate at least two people to be the first committee members of the proposed incorporated association.

Then follow Step 2 and Step 3 below

Unincorporated associations

Step 1 :If you are already an association but wish to incorporate you need to pass a special resolution to:

- apply to the Office of Fair Trading for incorporation of the association
- approve a statement of the association's objectives
- approve rules that are consistent with the objectives
- authorise a person (18 years or over and a resident in NSW) to apply for incorporation.

At least three-quarters of the members who are present and entitled to vote (including proxies where allowed), must vote in favour of the resolution.

Step 2. Reserve a **name for your organisation** by lodging an '*Application for Reservation of Name*' together with the prescribed fee, with the Office of Fair Trading.

(To find out if a name is already registered call the Registry on 1800 502 042 or 13 32 20 and select the Business Registration option, or visit www.fairtrading.nsw.gov.au).

Step 3. Apply for incorporation by lodging an Application for Incorporation, with the prescribed fee and documents at a Fair Trading Centre.

The application for reservation of name and the application to incorporate forms may be lodged at the same time.

The existing committee members will be the first committee of the incorporated association, and the person authorised to incorporate the association will become the association's first public officer, unless the rules state otherwise.

RUNNING THE ASSOCIATION:

Of course you then have to run the Club in accordance with adopted rules:

Association rules

Every incorporated association must have documented rules. In most cases, new committees are relatively inexperienced in foreseeing the special needs of their organisation, so a generic constitution based on the Dept of Fair Trading's '*Model Rules for Incorporating Associations*' is seen as the best option. These rules are set out in the booklet available from any Fair Trading Centre, the Fair Trading website or telephone 13 32 20.

The model rules act as a 'safety net' for associations. Additional information about this aspect of the model rules is available on Fair Trading's website or from the Registry on 1800 502 042.

To **change the rules**, a special resolution must be passed by members of the association. The public officer must lodge with Fair Trading any change to the rules within one month of the special resolution being passed in order for them to take effect.

Annual general meetings

An annual general meeting (AGM) must be held at least once in each calendar year and within six months of the end of the association's financial year. This does not have to be 30 June.

Financial accounts must be presented to the members at each AGM. Fair Trading does not require accounts to be audited unless it is required by your rules or by an organisation that provides funds to you.

Within one month of the AGM, the public officer must provide Fair Trading with an annual statement that includes a copy of the financial reports. If you

need an extension of time to hold your AGM or to lodge the annual statement, you must apply to Fair Trading for permission.

The committee

An incorporated association must have a committee. This committee is responsible for managing the association and appointing the public officer. The committee must include a president, vice-president and secretary, as well as two ordinary members. A treasurer is often elected to the committee also. In addition, one committee member must become the public officer.

The **public officer** is responsible for lodging documents, keeping membership registers and contact details of the committee, and is the primary contact in your organisation. When the position of public officer becomes vacant, the committee must appoint a new public officer and notify Fair Trading of these changes within 14 days. The public officer must also notify Fair Trading of any change to their address within 14 days.

INSURANCES

It is vital that the office bearers of an organisation which provides administration of a potentially dangerous sport are protected from legal and other claims. Insurance for the organisation and its executive can be provided as follows:

'Willis Australia' has designed an **insurance policy** for Paddle NSW and its members. This insurance cover applies when members and other insured persons/entities are involved in activities that are sanctioned by Paddle NSW. These activities include races, training and trialling, meetings, fundraising activities, travel to and from these activities in Australia and any other activity incidental thereto.

This program covers Paddle NSW and all affiliated clubs including all members and all non-participating officials of Paddle NSW. It insures:

- Individual/direct members,
- single event/trialist registered members,
- instructors
- coaches (including any business name associated with an individual coach's canoe coaching activities),
- guides, observers, judges,
- office bearers, members,
- voluntary workers,
- medical officers,
- announcers,
- appointed subcommittees
- development officers.

What Is Covered?

This program includes

- Public Liability Insurance
- Professional Liability Insurance
- Personal Accident Insurance

a) PUBLIC LIABILITY INSURANCE

SCOPE OF COVER

This policy provides protection for insured entities and persons that are held liable for a negligent act that results in property damage or bodily injury anywhere in the world excluding USA & Canada.

LIMIT OF LIABILITY

The cover provided is up to a maximum of \$20,000,000.

EXCESS

There is a \$1,000 excess payable for any claim. The payment of the excess is the responsibility of the defending party and will not be paid by Paddle NSW unless otherwise agreed.

b) PROFESSIONAL LIABILITY (INDEMNITY) INSURANCE

SCOPE OF COVER

Provides indemnity to a coach, instructor, guide or official if they are held liable for an error or incorrect advice which results in injury or property damage to a third party.

LIMIT OF LIABILITY

The cover provided is up to a maximum of \$5,000,000.

EXCESS

There is a \$1,000 excess payable for any claim. The payment of the excess is the responsibility of the defending party and will not be paid by Paddle NSW unless otherwise agreed.

c) PERSONAL ACCIDENT INSURANCE

SCOPE OF COVER

Coverage applies whilst members are involved in sanctioned Paddle NSW activities. These activities include races, training and trialling, meetings, fundraising activities and travel to and from these activities in Australia.

This section provides cover for members aged between 2 and 80 years of age. Cover is limited for persons over 65 years of age.

BENEFITS

The main benefits under the Personal Accident Policy are listed below:-

1) DEATH & PERMANENT INJURIES

A lump sum benefit is payable in the event of a death or a Permanent Disability. The scale of benefits is defined in the policy. The maximum benefit is \$100,000.

2) NON-MEDICARE MEDICAL EXPENSES

This covers insured persons for NON-MEDICARE medical expenses. The policy is for reimbursement only. That is, the member must pay the account and then claim reimbursement under this insurance cover.

NOTE Only **non-medicare** items are claimable (i.e the “Medicare gap” is not claimable due to government legislation).

The most common “Non-Medicare” expenses include:-

- Private Hospital
- Dental
- Ambulance
- Chiropractic
- Physiotherapy
- Osteopathy

Medical expenses that are covered by Medicare (i.e. not covered by this sports injury policy) include:-

- Doctor’s Fees
- Surgeon’s Fees
- Anaesthetist’s Fees
- X-rays

In order for a Club to participate in the benefits of the above, it must be a member of PaddleNSW and if it is organising paddling activities, those participating in these activities must be members of paddleNSW.

JOINING PADDLENSW

Go to www.paddlensw.org.au go to Membership then to Category 2: Member Paddling Clubs.

Your club is the backbone of organised paddling in NSW. A fee of \$150.00 covers membership, a comprehensive insurance package which includes association insurance for club officials, a club website page and assistance with keeping it up to date! In addition, your club will be eligible to host the many events organised by PaddleNSW. Here is a list of the benefits of joining PaddleNSW: (This applies to individual members as well as to clubs)

- We provide insurance for you. Personal Accident and Public Liability as described in <http://www.paddlensw.org.au/pnswinsurance.html>
- We provide Professional Liability Insurance so that organisers of your events including coaches, guides, office bearers and others are covered.
- We provide information about all sorts of events you can participate in with details on the website.
- You can find results of events, your position on the NSW ladder and stories about the events on the website.
- We give you the chance to demonstrate how you rate in the State by holding State Championship events in many paddlesports.
- We organise recreational paddles in excellent company to many varied and interesting places you might never otherwise visit.
- We continually update our information base on our website to keep you abreast of interesting things happening in NSW Paddling.
- We send you a monthly newsletter giving notice of upcoming events and lots of other useful information.
- We run a classifieds section on the website for buying and selling kayaks, equipment, etc.
- We can give you lists of Clubs, organisations and groups of people who want to do the same things as you in the sport of paddling.
- We give guidance about how to participate in and run events safely and with proper procedures.
- We provide training in many different aspects of paddling as well as instruction for coaches and certification.
- We ask you what you want from your sport and work with you to provide what you want.

PROCEDURES IN RUNNING THE CLUB:

The main focus of many Kayaking and Ski clubs is the safe and effective running of competitive events. The club must establish its own code of conduct in relation to its activities, separate and in addition to the encompassing requirements of PaddleNSW. These will include standards of behaviour, requirements for volunteer duties, shared responsibilities, and many other specific aspects unique to your organisation. These will be adopted by a majority of members at an annual general meeting, and thereby become the standard by which the actions of members are judged.

Any non-competitive activity (such as a timed trial) run by the organisation does not require an aquatic licence. The same applies to any coaching or training activities involving 6 paddlers or less in a group.

For any competitive activities, or coaching/training activities involving more than 6 persons, and run on open unrestricted waterways an **Aquatic Licence** is required. Closed waterways such as the Sydney International Regatta Centre require a separate set of applications and risk assessments.

Any competitive event held on waterways in NSW must be done in accordance with NSW Maritime rules. See www.waterways.nsw.gov.au The website is a bit confusing, but you can go to "Recreational Boating" then Other Licences, then Aquatic Event Licences and you will get to this:

Aquatic Licence

The State's waterways are a community resource which is often subject to conflicting demands for access. In order to balance organised activities on the waterways with the rights of other users, aquatic licences are issued by NSW Maritime.

An aquatic licence is required by any person or organisation conducting, promoting or organising an event/activity such as a race, display, regatta, exhibition or any other activity which restricts the availability of navigable waters for normal use by the public.

Penalties apply for conducting an event/activity without an aquatic licence.

Activities for which an aquatic licence is required include:

- sailing events
- water-ski events
- powerboat events
- swim events
- festivals/displays, including fireworks displays
- filming

Depending on the circumstances and type of activity, NSW Maritime may grant, if requested, 'exclusive use' of a waterway, or section of it, for conduct of the aquatic activity. If exclusive use is permitted, the aquatic event organiser must arrange for an approved notice containing details of the activity, to be placed in newspapers circulating in the district where the event/activity is to be conducted and in metropolitan newspapers of Sydney,

Newcastle and Wollongong where the activity is to be held within 120 km of these cities.

Depending on the type of aquatic event/activity to be conducted, NSW Maritime will determine whether a full marine notice or small public notice is required to be published.

All costs associated with advertising are to be borne by the aquatic event organiser and notices must be placed not more than 14 days prior to commencement of the event/activity.

How is an aquatic licence obtained?

All applicants for an aquatic licence must submit a completed Application for Aquatic Licence, together with required supporting documentation and appropriate fee, a minimum of four (4) weeks prior to commencement of the event/activity.

Late applications will incur a late fee or the application may be refused.

When submitting the application the following must be provided:

- full details of the event/activity including type, date(s), time, location and area of operation
- a detailed map of the area in which the event/ activity is to take place
- an acknowledgement that a Risk Assessment in relation to the Event has been undertaken by the applicant in which all risks associated with the Event have been listed and strategies to alleviate these risks identified and implemented
- an operational plan detailing safety procedures, rescue craft, qualified personnel in attendance and communications procedures
- written authorisation on the organisation's letterhead for the nominated representative to act on behalf of the applicant
- proof of identity for both the applicant and nominated representative
- details of a contact officer if different to the nominated representative who can be contacted during the conduct of the event/activity licence application fee.
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In addition, the following supporting documentation must be provided where relevant:

- written consent from the landowner, including Local Council, for use of the foreshore land to be used in connection with the event/activity;
- written authorisation from the Local Council where the noise level is expected to exceed 95 decibels;
- a copy of the Work Cover Risk Assessment for fire-works events; and
- completed NSW Marine Parks Authority Permit Application form where the proposed event/activity is within a Marine Park.

Do conditions apply to an aquatic licence?

- All aquatic licences issued are subject to a standard set of conditions and depending on the type of event/activity to be conducted, additional conditions may apply. Also 'local' conditions may apply for a particular aquatic licence event/activity.

- When NSW Maritime approves an application for aquatic licence, the applicant is forwarded an aquatic licence certificate together with a list of all conditions applicable to that licence.
- An aquatic licence is issued on the basis that all conditions are complied with and penalties apply for non compliance.
- What insurance requirements apply to an aquatic licence?
- An aquatic licence is issued on the basis that the Licensee expressly and unreservedly indemnifies NSW Maritime from all liability associated with the Event/activity and releases NSW Maritime from any actions, of whatsoever nature, that may be instituted in relation to the Event/ activity. Acceptance of the Licence constitutes irrevocable acceptance of this condition.
- It is a condition of the Licence that the Licensee clearly advises all participants whether or not they are covered by the Licensee's insurance should they sustain injury or loss/damage to property as a result of participating in the event.
- All details of the coverage must be provided prior to participation in the Event/activity.

It is also a condition of the licence that the Licensee must give a written warning to all participants in relation to risks associated with participating in the Event/activity and a written acknowledgement obtained from all participants.

The warning and acknowledgement can be included in the application required to be completed by the participant.

What fees apply to aquatic licences?

Unless exempted, fees apply, and are based on the type and duration of the aquatic event/activity to be conducted. The types of aquatic licence issued are as follows:

- aquatic licence of not more than 3 days
- aquatic licence of more than 3 days but less than 12 months
- aquatic licence of not more than 3 days (exclusive use)

Additional fees may apply for expenses incurred by NSW Maritime in respect of:

- attendance by NSW Maritime officer(s) at the event/activity
- the use of additional safety measures such as the provision of escort vessels

Licence fees apply to an event/activity conducted by educational institutions where the event/activity is sanctioned by the NSW Department of Education

- volunteer organisations
- registered charitable organisations

Even harder to find is the form. You go down to "Forms", then to Miscellaneous forms and there you will find "Aquatic Licence"