

ISAF Constitution

Limitation of the Powers of Council

A submission from the Chairman of the International Funboard Class Association

Proposal 1

That the Constitution be amended as follows:

46. Decisions of the Council shall be taken by a simple majority of votes cast with the following exceptions:
- (a) Decisions requiring a two-thirds vote cast in favour of a resolution are:
 - (i) a resolution for the election of expulsion of a Full Member;
 - (ii) an amendment to the Racing Rules of Sailing; however, this provision shall not apply to Regulations incorporated by reference into the Racing Rules of Sailing.
 - (b) decisions to reject a recommendation by a reporting committee (as defined in regulations made in accordance with Clause 59 of this Constitution) to take a certain action in respect of a submission made to the Council require a vote in favour of rejection by two thirds of all members of Council entitled to vote.**
 - ~~(b)~~ Decisions overturning a previous vote under ISAF Regulation 16.1.1(b) require a two-thirds vote in favour of the resolution by all Council members entitled to vote.
 - ~~(c)~~ Decisions made pursuant to ISAF Regulation 16.1.1(a) and (c) may not be overturned.
 - ~~(d)~~ Decisions on equipment under Regulation 16.1.1 (d) require 75% of the votes cast.
 - ~~(e)~~ Decisions overturning a previous vote under Regulation 16.1.1 (d) require a 75% vote in favour of the resolution by all Council members entitled to vote.

Current Position

As above.

Proposal 2

Insert new Regulation 1.14 and amend current Regulation 1.14 as follows:

1.14 The procedure deciding the Reporting Committees for Submissions will be as follows:

- (a) on receipt of a submission, the Secretary General shall decide which committees and sub-committees should consider it before it is considered by the Council. He shall select from amongst the committees selected which committee shall be the reporting committee.**
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- (b) not less than three weeks before the start of the Annual Conference or the Mid-Year Conference, as the case may be, he shall inform the person or organisation making the submission which committees and sub-committees he has selected and which of those committees is to be the reporting committee.**
- (c) if the person or organisation concerned considers that the selection of the committees and sub-committees or of the reporting committee is wrong, he or it may refer the choice with such comments as he or it considers appropriate to the Executive Committee, which shall consider the issue at its first meeting at the conference. The decision of the Executive Committee shall be final.**

1.145 The procedure for deciding on submissions as received and summarized as in Regulation 1.13 will be as follows:

- (a) during their meeting the 'reporting committee' shall allow representatives from those responsible for the submission to speak to it;
- (b) where the time table of committee meetings permits, the reporting committee shall consider the views of any other committees that have considered the submission. In any event the chairman of the reporting committee shall include in his recommendations paper a brief resume of the views of the other committees.**
- ~~(b)~~ those submissions which affect ISAF regulations and articles will be included on the agenda of the Constitution Committee who will be required to give their input on any such changes;
- ~~(c)~~ before the Council meeting, the ISAF staff will prepare a 'recommendations paper' detailing the recommendations on each submission from the reporting committee and the opinions from the 'other committees'. The Chairman of each committee will be asked to authenticate that the 'recommendation paper' shows an accurate record of the committee's discussion on submissions allocated to their committee;
- ~~(d)~~ in making recommendations on submissions, committees may not recommend a substantial change;
- ~~(e)~~ the chairman of the reporting committee for a submission will be invited to give their verbal recommendation to Council on the submission;
- ~~(f) the opinions of 'other committees' will be received in writing as part of the 'recommendations paper'.~~

1.156 The procedure for deciding on Committee recommendations not based on official submissions shall be as follows:

- (a) recommendations that are either pending from previous Committee Meetings or new items deemed urgent and requiring an immediate Council decision may be presented to Council;
- (b) Council may decide to make a decision on such recommendations or defer the matter to the next Council meeting;
- (c) any recommendations from the Constitution Committee which bring about a change to the Regulations may be deferred to the following Mid Year or Annual meeting by the Council.

Current Position

As above.

Proposal 3

Committee Decisions

- 10.4 ~~Except where a Committee is empowered by its terms of reference to make decisions on its own authority, the function of a Committee is to advise Council as to the action Council should take.~~
- 10.4 **Subject to the provisions of Article 46 of the Constitution, except where a Committee is empowered by its terms of reference to make decisions on its own authority, the function of a Committee is to advise Council as to the action Council should take.**

Current Position

As above.

Reason

Proposal 1 : In general terms, the decisions of Council are governed by Article 46 of the Constitution which provides that a simple majority is sufficient for all council decisions except as provided in certain special cases dealt with in that article. This proposal changes that with regard to submissions considered by committees.

Proposals 1 and ,2 are new proposals with no current provisions being altered.

Proposal 3: The members of Council are required by Article 41 of the Constitution to have regard for the interest of the sport of yachting throughout the world as a whole. There have been a number of decisions of Council overruling the recommendations of specialist committees which have been contrary to the interest of yachting as whole and where members appear to have voted in the interests of their own countries and groups and contrary to the interests of general sailing. Some such votes appear to have been made to support a particular limited interest for reasons that are hard for the general yachting public to understand.

The specific amendments to the Constitution and the Regulations set out in this submission are intended to require Council to accept the recommendations of reporting committees unless two thirds of the members of Council reject them.

This submission is intended to limit the powers of Council to act in this way. The specialist committees consider the merits of all submissions put to them. They represent all or most parts of the world and, while their knowledge is to some extent specialised, they understand well what is best for sailing in their specialist field throughout the world.

The proposals in this submission will ensure that the views of committees are given more attention.
