

Guide to Queensland Club Operations

Part 1

About this guide

This guide is in two parts. Part 1 is about the 'back office' aspects of operating a Sailability Club in Queensland. It includes information about what you should do when changes, such as responsible people or rules, occur. If you are new to your management committee, you should find the guide useful.

Part 2 deals more with sailing day and on-water operations.

The guide is general in nature and does not give you legal advice. You should seek professional advice as appropriate.

Note. Links to websites such as ACNC, OFT and the ATO have largely been excluded. This is because they can change frequently. Such changes can be confusing and less than helpful.



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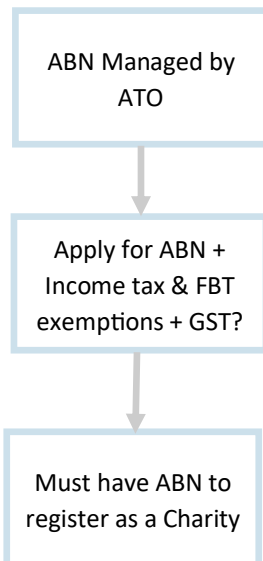
Incorporation

- Queensland Office of Fair Trading administers the Associations Incorporation Act 1981 (Qld)
- The Act explains how to incorporate and the ongoing requirements of your club once it is incorporated.
- From 2022, 'red tape reduction' changes allowed most incorporated associations to lodge future annual information statements through one single channel, the ACNC
- Your annual information statement is uploading your annual accounts and providing details of things like volunteer numbers, and your main activities.
- You can report on-line.
- Any changes to your rules require you to hold a special meeting, have 70% membership approval and be accepted by OFT.
- If you encounter something your rules don't cover, the Act prevails.
- General fund raising does not require OFT approval, but you may need to check if you fundraise for a particular thing.

After incorporation, this is how things proceed:



ABN



Once incorporated, you should then apply for an ABN and seek income tax exemption and charity status. You may also consider GST registration.

Notes.

As Queensland Sailability clubs generally don't pay wages, commissions or rewards, FBT is largely irrelevant.

If you are considering registering for GST, there can be significant benefits (as most, if not all of what you supply will be GST-free) but, there may be some record keeping



Affiliation with Sailability Queensland

This section is a guide to any club or program anticipating affiliation. It also serves as a refresher for those clubs currently affiliated.

Separately incorporated or embedded Sailability clubs in Queensland are entitled to affiliate with Sailability Queensland. Affiliation provides benefits to the affiliating club and helps grow the Sailability community in Queensland.

The affiliating club and Sailability Queensland will undertake to work together.

Amongst other things an affiliated club,

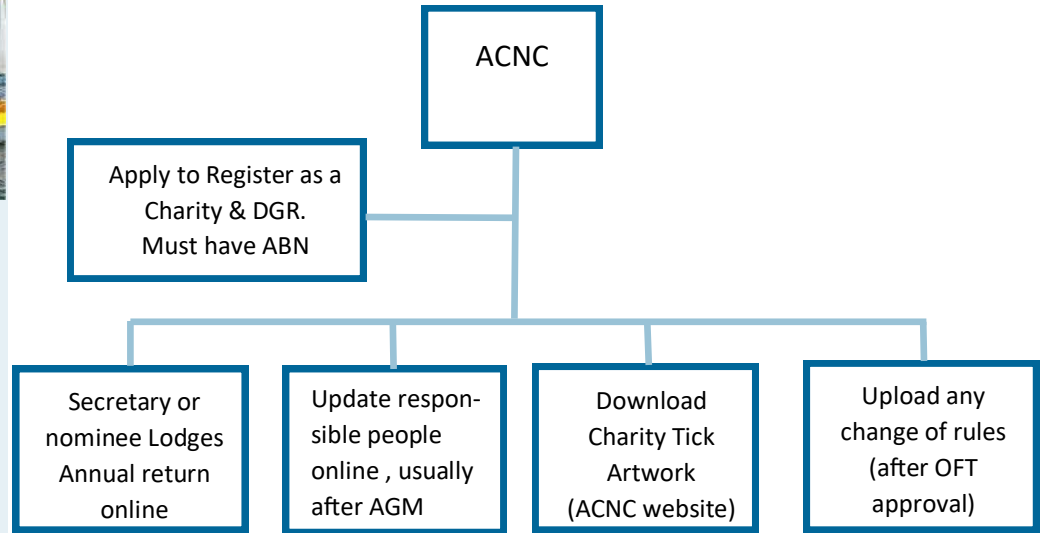
- Must follow legal requirements, such as lodging an annual return with ACNC
- Respect the Sailability brand
- Agree to Sailability Queensland managing your insurances, including public liability
- Share knowledge and experiences.

Sailability Queensland's responsibilities include,

- Obtaining good insurance outcomes for all clubs
- Providing logistical support
- General guidance and sailing day advice, and
- From time to time, arranging conferences, either state wide or for presidents



ACNC



Established clubs should be aware of ongoing requirements for things like rule and office bearer changes

Registering as a charity

Having obtained an ABN from the Australian Taxation Office, you can apply to register as a charity with the Australian Charities and Not-for-Profits Commission (ACNC). To maintain your status as a charity you must continue to fulfill your charitable activities and conform to various legal requirements. ACNC advises these requirements:

- Be not-for-profit
- Only have charitable purposes for public benefit
- Comply with ACNC governance standards
- Not have any disqualifying purposes (such as something that is illegal, or has political motives), and
- Not be for individuals

The ACNC registration process also enables you to apply for Australian Taxation Office 'deductible gift recipient' status. This means that gifts of \$2 or more made to you, are tax deductible for the giver.

Relationship with the ATO

When you first apply to the ATO, you will be able to establish a contact person, or responsible person, to deal with the ATO. The ATO advises:

Only primary contacts (including public officers), authorized contacts, registered tax agents, registered BAS agents, temporarily appointed tax professionals and specialist tax advisers can contact us on behalf of an entity.

Should you need to change your contact details, for example, your contact is retiring, you can do this at Update Your Details (search the ATO website for that term).

Deductibility of gifts received

The ATO explains when gifts made to a charity can be tax-deductible for the donor:

Receiving Tax Deductible Gifts

When people donate to your organisation they may seek a tax deduction.

To receive such a deduction, certain requirements must be met.

The most important things for you to do to ensure your donors can claim tax deductions are:

- Ensure your organisation is a Deductible Gift Recipient (DGR)
- Understand gift and contribution conditions
- Provide receipts with specific information

A donor will follow different rules for claiming a tax deduction depending on whether their donation is a gift or contribution, so it's important you understand the difference between a gift and a contribution:

- A donor **does not** receive material benefit in return for their **gift** (for example, a donor puts \$5 in a collection box)
- A donor **does** receive material benefit for their **contribution** (for example, purchasing a ticket to a fund-raising dinner).

DGR

The essential requirements of a DGR are:

- It has a charitable purpose
- It does not distribute any profits to its members
- It has a dissolution clause that requires any remaining assets to be distributed to another DGR.

Gift Fund

If your club is not incorporated, for example it operates as a program of a yacht club, there may be grounds where your host club could establish a gift fund for the purposes of receiving tax deductible donations. The purpose of the fund would need to be charitable, such as for supporting the Sailability program within your club.

This area is quite complex and if you or an associated club are considering this type of arrangement you should seek professional advice.

Eligibility for Charity Tax Concessions

If you are an incorporated Sailability Club and you have an ABN, are registered as a charity with ACNC and have been endorsed by the ATO as a DGR you will be exempt from income tax. Also, FBT concessions will apply and you will be entitled to voluntarily register for GST.

As generally, Sailability clubs in Queensland do not pay remuneration, the FBT concessions will not come into play. For GST, registration is optional if your turnover is under \$150,000. If you are considering GST registration, please contact Sailability Queensland to discuss. This is because we can advise you of the overall financial benefits of being registered. But, we can also explain some of the record keeping requirements you will need to undertake.



Insurances

Sailability Queensland acts as agent in procuring most of the insurance needs of affiliated Sailability clubs.

There are three main policies that we arrange:

- Public liability and accident (Public liability is required under Queensland law)
- Marine, which covers boats and equipment, and
- Association Liability, which covers certain issues relating to committee members

Through our broker, some clubs also take out shed contents.

Our arrangements work on a group basis so that we can obtain the best possible deal for all.

The main three policies fall due on April 14 each year. Sailability Queensland starts the process around late February when it asks clubs for some details about their previous year's operations and, in some cases, future estimations.

It is important that clubs respond promptly to our questions. This enables our broker to seek out the most appropriate policies for us, relying on the information you provide. A tardy response can jeopardise insurance for everyone.

You should notify Sailability Queensland and our broker of any claim you intend to make and complete an incident report for any accident or damage that occurs.

Public Liability/Accident

Public liability insurance is required under Queensland law. Our cover includes accidents, subject to Medicare moderation.

Marine

Our policy covers vessels at market value, so it is important that you review your values each year.

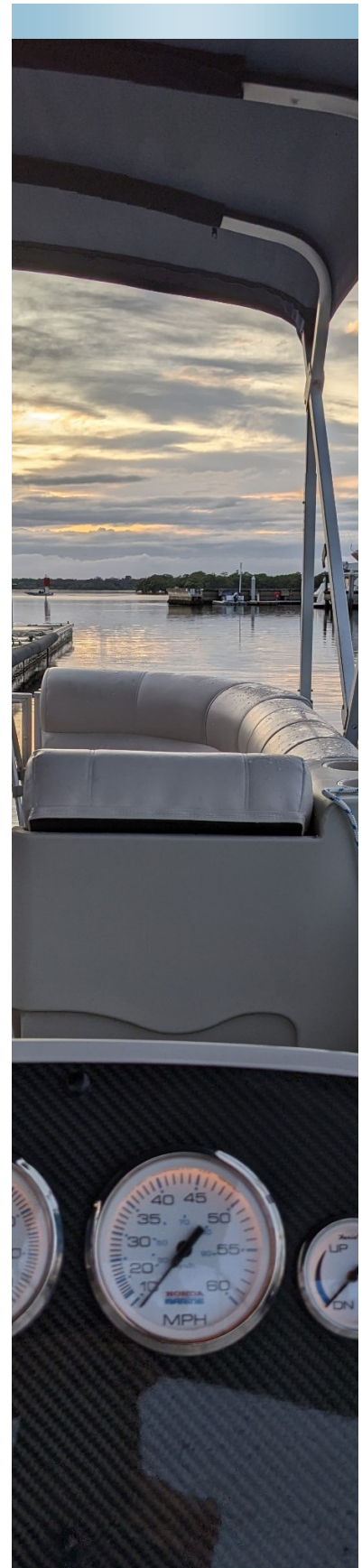
Association Liability/Directors'

This covers particular actions that committee members may take (when acting for their club) that might lead to litigation or claims of damages or allegations of wrongdoing. It can also relate to instances of financial fraud.

Each club, including Sailability Queensland, pays an equal share of the Queensland policy fee. This approach was recommended by our broker on the basis that, generally, the risk to each club is similar.

Building/contents

You should contact our broker about your possible needs for this insurance. Sailability Queensland will supply contact details for you.

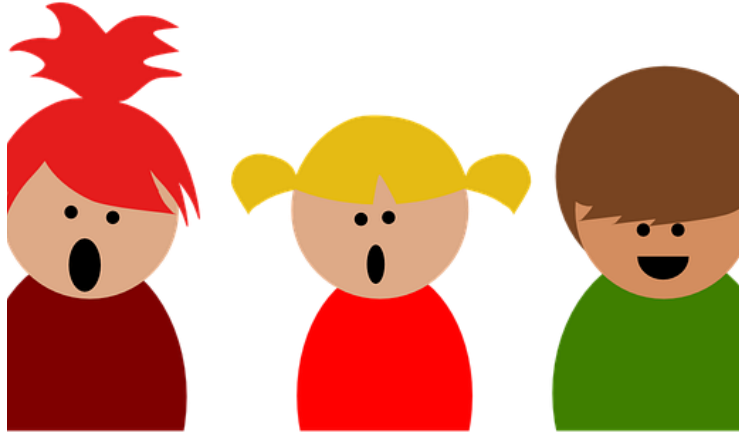




Legals at a glance

At a bare minimum you should:

- Hold public liability insurance
- Have a blue card policy that all members are required to have a blue card
- Maintain a blue card register (template available from Queensland government website)
- Hold at least four committee meetings a year and an AGM
- Lodge an annual statement with ACNC
- Keep minutes of your meetings
- Develop a risk-management plan, regularly review and discuss the plan, act on any incidents. Appoint one or more people to take ownership of the plan
- Have a cyber security plan and protect the privacy of volunteer and sailor client information held.
- Observe Work Health and Safety, and Privacy Laws. In doing so promote a safe and healthy 'workplace'
- Have suitably trained and sufficient first aid officers. First aid courses are valid for three years, CPR needs to be completed annually.



Working with children

Many Sailability clubs work with children with disability, sometimes they are with a special school group, other times they attend with a support worker or their parents. When they work with children our volunteers are required to hold a current blue card issued by the Queensland Government. Sailability Queensland recommends that, regardless of the age of our sailor clients, all of our volunteers should hold a valid blue card.

Blue Card Services summarises the obligations for organisations below. You must:

- not start a person in child-regulated work without a valid card
- take reasonable steps to confirm the card holder's identity
- link a card holder when they start with your organisation (you can do this through the 'Blue Card Services Organisation Portal' or complete a form and send it to Blue Card Services)
- de-link a card holder when they leave your organisation
- maintain a register of the people engaged in your organisation
- develop and implement a child and youth risk management strategy, and
- tell Blue Card Services when there is a change in your information.

Blue Card Services will advise you of any important changes to a card holder's situation.

You may be fined for not complying with your blue card obligations.



Stakeholder relationships

Committee and volunteers

You are required by law to have a president, secretary and treasurer. You may also wish to elect a vice-president and other positions, such as assistant treasurer, and committee members.

Your committee is responsible for meeting all legal requirements, and to exercise leadership. For example, ensure blue cards are held and maintained; that you have a youth policy (you must review this annually); a risk management plan; and securely held records of volunteer and sailor client attendances.

Committees must ensure privacy laws are followed. For example, you must obtain permission from a person legally capable of doing so, for any article or print you publish of anyone you serve or work with.

Sponsors, grants and community support

Relationships are important in fostering a successful and vibrant club. These include with local businesses, your sailor clients and their cohorts, and your volunteers.

In seeking out community support, consider engaging with local service clubs, businesses and other sporting and charitable groups in your area. Your local members are also important at each of the government levels.

Consider the viability of placing advertisements in volunteer specific organisations' publications or websites as a means of attracting volunteers.

Consider placing a script on your website about why your charity makes a difference and you should donate 'to us'. See the page on www.sailabilityqueensland.au

There is often a large range of grants that can be applied for. These may vary or be restricted to local regions, or for particular programs. Seek them out, discuss with other clubs and with Sailability Queensland. Sailability Queensland can also discuss community engagement strategies with you.



Guide to Queensland Club Operations

Part 2

About this guide

This part, Part 2, deals more with the practical aspects of sailing day and on-water operations.

The part includes an index of documents that can assist you in managing and recording the activities of your sailing days.



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Support documents

Information on the following pages is about supporting sailing day operations and also in providing practical information for committees,

- An overview of **sailing day roles**
- Sailing Coordinator's **worksheet**
- Worksheets for documenting **special sailor client requirements**
- **Incident report** (and can be used for general breaches of the law)
- **Media consent form**
- **Handover checklist** for new committees and/or office bearers

Further information is available under club resources, at <https://www.sailabilityqueensland.au/>

- **Current Public Liability Certificate of Insurance** (this is updated annually after the completion of the April insurance process)
- 303 Wide **Owner's manual**
- MAIB and Hansa **safety bulletins**
- A guide about our sailor clients and some of their **health matters**
- Risk management,
 - **Work Health and Safety Act 2011**, summary
 - A guide to preparing an **MOB plan**
 - **Weight limit guidelines** for Hansa cranes & Access 303 dinghies
- Generic Sailability club **membership form**
- Taxation
 - An ATO public ruling about **gifts**
 - An ATO guide on **volunteers and tax**

Other information, such as a summary of the **Privacy Act 1988**, is available from Sailability Queensland on request.

If you are preparing or reviewing your **risk management plan**, you may wish to contact Sailability Queensland - we can connect you to people experienced in the process.





Overview of sailing day roles

Positions appointed for sailing day operations may vary from club to club. Here is a snapshot of the duties some of these roles may include,

Officer of the day (OOD)

This person normally takes responsibility for a day's operations and may delegate one or more of her or his tasks. The role starts with opening the premises and ends with securing everything for the day. Importantly, the OOD takes charge in the event of a serious incident (such as a MOB) or whether sailing continues when weather deteriorates (such as the possibility of lightning).

Sailing coordinator

Responsible for allocating sailor clients to dinghies or other craft and advising of any special requirements the sailors may need to ensure they have a more pleasant on-water experience. In some clubs will liaise with a 'runner' (who is the go-between from registration/cashier to the coordinator and will have a close relationship with the OOD).

Support boat - skipper and crew

Remains on-water if dinghies and other craft are sailing. As the name suggests, supports in cases where a tow is required, for example when there is an equipment break-down. In the event of an incident, may take the lead in any response and will maintain contact with the OOD (who has overall authority unless otherwise decided).

Skippers

Have responsibility for their , any crew, and their sailor client (s). Generally skippers are required to follow OOD and support boat skipper directions.

Dock workers

They ensure sailor clients are transferred to and from dinghies and other craft in an efficient manner. They will be trained to check and fit slings and other support equipment.

Sailing Coordinator's Worksheet

This sheet is a basic for sailing day operations, and may be altered to suit local arrangements. It enables the coordinator to record sailor clients (and carers/support workers as needs be), allocate dinghies or other craft and skippers; record sailing departure and expected return times.




DATE: _____ **CLIENT CO-ORDINATOR:** _____
O.O.D: _____ **SUPPORT BOAT SKIPPER & CREW:** _____

	CLIENT NAME	CLIENT'S CARER	PFD	Out	TIME		DINGHY	SKIPPER
					Due In	Actual		
1								
2								
3								
4								
5								
6								
7								
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Special Requirements

Either of the two sheets below can be used by the Sailing Coordinator and/or life jacket and slings fitters to flag special requirements for a sailor client. The first sheet builds on historical data from previous sailing experiences and accompanies the Coordinator's worksheet. The second sheet is designed to be carried by the support worker through life jacket fitting and loading. The idea is to eliminate hiccups in the process from registration through to boarding.

Name	Sling	Duckboard	Headrest	Hard Seat	Gunwale	Cushions	Notes
A	Blue	Duckboard				Pad up each side with cushions	
	Blue					External steering -legs and feet up/over centreboard? She is Anxious and Cries -Please Persist!	
	Blue	Duckboard	Headrest		Gunwale	Cushions to sit on, right side and Horseshoe Cushion	
	Blue	Duckboard				Cushion against Duckboard	
	Blue	Duckboard			Gunwale	Side cushions	
		Duckboard					
	Blue						External Steering
	Blue				Gunwale		
	Blue	Duckboard	Headrest		Gunwale	Big Black Cushion, Horseshoe, pad up each side, arms on pillow on lap and support head : WARNING **SEIZURES**	
	Blue	Duckboard					
Blue	Duckboard			Gunwale			

Organisation/Sponsor		
Name of Sailor (May include Photo)	Support Worker / Carer:	(Name)
	Lifejacket size (if sailing):	
	Sailor Client:	(Name)
	Lifejacket size:	(standard or non-inflatable)
	Type of sling:	(if using)
	Notes:	

Life Jackets

The type of life jacket required depends on the waters you sail, generally our clubs sail in smooth or partially smooth waters. Maritime Safety Queensland sets out its requirements as follows:

Types of lifejackets

All lifejackets must be marked with the appropriate label indicating the lifejacket level. This label is marked by the manufacturer and should be on the lifejacket at the time of purchase.

For use in open waters

'Level 100', 'Level 150' or 'Level 275' for lifejackets.

You can wear this type of lifejacket in smooth and partially smooth waters as well.



For use in partially smooth waters

- 'Level 50' for lifejackets.

This type of lifejacket:

- helps keep you afloat but does not have a collar to keep the head above water
- can be worn in smooth waters as well
- can be used by skiers or people being towed in smooth or partially smooth waters can be used by PWC riders in smooth and partially smooth waters or beyond those waters



For use in smooth waters

- 'Level 50 special purpose' or 'Level 50S' for lifejackets.

This type of lifejacket:

- may be a specified buoyancy wet suit
- is for use in smooth water and only where the user is likely to be in the water for a short time



Life Jackets (MSQ advice continued)

- Inflatable lifejackets used on a recreational boat must show an expiry date and be serviced by the manufacturer or authorised service agent before the expiry date.
- Lifejackets must comply and display information about which Australian Standard (AS) they were manufactured to. The current standard is AS 4758, which has replaced AS 1512-1996, AS 1499-1996 and AS 2260-1996.

Lifejacket standards

A level 100 lifejacket must conform to at least one of the following standards:

- AS4758 (Lifejackets)
- Any of the following standards, provided the lifejacket is in good condition and does not rely solely on oral inflation for buoyancy:
 - ISO 12402-1 – Lifejacket for seagoing ships
 - ISO 12402.2 level 275
 - ISO 12402.3 level 150
 - ISO 12402.4 level 100
 - EN 399-1993 lifejacket 275N
 - EN396-1993 lifejacket 150N
 - EN395-1993 lifejacket 100N
 - NZS 5823:2005 type 401
 - AS4758 Personal flotation devices – level 275
 - AS4758 Personal flotation devices – level 150
 - AS4758 Personal flotation devices – level 100
 - AS1512 PFD type 1*

A level 50 lifejacket must conform to at least one of the following standards:

- AS4758 (Lifejackets)
- Any of the following standards, provided the lifejacket is in good condition and does not rely solely on oral inflation for buoyancy:
 - ISO12402.5 level 50
 - AS1499 PFD type 2*

A level 50S lifejacket must conform to at least one of the following standards:

- AS4758 (Lifejackets)
- Any of the following standards, provided the lifejacket is in good condition and does not rely solely on oral inflation for buoyancy:
 - ISO12402.5 level 50
 - AS2260 PFD type 3*

Good condition means:

- External coverings retain visibility and brightness as at date of manufacture without significant discoloration or fading;
- Stitching is complete, intact and not pulled; Webbing is not frayed and is able to hold its design loading.

Incident Report

Name of Person Making Report -

Email Address -

Daytime Contact Number -

INCIDENT DETAILS

Incident Type -

People Involved -

Date, time and place of Incident -

Officer of the Day -

Witness –

DESCRIPTION OF INCIDENT

.
. .
.

INJURY / DAMAGE DETAILS/ CONTRIBUTING FACTORS / CORRECTIVE ACTION

.
. .
.

ADDITIONAL COMMENTS

.
. .
.

Signed:

Date:



Media Consent Form

The following is suggested as the basis for a media consent form. This form should be explained to anyone signing it and kept securely for privacy purposes. Clubs should also be aware that some volunteers may not wish to have their words or images published. These views must be respected.

Please read the information below before signing this form.

From time to time our volunteers take photographs or videos of, or write stories about our sailor clients, their family members and their support workers. We do this to celebrate special moments that can arise at Sailability. Sometimes we publish these things on a website, Facebook or in a newsletter. But we can't do this without the appropriate permission.

You can give us your permission if the thing we want to publish is about you.

If you are caring for a person with disability or a child, you can only give us permission if you are a 'responsible person' for that individual. You are a responsible person, if you are a parent; spouse; sibling over 18; a relative who is a household member over 18; a guardian; someone exercising a Power of Attorney; a person who has an intimate relationship; or a person nominated in case of an emergency.

I GIVE MY CONSENT FOR THE PUBLICATION OF THIS PERSONAL INFORMATION

- Photographs
- Videos
- Articles

On websites, Facebook or similar public sites, newsletters and similar media, or in Sailability guides and like publications.

Name of individual:

Date:

Name of responsible person:

Date:



Handover to new committee

When you appoint a new committee, some members may not be familiar with the way you operate, or where things are found. The notes here will help your people to segue into their new roles.

Handover information for Sailability committees

These notes list important organisational and ACNC-related details for your charity.

A physical or electronic copy of this document should be stored securely, updated when required and shared as part of an induction process if your charity appoints a new Responsible Person to its committee, or a new member to its executive.

Charity Details

Legal Name: Sailability ...

ABN:

Address For Service:

Your charity's Address For Service is the primary address to which the ACNC will send correspondence.

Charity Portal Log in details

[Username:](#)

Password:

The Charity Portal can be accessed at charity.acnc.gov.au and is where charities can manage their ACNC registration. More on logging into the Portal here: acnc.gov.au/charityportal.

Reporting to the ACNC

Charity's financial year starts on **01/07** and finishes on **30/06**

Charity's Annual Information Statement is due by **31/01** every year

The Annual Information Statement is an online form that charities must submit every year within six months of the end of their reporting period. It includes questions about their activities and finances.

Medium and large charities also need to submit a financial report each year with the AIS. Small charities can submit a financial report but it is not compulsory.

The AIS and financial statements ... are submitted in the Charity Portal.

Responsible Persons

Current responsible persons listed with the ACNC:

Name	Position
	President
	Vice President (optional)
	Secretary
	Treasurer

The term 'Responsible Person' refers to a person (or in some limited cases an organisation) responsible for directing a charity, and who is a member of a charity's governing body.

Governing Document

Our charity's governing document is also known as its: Rules

A governing document is the formal document that outlines a charity's purpose, activities and organisational processes. It shows that the charity is not-for-profit, reflects its charitable purpose and demonstrates how it is governed and operates.

Continued on the next page

Handover to new committee (continued)

Updating your details

If any of your information needs updating, amend it in the Charity Portal using the username and password to log in.

Contact the ACNC

Phone: 13 ACNC (13 22 62)

Email: advice@acnc.gov.au

GST

Registered for GST

Postal Address

Renewed (If PO BOX)

Keys (If PO BOX)

Bank Account

BSB

[Account](#)

Signatories:

Accounting:

[System used:](#)

Access held by:

Password:

Blue Card Register

Administered by:

Website

[Supplied by:](#)

Administrator:

Email:

[Password:](#)

Domain name

Sailability...

Registration:

Renewal – Credit card held on file (if applicable)

Account Reference

Password:

Account in the name of:

Facebook

<https://www.facebook...>

Administrators:

[Password:](#)

Email

...

owner

password

Dropbox/Cloud

Email:

Password

Administrators:

Last Revised
December 2023

END

