

Constitution Committee Recommendations to Council

This "yellow paper" is a summary of the Recommendations made at the Constitution Committee meetings on 26 and 28 October 2020. During its deliberations, Council will consider the Recommendations in Submission order, i.e. 001-20 to 100-20.

2020 Submissions

- 001-20 Audit Committee Improvements - Broadening Membership in the Audit Committee to enhance oversight**
Reporting Committee: Audit
Other Committee: Board, Constitution
Opinion: Reject
- Although the Committee's opinion was to reject the submission, the Committee noted that it has been a positive in the context of highlighting matters that should be considered further. The Board has recognised that in its Recommendation Not Based on Submission in respect of the Audit Committee.
- 003-20 A Policy for Nominations and Appointments to Committees and Sub-Committees - A Policy Decision to improve effectiveness of Committee and Sub-Committee Selection.**
Reporting Committee: Board
Other Committee: Constitution
Opinion: Reject
- The Committee notes that this submission is similar to changes proposed by the Governance Commission. This would require a complete re-draft of the Regulation, and could not be implemented in this quad.
- 004-20 World Sailing Constitution - Accounting Records - Article 93**
Reporting Committee: Board
Other Committee: Constitution
Opinion: Reject
- The Constitution already provides for access to records (subject to the Board's requirements). It is also important to ensure that confidential and commercially sensitive information of World Sailing is protected, and it is not consistent with normal commercial practice adopted by similar organisations.
- 005-20 World Sailing Constitution - Accounting Records - Article 93**
Reporting Committee: Board
Other Committee: Constitution
Opinion: No opinion
See comments on Submission 004-20. Subject to policy.
- As it is a special resolution, this has been placed on the Annual General Meeting agenda.
- 006-20 World Sailing Classes Making Individual Nominations to Committees and Sub Committees - Allowing Classes to make individual nominations of qualified people to Committees and Sub Committees**
Reporting Committee: Board
Other Committee: Constitution
Opinion: Approve
Subject to policy.
- The Committee noted Regulation 5.1.7 whereby "the Nominating Member National Authorities must pay all the respective travel/accommodation cost for the Committee Member to attend World Sailing meetings or, as may be arranged between the Member National Authority and the delegate". A question arises about who would pay for the costs of a World Sailing Class Association nominee to attend World Sailing meetings.

007-20 Treasurer for World Sailing – Appointment of a Treasurer

Reporting Committee: Board

Other Committee: Constitution, Audit

Opinion: Reject

Subject to policy.

The Committee noted that all directors are responsible for the financial management of the company.

009-20 Regulation 25.8 - Event Appointments Working Party

Reporting Committee: Board

Other Committee: Constitution, Race Officials

Opinion: Approve with the following amendment

Subject to policy.

When making appointments that affect Olympic Classes, the Event Appointments Working Party shall respect the terms of the Olympic Classes Contract, particularly:

- a For the 2022 Sailing World Championship or the Sailing World Cup, to not appoint or approve any race official unless it has given due consideration to any list submitted by the Class Association of its preferred Race Officials;**
- b For other events, consult with the Class Association if it proposes to appoint different officials from the Class' Association's nominated list before any appointment is made;**
- c If replacement appointments are made, the costs shall be equal or less than those of the original ~~nominee~~ appointed person.**

The Committee also approves the amendments suggested by the World Sailing Classes Committee and notes they are necessary in order to make the submission workable.

010-20 World Sailing Governance - Maintaining the World Sailing Ethics Commission under a new Constitution

Reporting Committee: Board

Other Committee: Constitution

Opinion: Reject

This submission is redundant as there is no new Constitution currently being proposed.

011-20 Advertising Code - Manufacturers' Marks

Reporting Committee: Board

Other Committee: Classes, Constitution, Equipment

Opinion: Approve with the following amendment

Subject to policy.

20.7.1 The display of the manufacturer's and sailmaker's marks is permitted at all times as detailed in Table 2 but not on areas detailed in Regulation 20.4 and Table 1 **(with the ~~exemption~~ exception of Windsurfers where the sailmaker's logos may cover the area detailed in Table 1)** and shall not constitute a limitation to the rights to display Advertising as set forth in the Code, in the class rules and in the rules of a System.

012-20 World Sailing Committees - Nominations and Appointments to Committees and Sub-Committees - Regulation 5

Reporting Committee: Board

Other Committee: Constitution

Opinion: Approve with the following amendment

Subject to policy. However, the Committee noted there will be a significant resource implication for the Executive Office to implement this change.

5.1.2 The Nominations Panel will assess the nominations against the specification and criteria and make a recommendation to the Board. In making its recommendations, the Nominations Panel shall, if reasonably possible, ensure that the Committee or Sub-committee has:

...

5.7.3 The timelines set out in new regulation 5 may be amended **by the Board** to allow proper appointment of the Nominations Panel and their recommendation for appointment.

013-20 Freedom of Information Policy - Principles to Govern a new Freedom of Information Policy for World Sailing

Reporting Committee: Board

Other Committee: Constitution

Opinion: Reject

The proposal is far too broad and may breach contractual obligations, data protection legislation and confidentiality obligations. However, the Committee considers that the concept of an appropriate freedom of information policy being developed has merit.

015-20 New Regulation 1.28 - Suspended Members Register

Reporting Committee: Board

Other Committee: Constitution

Opinion: Approve

Subject to policy.

017-20 World Sailing Regulations - Regulation 15.1

Reporting Committee: Board

Other Committee: Constitution

Opinion: Approve

Subject to policy.

018-20 2021-2024 Anti-Doping Code - New Regulation 21

Reporting Committee: Board

Other Committee: Constitution

Opinion: Approve

Subject to policy.

The Committee noted that it is a requirement of the World Anti-Doping Agency that the new Anti-Doping Code be implemented.

024-20 Regulation 6.7.4 - Composition of the Olympic Classes Sub-Committee

Reporting Committee: Classes

Other Committee: Board, Constitution, Events, Equipment

Opinion: Approve with the following amendment

Subject to policy.

6.7.4.5 Committee members shall only discuss ~~and vote on~~ matters that relate to the Olympic Games of which the class they represent are part of.

025-20 Policy Decisions of Council - A Regulation to ensure policy decisions of Council are public, published and accessible

Reporting Committee: Constitution

Other Committee: Board

Recommendation to Council: Approve with the following amendment

World Sailing shall publish ~~and make accessible~~ on its website in a conspicuous place, ~~as it does for the Constitution and Regulations,~~ the Policy decision of Council referred to in Article 68(a).

The Committee also approves the amendment suggested by the Board, subject to the following amendment:

This ~~Policy Regulation~~ only applies to policy decisions made since November 2012.

- 026-20 Improving Submissions to Council - Principles to be used to re-write the current Regulation 15 for Submissions**
Reporting Committee: Constitution
 Other Committee: Board
Recommendation to Council: Reject
- The Committee acknowledged that the submission process needs to be reconsidered, and there are helpful aspects of the submission that the Board may wish to consider in the future. However, given the submission process is an integral part of the governance framework, careful consideration will need to be given to the matter and it would be helpful to have a draft Regulation to consider in the future.
- 027-20 Regulation 35 - Amendments to Regulation 35**
Reporting Committee: Constitution
 Other Committee: Board
Recommendation to Council: Approve with the following amendment
- 35.2.4(f) not disclose **information which they know, or ought reasonably to know, is** confidential information without the consent of a person authorised to give it, or unless required by law to do so **or for the purposes of obtaining legal advice.**
- 028-20 Regional Games - Equipment for Men and Women Windsurfer Events**
Reporting Committee: Development & Regions
 Other Committee: Constitution, Equipment
Opinion: Approve
 Subject to policy.
- 029-20 Regulation 25.13.4 - Equipment for the Kiteboarding Event in Regional Games**
Reporting Committee: Development & Regions
 Other Committee: Constitution, Equipment
Opinion: Approve
 Subject to policy.
- 031-20 Regulation 10.5(f)(iii) - Requirements to Maintain World Sailing Class Designation**
Reporting Committee: Equipment
 Other Committee: Classes, Constitution, Race Officials
Opinion: Approve
- Subject to policy.
- 032-20 Regulation 25.2.1 - Approval of World Championships and other Events**
Reporting Committee: Events
 Other Committee: Classes, Constitution
Opinion: Approve
 Subject to policy.
- 033-20 Regulation 24.5.3 - Equipment for the Kiteboarding event in the Youth World Championships**
Reporting Committee: Events
 Other Committee: Constitution, Equipment
Opinion: Approve
 Subject to policy
- 034-20 Youth Sailing World Championships - Equipment for Windsurfer Events**
Reporting Committee: Events
 Other Committee: Constitution, Equipment
Opinion: Approve
 Subject to policy

- 036-20 2024 Olympic Sailing Competition - Events & Equipment**
Reporting Committee: Events, Equipment
Other Committee: Constitution
Opinion: Invalid
The Submission is invalid because the submission seeks to change a Regulation that does not exist yet (as the events and equipment for the 2028 Olympic Games have not been determined). The submitters requested to delete the references to '2028' in order to save the submission however, the Committee does not consider that to be a 'minor' and 'not substantial' amendment. Further, Regulation 23 sets out a process for making decisions and it has not been followed.
- 037-20 2024 and 2028 Olympic Sailing Competition – Retain the 2020 Olympic Events and Equipment for the 2024 Olympic Sailing Competition**
Reporting Committee: Events, Equipment
Other Committee: Constitution
Opinion: Approve
Subject to policy.
- However, the Committee noted that the submission incorrectly refers to the RS:X. The submitters requested to amend the submission to refer to the iQFoil instead, however the Committee determined that it is not a 'minor and 'not substantial' amendment and is therefore not a permitted amendment.
- 038-20 World Sailing Race Officials Administration - Regulation 31**
Reporting Committee: Race Officials
Other Committee: Constitution
Opinion: Approve
Subject to policy.
- 039-20 World Sailing Race Officials Administration - Regulation 31.15**
Reporting Committee: Race Officials
Other Committee: Constitution
Opinion: Approve
Subject to policy.
- 044-20 Racing Rules Q&A Service - Racing Rules Question and Answer Panel - Regulation 28.3.6**
Reporting Committee: Racing Rules
Other Committee: Classes, Constitution, Race Officials
Opinion: Approve
Subject to policy.

Authenticated by email on 28 October 2020

Graham McKenzie
Chair
Constitution Committee