

Constitution Committee Minutes

Tuesday 25 October 2022

W Hotel, Abu Dhabi.



Present:	Apologies:
David Tillett (AUS) - Chair	Juan-Antonio Curbelo-Cabrera (ESP)
Sarah Treseder (GBR) – Vice Chair	Ashley Tobin (USA)
Peter Hall (CAN)	Andrie Kypridemou (CYP)
Hiromu (Mochie) Mochizuki (JPN)	JP Daniels (RSA)
Jevan Tan (SGP)	Balazs Hajdu (HUN)
Ana Jasna Gamulin (SLO)	Weidong Lui (CHN)
Ute Reisinger (AUT)	In Attendance:
Fabio Mazzoni (ITA)	Urvasi Naidoo -WS Director of Legal and Governance
Philip Baum - Vice-President	Jon Napier – Member of Governance Sub-Committee

1. Opening of the Meeting

(a) Welcome from the Chairman

The Chair welcomed the Committee Members to the meeting and noted how nice it was to be meeting in person rather than online. As this was the first meeting in person for some members the Chair requested that there was a quick introduction from all those present.

(b) Apologies for absence

The apologies as above were noted.

(c) Declaration of Conflicts of Interests

There were no additional Conflicts of Interest. Jevan Tan noted that he was also representing his MNA at the Conference.

2. Minutes of the Previous Meeting

(a) Minutes

The minutes of the meetings of 26 October 2021 (circulated and approved after the meeting) were noted.

(b) Minutes Matters Arising

There were no matters arising not covered elsewhere on the agenda.

3. Submissions

Please refer to the World Sailing website www.sailing.org for the details of the submissions

(a) To consider and make a recommendation to Council on the following submissions for which the Committee was the Reporting Committee:

- i) **Submission 043-22** - Regulations 28.2.2. & 28.3.1 - To allow RRC to work more collaboratively with submitters to increase approvals

Recommendation to Council: Approve

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- ii) **Submission 044-22** - Regulation 28.1.5 - To rename "test" rules as development rules.

Recommendation to Council: Approve

- (b) To consider and give an opinion to Council on the following submissions for which the Board was the Reporting Committee.

- i) **Submission 050-22** -Regulations Governing Special Events -Proposal to set up a working party tasked with formalizing regulations governing special events with a set of key rights and obligations for special events.

Recommendation to Council: Reject

Comment: The CC supports the establishment by the Board of a working party to discuss matters specific to Special Events.

- ii) **Submission 051-22** - New regulation to cover special events - to introduce a new Regulation 25.8.13 to include list of special events and limitations to protect interests of classes affected.

Recommendation to Council: Reject

- iii) **Submission 065-22** -Regulation 39 - to amend Regulation 39 to allow the Board to make the decision on location of 2023 Conference and to extend timeline for 2024 Conference so that the 2023 Conference will vote on the location of 2024 Conference.

Recommendation to Council: Approve

Comment: Subject to Policy

- (c) To consider and give an opinion to Council on the following submissions for which the Racing Rules Committee was the Reporting Committee:

- i) **Submission 05 -22** Rules 6.1, 69.3 and N4.1-To remove inconsistencies between RRS and the World Sailing Regulations

No recommendation required.

- ii) **Submission 042-22** Gender Neutral Proposed amendments to eight (8) rules in the RRS to remove or change gendered terms.

Recommendation to Council: Approve

Comment Subject to Policy. The proposal is supported however it is important to note that some translations into other languages may run into difficulties. This should be part of a process of endeavouring to make all World Sailing documents gender neutral, recognising English is the language as per the Constitution Article 2.3. This would also include substantial work with the cases, call books and other related World Sailing documents.

- (d) To consider and give an opinion to Council on the following submissions for which the Events Committee was the Reporting Committee

- i) **Submission 049-22** Open Events instead of Men's Events. Amends to Regulation 23.1.4 so that each of the four Olympic Events currently designated as "Men's Events" are renamed as "Open Events".

Recommendation to Council: Reject

- ii) **Submission 052-22** addition and removal of events Proposed amend is to introduce a new Regulation 25.8.4(b) to establish a procedure to add and remove events from the list of major, recognized, and special events.

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Recommendation to Council: Reject

- iii) **Submission 054-22** Proposal to amend the regulations so that the event for skiff in the Youth Sailing World Championship is male/mixed instead of male.

Recommendation to Council: Approve in principle.

Comment: Subject to Policy – this would require a separate submission for a Regulation change.

- iv) **Submission 055-22** Proposal to amend Regulation 27.2 to change the points allocation of the Youth match racing events to follow the same logic as for Women's match racing events.

Recommendation to Council: Approve

Comment: Subject to Policy

- (e) To consider and give an opinion to Council on the following submissions for which the Equipment Committee was the Reporting Committee:

- i) **Submission 056-22** -Regulation 10.11.9 - amend to Regulation 10.11.9 to include a procedure for managing evolution or changes to the Technical Specifications of equipment used by World Sailing Classes.

Recommendation to Council: Approve with the following amendment

Comment Subject to Drafting amendments.

1. 10.11.9(b) - b)an assessment conducted **by a suitably qualified person** to justify that the new equipment is robust, fit for purpose and has adequate longevity, disclosing how the equipment has been assessed, number of prototypes tested and by whom,

2. 10.11.9(b) (c) (e) - b) an assessment conducted to justify that the new equipment is robust, fit for purpose and has adequate longevity, disclosing how the **new** equipment has been assessed, number of prototypes tested and by whom,

c) an assessment of the effect in performance disclosing how the **new** equipment has been assessed and by whom,

e) the intended initial distribution plan, including the minimum number of new equipment items and the date by which they shall become available for purchase ahead of the first event in which the **new** equipment would be eligible, if should be proposed and new equipment.

3. 10.11.10 – For equipment with a confidential building specification, approval to changes shall be handled by the Chief Executive Officer in consultation with the Chairman of the Equipment Rules Sub-committee (or if he is conflicted, another committee member **appointed by the Chair of the Equipment Committee**). The relevant Copyright holder or manufacturer applying for approval shall provide a report including the items listed in regulation 10.11.9.

- ii) **Submission 057-22** Regulation 10: -amendments to Regulation 10 to clarify the process for changing the class rules of World Sailing Classes (3 proposals).

Recommendation to Council: Approve with the following amendment

Comment subject to policy with proposed amendments.

10.2.1 In order to be so designated a class must be able to meet the following criteria, detailed in an application to the Chief Executive Officer before 1 August, for consideration by Council at the next scheduled ~~Annual World Sailing meeting~~ **World Sailing Annual Conference**.

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10.11.1 Before applying to World Sailing for approval, the class/owners association is encouraged shall to consult with the Chief Executive Officer (who shall respond in a timely manner) and shall have approved the changes in accordance with its constitution and its class rules.

- iii) **Submission 058- 22** -Proposal to establish universality of the Equipment Rules of Sailing and provide stakeholders with a single rules book covering both the RRS and the ERS (2 proposals).

No Recommendation to Council as Committee input not required.

- iv) **Submission 059-22** -Regulation 10.5 (f) (iii) to amend Regulation 10.5 to extend the grace period to have an International Measurer for World Sailing Classes due to Covid Pandemic.

Recommendation; Approve

Comment: Subject to Policy

- (f) To consider and give an opinion to Council on the following submissions for which the Para World Sailing Committee was the Reporting Committee:

- i) **Submission 045-22** Para Sailing World Championships Proposed amendment of Regulation 24.6 to correct inconsistencies, typographical errors and terminology.

Recommendation Approve subject to amend to the subject heading of the Clause.

24.6 ~~Para World Sailing~~ Para Sailing World Championships.

- ii) **Submission 046- 22** -Numbering errors A note provided in lieu of a submission proposing an amendment to Regulation 24.6 to correct numbering error.

Recommendation- Approve

Comment: Subject to policy. CC suggested that to be consistent with the way Regulations were drafted this **began with 24.5.1 rather 24.5 (refer other Regulation drafting) and renumber thereafter ie. 24.5.2, 24.5.3 etc.**

- (g) To consider and give an opinion to Council on the following submissions for which the Oceanic & Offshore Committee was the Reporting Committee:

- i) **Submission 047-22** ORC Multihull Rating System Proposal to add a provision to WS Regulation 13.1 sub-paragraphs to complete the enumeration of ORC responsibilities relating to the ORC Superyacht Rule and ORC Multihull Rating System.

Recommendation -Approve

Comment – Subject to Policy

- (h) To consider and give an opinion to Council on the following submissions for which the Race Officials Committee was the reporting Committee:

- i) **Submission 053 -22** Discretion of race officials committee to handle challenges. Proposed amend to Regulation 31.14.1 to ensure that Race Officials Committee has full discretion to handle challenges with first-time appointment of race officials due to special circumstances.

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Recommendation- Approve

Comment – Subject to Amendments proposed by the ROC.

4. Governance Reform

Jon Napier, member of the Governance Sub-Committee, joined the meeting and gave a report on the Governance Reforms proposed by the Governance Sub-Committee which had been circulated and were due to be voted on at the forthcoming Annual General Meeting. He outlined the process that had been followed since the EGM in July had approved the Governance Reform proposals and explained that there had been extensive consultation and feedback had been received from numerous stakeholders and all of that feedback had been published. Where possible feedback had been incorporated into the latest drafts.

The AGM would need to pass the reforms by a 75% majority as this was a Special Resolution. He also highlighted some of the steps which would need to be completed in the next two years if the reforms were approved.

The Committee commended all the members of the Governance Sub Committee for their diligence and for developing the documents which made decision making clearer and with increased transparency.

The Chair proposed that the Committee make a proposal not based on a submission to Council, to support the governance reforms.

This was seconded by the Vice Chair and was unanimously approved by the Committee.

5. Constitution & Regulations

The Committee reviewed the interpretations issued by the Committee since its last meeting and no further amendments were required to the Constitution or Regulations.

6. Annual General Meeting

The Committee noted the agenda of the Annual General Meeting.

7. Annual Report

The Committee received the Chairman's report to Council covering the period 1 January 2021 to 31 December 2021. This would be published and would be presented at the Council Meeting.

8. Any Other Business

A. The Vice Chair noted that every four years there is a requirement to carry out a review of the Groups as per **Regulation 2.4**.

"Every four years, the representation of Full Members on Council through the Groups as mentioned in Article 40(a) and (b) and Schedule A of the Articles of Association shall be reviewed by the Constitution Committee and any changes considered necessary shall be presented to the Council and the ordinary meeting of the General Assembly for their approval."

Some work had been completed in 2018, and in particular the survey drafted to go out to the MNAs at that date should be available and could be updated to send out now in order to collate the background data to complete the review of Council Groupings.

It was agreed a small working party would be created to complete the work and the Vice Chair, Peter Hall, Ute Reisinger and Urvasi Naidoo volunteered to be on the working party.

B. Interpretation 04-22 a Provisional Interpretation had been issued by the Chair of the Committee under Regulation 16.5. due to urgency. This had been circulated to the

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Committee and it was agreed that the Interpretation was approved and could be published as Interpretation 04-22.

The Chair noted that the meeting on Thursday, 27 October 2022 would not be going ahead unless specifically notified otherwise by him or by the office.

Urvasi Naidoo was directed to prepare the Yellow Paper for publication to include the above recommendations on submissions and the proposal not based on submission on governance reforms.

The meeting closed at 5.20pm

David Tillett

Chairman of the Constitution Committee.