

# ***Tangimoana Boating Club Inc.***



## ***Club Rules***

***As at January 2013***

These are the rules of the Tangimoana Boating Club Inc., registered with the Incorporated Societies Office, January 2013.

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# **RULES OF THE TANGIMOANA BOATING CLUB INC.**

## **1. TITLE**

The Club shall be called the Tangimoana Boating Club Incorporated and throughout these rules is hereinafter referred to as the “Club”.

## **2. OBJECTS**

The objects of the Club shall be the encouragement of fishing and boating in all its phases including pleasure boating and motor racing and cruising under power or sail and such other matters and purposes connected with the welfare and development of the Club as members shall from time to time deem necessary or expedient and the promotion of social intercourse between members and kindred Clubs.

## **3. FURTHER OBJECTS AND POWERS**

The Club shall have the following further objects and powers:-

- (a) To undertake and execute any trusts which may seem to the Club conducive to its objects.
- (b) To invest any monies of the Club not required for its immediate use in such Trustee Securities as may be authorised by law from time to time or by the deposit of the same at interest or in current account in any Savings Bank or trading Bank in New Zealand.
- (c) Generally to purchase, take on leave or exchange, hire, or otherwise acquire any real and personal property and any rights or privileges which the Club may think necessary and convenient for the purpose of any of the objects of the Club.
- (d) To sell, lease, exchange, bail, grant licences in respect of or otherwise deal with or dispose of the Club’s undertakings or any part thereof or any property or interest in any property, rights, concessions, or privileges belonging to the Club either together or in portions to any Government, Supreme, Municipal, local or otherwise, or corporation, firm or person for such consideration or premium or upon such terms as the Club may think fit.
- (e) To acquire or obtain from, or make any arrangement with any Government, Supreme, Municipal, local or otherwise, or any corporation, company or person for any authority, right, privilege, concession, contract or charter which the Club may think it desirable to obtain, or which may seem to the Club conducive to any of the objects of the Club and to accept, make payments under, carry out, exercise, and comply with any such arrangements, authority, right, privilege, concession, contract or charter.
- (f) To accept or reject any legacy or bequest or gift whether such legacy, bequest or gift is offered or entails conditions.

- (g) To do all such other things as in the opinion of the Club may be incidental or conducive to the attainment of any of the foregoing objects or the exercise of any of the foregoing powers.

#### **4. FURTHER OBJECTS AND POWERS**

General Committee if authorised by a resolution passed by two-thirds majority at any General Meeting of the Club may borrow or raise money and secure payment thereof in such manner as the Club shall, by resolution, determine and in particular by a mortgage, charge, lien upon the whole or any part of the Club's property or assets (present or future). Save as herein the Club shall not have the power to borrow money.

#### **5. MEMBERSHIP**

The Club shall consist of such persons being boat owners or persons interested in the objects of the Club as may be elected in accordance with the Rules.

#### **6. MEMBERSHIP**

A candidate for membership shall make application on the prescribed form which shall be completed by two members having full membership rights of the Club in the capacity of proposer and seconder. The application which must be accompanied by the appropriate entrance fee and one year's subscription or half year subscription as per rule 22 shall be displayed on the Club's notice board for at least (7) days.

Election to membership shall be by at least three-fourths majority of those present at the meeting of the General Committee next following.

The Committee shall have the right without providing reason to reject any application as it determines to be appropriate.

#### **7. TYPES OF MEMBERSHIP**

##### **(i) REGULAR MEMBERSHIP:**

This membership is open to any person over the age of 18 years being boat owners or persons interested in the objects of the Club who may be elected in accordance with Rule 6. Persons between the age of 18 and 20 years who are currently under Family Membership are not required to pay an entrance fee.

##### **(ii) FAMILY MEMBERSHIP:**

Any regular member of the Club or any person eligible for regular membership of the Club may apply for family membership. If the applicant is not already a member of the club, the application shall be considered in accordance with Rule 6. A person applying for Family Membership shall have all the rights and privileges of Regular

Membership as defined under Rule 7 (i). The spouse and any children under the age of 20 years of the member shall enjoy limited membership rights as defined in rule 8 (iii).

On the death of the person who has full voting rights under the family membership, the surviving legal spouse may apply for membership under the qualifying category without payment of an entrance fee.

**(iii) HONORARY LIFE MEMBERSHIP:**

Any person for sufficient reason may if nominated by at least a three-fourths majority the Committee for the purpose be elected at any General Meeting an Honorary Life Member of the Club. Such election shall be by majority ballot. Honorary Life Members shall be entitled to the privileges of the club and entitled to vote and bear office, and shall be subject to these rules.

Such Honorary Life Member shall pay no further subscription.

**8. MEMBERSHIP RIGHTS**

(i) "Full Membership Rights" in these Rules refers to those rights and privileges enjoyed by a fully paid regular member or Honorary Life Member.

(ii) Only one person in Honorary Life or Family Membership groups shall have full membership rights. Other than for Honorary Life Membership the Club shall assume that the person enjoying the full membership rights in any family membership group shall be the original applicant for Family Membership unless notified in writing at any time except from the time of closure for nominations for the Annual General Meeting to the end of the Annual General Meeting. In the case of Honorary Life Membership the full membership rights remain permanently only with the honoured member.

(iii) Limited membership rights as referred to in Rule 7 means that the members in this category:

- (a) Cannot vote at or participate in the requisition of any general meeting.
- (b) Cannot nominate, second, or stand for any position of officer or committee member of the Club.
- (c) Cannot propose or second any resolutions, or give notice of intention to do so at any general meeting.
- (d) Cannot propose or second any applicant for membership in the Club.
- (e) Cannot participate in or speak at any meeting of the Club unless invited to do so by the Commodore.

In all other respects members in this category shall enjoy all rights privileges and responsibilities of membership

## **9. OFFICERS**

The affairs of the Club shall be controlled and conducted by a General Committee consisting of a Commodore (President), Vice-Commodore (Vice-President), Secretary, Treasurer, Patron and nine (9) Committee members, all of whom shall be financial members of the Club

## **10. NOMINATION OF OFFICERS**

Nominations of candidates for all Officers and Committee members shall be in writing and in the hands of the Secretary not later than 4.00pm on the day of the previous week corresponding to the day fixed for the Annual General Meeting. To be eligible for executive committee selection the nominee must have been a club member for two consecutive years.

Such nomination shall be duly signed by the Proposer and Secunder being members having full membership rights under Rule 8, and the acceptance shall be signed by the proposed candidate. The Secretary shall post nominations on the Club noticeboard as soon as possible after receipt of such nominations but no later than 5.00pm on that day. In case no nomination is received for an office, or insufficient nominations for Committee Members the Annual General Meeting may accept further nominations provided that the candidates hold full membership rights and the voting is conducted in accordance with rule 11.

## **11. ELECTION OF OFFICERS AND COMMITTEE**

All officers and members of the General Committee shall be elected for the ensuing year by a majority of the members present at the Annual General Meeting. Election of Officers shall be carried out by use of voting papers and the Chairman may appoint scrutineers and a returning officer.

## **12. RIGHT TO CO-OPT**

Subject to the majority of the General Committee the General Committee may at any meeting of the Committee by a vote of the majority of the members then present, co-opt any person or persons to become members of the Committee whether to fill a vacancy in the Committee or otherwise, and such person or persons when co-opted shall have all the powers of voting or otherwise of an elected member of the Committee. Where the committee position to be filled is that of an executive committee member the appointment shall be ratified at a General Meeting held for the purpose.

## **13. CLUB CAPTAIN & OTHER OFFICERS**

The General Committee shall have the power to appoint one of the elected members of the Committee, Club Captain to hold office for that year and shall have further power to

appoint officers to control Club property or conduct or control Club activities which the Committee considers desirable.

#### **14. PAST COMMODORE**

Ex-Commodore (President): Without limiting the right of election to office or the right of the Committee to co-opt, both contained in these Rules, any immediate past Commodore (President) of the Club while he/she remains a member of the Club shall be and remain an ex officio member of each Committee for a period of one year from the date when he/she ceases to be Commodore (President). Such ex officio membership shall carry all the powers of voting or otherwise of an elected member of the Committee.

#### **15. ATTENDANCE**

Any member of the Committee absenting him or herself from three consecutive meetings without permission of the Committee, shall, at its option, cease to be a Committee member thereof and the Committee may elect a substitute for the unexpired term of office.

#### **16. ANNUAL GENERAL MEETING**

The Annual General Meeting of the Club shall be held no later than the 30<sup>th</sup> of September in each year, at such time and place as the General Committee shall appoint.

#### **17. SPECIAL GENERAL MEETINGS**

A Special General Meeting shall be called at anytime by the General Committee or by the Commodore (President), or upon requisition signed by at least ten (10) members; such requisitions to state the business to be dealt with. The business shall be set out in the notice to members and only such business or matters reasonably incidental thereto shall be dealt with at the meeting.

#### **18. NOTICE OF GENERAL MEETING**

Notice of all General Meetings shall be posted on the Club's notice board not less than fourteen (14) days before the meeting and given to members by circular addressed to their last known postal or e-mail address and posted not less than fourteen (14) days before the meeting, or by announcement contained in any newsletter of the Club similarly addressed and posted to members.

#### **19. METHOD OF VOTING**

At all General Meetings, any question submitted shall, in the first instance, be decided by a show of hands; or at the request of any financial member, the Chairman may require



that the question be decided by ballot. All votes shall be given personally, and not by proxy.

## **20. CASTING VOTE**

The Chairman at any meeting of the Club or of any Committee meeting when there is an equality of votes shall have a casting vote in addition to his own deliberate vote

## **21. QUORUM**

At all General Meetings of the Club, ten (10) members shall form a quorum. At all meetings of the General Committee five (5) shall form a quorum

## **22. SUBSCRIPTIONS**

The Financial year of the Club shall conclude on the 30<sup>th</sup> day of June in each year.

Any person elected to membership between 1<sup>st</sup> January in any year and 30 June shall be required to pay the current entrance fee plus one half only of the current year's subscription.

Any taxes applicable to those subscriptions will be added to the member's subscriptions and the resultant sum rounded to the nearest dollar will become the liability due from members as their subscription for the year.

## **23. ARREARS IN SUBSCRIPTIONS**

Any member who has not paid their subscription, or any other fees due to the Club on or before the 31st day of July in any year, shall be deemed in arrears and this fact shall be brought to their attention and they shall not be entitled to any privileges of the Club, nor shall the member be entitled to vote at any meeting, or compete for any prizes until the subscription or fee is paid.

Furthermore, the Committee may strike off the Membership Register the name of any member whose subscription is not paid in full on or before the 31st day of July in any year, and thereupon such person shall cease to be a member of the Club. The committee may however, after consideration of particular circumstances have discretion to re-instate any such person upon receipt of such subscription. The Secretary shall, as directed by the Committee, maintain posted on the Club Notice Board a list of all members who are in arrears under this rule.

## **24. RESIGNATION**

A member may resign at any time by giving written notice of their intention to the Secretary.

## **25. EXPULSION**

The General Committee shall have the power to expel any member for misconduct, conduct not conducive to the best interests of other members or of the Club or for any sufficient cause. Such members shall have the right of appeal to a General Meeting of the Club to be called by requisition in writing of five (5) members posted to the Secretary within fourteen (14) days after notification of such expulsion and such General Meeting may confirm, rescind or vary the resolution of the General Committee.

## **26. REGISTER OF BOATS**

The Secretary shall keep a Register of boats owned by members of the Club. Each member shall on request state in writing to the Honorary Secretary the name, rig, and other particulars of every boat or yacht belonging to such member and shall from time to time notify the Secretary of any changes in the ownership or particulars of the said boat.

## **27. FLAGS**

The Club Burgee is a blue pennant with white letters of the Club's name and emblem of anchor and dolphin.

## **28. VISITORS**

Members have the privilege of introducing visitors. A member introducing a visitor shall enter his name in the visitor's book and shall be answerable for the conduct of the guest while on the premises.

## **29. CLUB PROPERTY**

No member shall remove any property of the Club from the Clubhouse except under By-Laws made by the General Committee. Members shall pay the full cost of replacing any Club property destroyed, damaged or lost by them.

## **30. MEMBERS PROPERTY**

The Club will not be responsible for the loss or damage to the property of any member, should such property be left in the Clubhouse or on any of the Club's premises.

## **31. OBJECTIONABLE BEHAVIOUR**

No objectionable behaviour or any conduct which might endanger or jeopardise any of the Club's assets, licences or other Club property shall be allowed in the Clubhouse at any time.

### **32. CHILDREN**

At no time shall children be admitted to the Clubhouse unless in the company of a parent or guardian who shall be responsible for their behaviour.

### **33. COMMON SEAL**

The Club shall have a Common Seal which shall be kept in the custody of the Secretary but shall be produced and handed to the General Committee on request.

### **34. EXECUTION OF DOCUMENTS**

All documents to be signed by the Club shall be signed only pursuant to a resolution of the General Committee and execution shall be made by the affixing of the Seal in the presence of two (2) members of the General Committee.

### **35. BANK ACCOUNT**

Cheques and other negotiable instruments drawn on the Club's Bank Account shall be signed in the Club's name by two (2) members of the General committee, one of whom shall be the Honorary Treasurer and withdrawals from any Savings Bank Account of the Club shall be similarly made. In the event for any reason of the Honorary Treasurer being unable to attend to sign any such documents, the Committee may in respect of specific documents authorise an alternative authorised signatory to sign in lieu of the Honorary Treasurer.

### **36. MINUTES & ANNUAL ACCOUNTS**

The Committee shall make regulations for and keep minutes of their meetings and proceedings, and also shall keep a record of all receipts and expenditures. The minutes shall be posted on the club notice board.

The Annual Financial Accounts are to be prepared by an accountant and to be circulated to members prior to the Annual Meeting of the Club.

### **37. LIQUIDATION**

The Club may be wound up if a resolution to such effect shall be passed by a General Meeting and confirmed at a subsequent General Meeting called not earlier than thirty (30) days after the meeting at which the resolution to be confirmed was passed notice of which confirmatory meeting has been given to all members by ordinary post at least fourteen (14) days before the date of the confirmatory meeting shall decide the destination of the property and assets of the Club left after meeting its liabilities PROVIDED THAT such property and assets shall not be paid to or distributed among members, but given or transferred to some body or bodies having similar aims to that of

this club. Such winding up shall be carried out in accordance with Section 24 of the Incorporated Societies Act 1908.

### **38. ALTERATION OF RULES**

These Rules of or any of them shall not be altered, added to, or rescinded, except at an Annual General Meeting or Special Meeting pursuant to twenty-one (21) days' notice in writing giving to the Honorary Secretary, both of the intention to move such alteration, addition or rescission, and of the terms of the proposed alteration, addition or rescission. The term of the proposed alteration, addition, or rescission shall be set out in the notice of the meeting posted on the Club's notice board not less than fourteen (14) days before the meeting and the intention to alter, add to, or rescind the Rules with the numbers of the Rules affected, shall be stated in a circular to members giving notice of the meeting posted fourteen (14) clear days before the date for which such meeting is called and for the purposes of this Rule publication of such notice in any Newsletter of the Club shall be deemed to be a circular. No addition or alteration shall be approved if it affects the objects, personal benefit clause or the winding up clause. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

### **39. BY-LAWS**

In addition to, but not in substitution for, these General Rules, the Club may from time to time make and pass By-Laws for the good government of its members, the protection of its interests and the furtherance of the Objects of the Club.

By-Laws shall be made only in the manner and subject to the conditions following:

- (a) The proposed By-Law shall be printed and at least fourteen (14) clear days before adoption a notice shall be published to the effect that the proposed By-Laws are open for inspection at the Clubhouse.
- (b) They shall be adopted at a special meeting of the General Committee. Each member shall have seven (7) clear days' notice in writing of such meeting and the business to be dealt with.
- (c) After adoption by the General Committee, they shall be confirmed by a Special General Meeting of the club called in accordance with the provisions of these Rules.
- (d) By-Laws confirmed in accordance with these Rules shall be printed and supplied to each Club member on request.

In the like manner to the making of By-Laws as set out the Club may from time to time alter or rescind any of its said By-Laws. No addition or alteration shall be approved if it affects the objects, personal benefit clause or the winding up clause. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

**A copy of the Rules and By-Laws shall be always available for inspection of members.**

#### ***40. GENERAL***

The decision of the General Committee on the interpretation and/or construction of any Rule, By-Law or Regulation shall be final PROVIDED HOWEVER that at any General Meeting of the Club the decision of the commodore, as to the interpretation or construction of any Rule, By-Law or Regulation or as to any matter or question in issue or dispute at the meeting shall be accepted by the meeting and deemed final and conclusive.

#### ***41. PERSONAL BENEFIT***

Any income, benefit or advantage shall be applied to the objectives of the organisation. No member of the organisation or any person associated with a member shall participate in or materially influence any decision made by the organisation, in respect of the payment to or on behalf of that member, or associated person of any income, benefit, or advantage whatsoever. Any such income shall be reasonable and relative to that which would be paid in an arm's length transaction (being open market value). And the provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.