



Kapiti Club Inc.
Paraparaumu Beach

CONSTITUTION

OF THE

KAPITI CLUB (INC.)

23rd July 2010.

CONTENTS

Rule	Title	Page
1	Name	2
2	Registered Office	2
3	Objects	2
4	Obligations of Members	2
5	Pecuniary Gain by Members	2
6	Constitution	2
7	Classes of Membership	3
8	Conditions and Privileges of Membership Classes	3
9	Admission of Members	4
10	Rights of Members	5
11	Life Members	5
12	Termination of Membership	6
13	Fees and Subscriptions	6
14	Address and Notices to Members	6
15	Complaints of Members	7
16	Immediate Suspension	7
17	Expulsion, Suspension, Consequences of Misconduct and Breach of Rules	7
18	Officers of the Club	9
19	Patron	10
20	President	10
21	Management Committee	10
22	Treasurer	10
23	Powers and Duties of the Management Committee	11
24	Removal from Office	13
25	Election of Officers of the Club	13
26	Ballot Procedure	14
27	General Manager	15
28	Staff	15
29	Adjuncts	15
30	Club Funds and Property	16
31	Club Year	16
32	Annual General Meeting	16
33	Special General Meeting	17
34	Conduct of General Meeting	17
35	Interpretation	18
36	Alteration to Constitution	19
37	Indemnity	19
38	Winding Up	19
39	Regulations	19
40	Offences	19
41	Common Seal	20
42	General	20
43	Transitional Provisions	20
44	Matters Not Provided For	20
	Regulations for the Conduct of the Club	21
	Visitors	22

KAPITI CLUB (INCORPORATED)

CONSTITUTION adopted on the 6th day of April 2003 setting forth the Rules of the Kapiti Club (Incorporated).

1. NAME

The name shall be the “Kapiti Club (Incorporated)” hereafter referred to as “the Club”.

2. REGISTERED OFFICE

The registered office of the Club shall be at 32A Marine Parade, Paraparaumu Beach, or at such other place as may be fixed by the Committee of Management, hereinafter referred to as “the Committee”

3. OBJECTS

The objects for which the Club is established are:

- 3.1 To conduct, administer and maintain a Chartered Club for its members and for such persons as are authorized from time to time in accordance with the terms of any licences granted to the Club.
- 3.2 To provide amenities and cultural and social activities and promote sports and generally to provide an atmosphere where the members may meet and enjoy fellowship with one and other.

4. OBLIGATION OF MEMBERS

- 4.1 Every member shall be bound by the Constitution and Regulations of the Club.

5. PECUNIARY GAIN

- 5.1 No member shall derive any pecuniary gain from the operations or property of the Club, except as permitted by section 5 of the Incorporated Societies Act 1908.

6. CONSTITUTION

- 6.1 The Club is a Society in terms of Section 4 of the Incorporated Societies Act 1908 and its amendments registered under the Act.
- 6.2 Financial members shall be entitled to rights and privileges as follows:
 - (1) To enter the Club premises during such hours as may be defined by the Committee and promulgated from time to time.
 - (2) To hold office in accordance with the Rules of the Club.

- (3) To have an equal voice in all business of the Club by way of voting power, except in the case of Country Members, Day Members and Temporary Members who shall not have the right of a vote at any meeting or election or hold any office.

7. CLASSES OF MEMBERSHIP

At the date of adoption of this Constitution the membership of the Club shall consist of the following classes:

Life Members.
 Senior Members.
 Ordinary Members.
 Country Members.
 Temporary Members
 Day Members

8. CONDITIONS AND PRIVILEGES OF MEMBERSHIP CLASSES

- 8.1 The classes of membership of the Club set out in Rule 7 shall be restricted to persons who have attained the age of 18 and as may comply with the age limits set by the Sale of Liquor Act 1989 and its amendments Acts passed in substitution thereof.
- 8.2 A Life member is a member granted that status for meritorious service in terms of Rule 11.
- 8.3 A Senior member is an Ordinary member having attained the age of sixty-five (65) years and having been an Ordinary member for ten (10) consecutive years. The member shall be entitled to a reduction in the subscription fee as set by the Committee pursuant to Rule 13.2, which will apply from the beginning of the following financial year.
- 8.4 An Ordinary member is person admitted to membership in terms of Rule 9, not being a Life, Country or Temporary member.
- 8.5 A Country member must reside and have a usual place of business outside the Club's area, which extends northwards to the Ohau River, South to the Paremata Bridge, East to the Tararua Ranges and West to include Kapiti Island.
- 8.6 A Temporary member shall be a person permanently resident at least 100Kms from Paraparaumu and who is visiting the area. Such membership shall not exceed two (2) calendar months at any one time.
- 8.7 Day membership may be granted to any person of at least the legal drinking age on payment of a fee as determined from time to time by the Committee and on completion of the Club's Day Membership Register, subject to the following conditions:
- 8.7.1 A Day member must retain the receipt for payment of the day membership fee for the duration of the stay at the Club.

- 8.7.2 Day membership is valid only during the Club's trading hours for the day that day membership is granted.
- 8.7.3 Day membership does not confer any reciprocal visiting rights to any other club.
- 8.7.4 A Day member may not participate in any sporting tournament run under the auspices of the Club or Clubs NZ.
- 8.7.5 A Day member may not attend or participate in any General Meeting.
- 8.7.6 A Day member is not entitled to bring visitors to the Club.
- 8.7.7 Day membership shall be for the enjoyment of the Club's facilities and not for the mere consumption of alcohol; nor use of the Club's gaming facilities.
- 8.7.8 Day membership shall not alter the Club's overall balance so that the consumption of liquor becomes the predominant purpose.
- 8.7.9 Day membership may not be granted to any person on a regular or frequent basis.
- 8.8 Members shall be entitled to entry to the Club premises during such hours as may be defined by the Committee.
- 8.9 Life, Senior and Ordinary members have the right to hold office in accordance with the Rules of the Club and have an equal voice in all business of the Club. Country, Temporary and Day members cannot hold office and shall not have the right of a vote at any meeting or election.
- 8.10 Any Country member shall be entitled to become an Ordinary member at any time without fresh application upon payment of the difference in the current subscription but no Ordinary member shall register as a Country member unless sanctioned by the Committee.
- 8.11 The conditions and privileges for the appointment of life members are as set out in Rule 11.

9. ADMISSION OF MEMBERS

- 9.1 All candidates for membership, other than day members, shall be nominated in writing on a form provided for the purpose by two (2) financial members of the Club, each of whom shall have been a member for at least twelve (12) months. The nomination form shall include the first names, surname, age, residential address and occupation of the candidate, together with a recent photograph and an undertaking to abide by the Rules of the Club. The candidate shall deposit at the time of nomination, such entrance fee as may be directed by the Committee. The names of candidates shall be posted on the Club's notice board fourteen (14) clear days prior to election.

- 9.2 Any objection lodged during the period of posting shall be considered by the Committee. Election shall be by ballot at the first Committee meeting held after the expiration of the said (14) days.
- 9.3 Any candidate who is rejected by the Committee shall not again be proposed for membership for a period of six (6) calendar months following notice of rejection of the application.
- 9.4 Membership shall commence from the date of election by the Committee but the candidate shall not be entitled to the privileges of the Club until after payment of the entrance fee and subscription, and if these are not paid within (1) calendar month of the date of notification of election the Committee may declare the election void.
- 9.5 Financial members of Associated Clubs wishing to join the Club shall not be required to pay an entrance fee but shall be required to produce a Transfer Certificate from their Associated Club.
- 9.6 A Temporary member as defined in Rule 8.6 can be admitted on the approval of the General Manager.
- 9.7 No person shall be eligible for membership who has been expelled from the Club or any affiliated, associated or kindred Club unless special approval of the Committee is granted.

10. RIGHTS OF MEMBERS

- 10.1 Only Life Members, Senior Members and Ordinary Members shall have the right to:
- 10.1.1 vote at General Meetings or in any ballot provided for in this Constitution;
 - 10.1.2 stand for election for any office within the Club;
 - 10.1.3 nominate members for election to any office within the Club;
 - 10.1.4 nominate people for election to membership of the Club.
- 10.2 Any member shall have the right to bring a matter before members at an Annual or Special General Meeting.
- 10.3 Any member whose payment of any Club subscription or fee is in default for a period of one (1) month following the due date for such payment shall automatically cease to qualify for all rights and privileges of the Club membership until payment is made (subject to Rule 13.4).

11. LIFE MEMBERS

- 11.1 The Club in Annual General Meeting, upon recommendation by the Committee, may grant life membership to any member for meritorious service rendered to or on behalf of the Club, provided that no member shall be eligible for life membership before being a member of the Club for at least ten (10) years.

- 11.2 Notice of intention to recommend shall be posted on the Club's notice board fourteen (14) clear days prior to the Annual General Meeting. The number of life members shall not at any time exceed two percent of the total membership of the Club.
- 11.3 Life members shall not be liable to pay any subscriptions but shall be classed as financial members.
- 11.4 A Life member of an Affiliated Club transferring to this Club and being approved by the Committee, will be accepted as an Ordinary member on payment of the annual subscription.

12. TERMINATION OF MEMBERSHIP

- 12.1 **By Resignation:** Any member may resign membership by letter addressed to the General Manager of the Club to that effect and by paying all subscriptions due and owing at the date of receipt by the General Manager of such a letter of resignation.
- 12.2 **By Expulsion:** A member may be expelled from the Club in terms of the provisions of Rule 17 for misconduct or breach of these Rules.

13. FEES AND SUBSCRIPTIONS

- 13.1 The Committee shall be entitled to set an entrance fee from time to time.
- 13.2 The annual subscriptions payable by members shall be such sums as shall from time to time be determined by the Committee and posted on the notice board one (1) month before the end of each financial year provided that if they are not set then the same subscriptions will apply from the previous year.
- 13.3 The subscription year of the Club shall commence on the 1st day of April in each year and subscriptions shall be payable on that date.
- 13.4 Any member whose subscription or dues have not been paid by 30th April in any year may be struck off the register of members at the discretion of the Committee. A member incapacitated through illness, accident or distress may, on notice in writing being given to the General Manager, have the subscription waived, remitted or deferred.

14. ADDRESS AND NOTICES TO MEMBERS

- 14.1 Each member shall, until written notice to the contrary is given to the General Manager, be deemed to reside at the address given in such member's nomination form.
- 14.2 Any notice may be served on a member either personally or by post to the address given in the member's nomination form or such other address as subsequently notified by the member to the General Manager and shall be deemed received by the member four (4) clear working days following the posting of any letter or notice.

- 14.3 No meeting, resolution, or other proceedings shall be invalidated by the accidental omission to give notice to any member.

15. COMPLAINTS OF MEMBERS

- 15.1 All complaints must be made in writing to the General Manager and shall be submitted to the Committee.

16. IMMEDIATE SUSPENSION

- 16.1 **Grounds:** A Member shall be liable to be immediately suspended from the Club if the member:

- 16.1.1 removes any property of the Club, including but not limited to a book or newspaper, from Club premises without the consent of the Committee or Duty Manager
- 16.1.2 wilfully or recklessly damages any property of the Club
- 16.1.3 refuses to replace or make good damage to any property of the Club
- 16.1.4 persists in drunkenness, swearing, obscene language or other disorderly conduct on Club premises after being cautioned by any Committee Member or Duty Manager
- 16.1.5 persists in creating a disturbance at any Meeting or other Club event, after being cautioned by a Committee Member or Duty Manager
- 16.1.6 uses or threatens violence to any person; or
- 16.1.7 contravenes any exclusion order or agreement that is in force, which restricts the Member from participating in gambling activities.

16.2 Procedure:

- 16.2.1 Any Committee Member or any Duty Manager may immediately suspend a Member for the acts set out in Rule 16.1.
- 16.2.2 A suspended Member shall be totally excluded from the Club's premises and Club activities from the time of the committal of the offence until such time as the matter is dealt with by the Disciplinary Committee
- 16.2.3 Within 24 hours the Committee Member or Duty Manager shall report the suspension and the circumstances thereof in writing to the General Manager
- 16.2.4 The Disciplinary Committee shall meet to consider the suspension in accordance with the procedures in Rule 17.2.

17. EXPULSION, SUSPENSION, CONSEQUENCES OF MISCONDUCT AND BREACH OF RULES

- 17.1 **Grounds:** A Member shall be liable to be expelled, suspended from the Club or subject to such lesser penalty as may be determined by the Disciplinary Committee if the member:

- 17.1.1 breaches these Rules, or
- 17.1.2 is convicted of:
 - 17.1.2.1 bookmaking; or
 - 17.1.2.2 a Crime (as defined by the Crimes Act 1961), or

- 17.1.2.3 an offence which, in the opinion of the Disciplinary Committee, is likely to prejudice any licence held by the Club;
- 17.1.3 in the opinion of the Disciplinary Committee, brings the Club into disrepute; or
- 17.1.4 is found by the Disciplinary Committee to have committed any of the acts set out in Rule 16.1.

17.2 Procedure

- 17.2.1 Within three (3) days of the receipt of a report of an immediate suspension from a Committee Member or a Duty Manager the General Manager shall refer the matter to the Disciplinary Committee.
- 17.2.2 Any member or any Duty Manager may notify the General Manager in writing if that member believes another Member may be liable to expulsion, suspension or other penalty pursuant to Rule 17.1
- 17.2.3 Within three (3) days of receipt of such notice by the General Manager the Committee shall call a meeting to consider whether it is appropriate to refer the matter to the Disciplinary Committee. Such meeting to be within two (2) weeks of receipt of the notice.
- 17.2.4 As soon as practicable following receipt from the General Manager of a report of an immediate suspension or a notice from a Member is referred to it by the Committee the Disciplinary Committee shall call a meeting to consider the report or notice.
- 17.2.5 The Disciplinary Committee must give the member concerned at least seven (7) days written notice of that meeting informing the member of:
 - 17.2.5.1 the nature of the matter that has been referred to it; and
 - 17.2.5.2 how the matter will be heard; and
 - 17.2.5.3 the right to appear and to be heard at that Meeting; and
 - 17.2.5.4 the process of the Meeting
- 17.2.6 After the Member concerned has had the opportunity to be heard and if the Disciplinary Committee finds the immediate suspension or the matter(s) raised in the notice referred to it to have been justified the Disciplinary Committee may determine to:
 - 17.2.6.1 expel the member; or
 - 17.2.6.2 suspend the member for a determined period, or until a particular event; or
 - 17.2.6.3 impose such restrictions as to access by the member to club facilities or involvement in Club activities for a determined period as it thinks appropriate; or
 - 17.2.6.4 reprimand the member in such terms as it thinks appropriate
- 17.3 The Disciplinary Committee shall immediately notify its determination of the report or notice to the General Manager who shall enter it in the records of the Club and advise the Committee of the outcome.

- 17.4 No subscriptions, levies or other payments already received by the Club as at the date of expulsion or suspension shall be refunded on expulsion or suspension.
- 17.5 A Member expelled on the ground of criminal conviction shall not be eligible for re-election to membership unless a period of at least twelve (12) months has passed since the date of expulsion, and a sixty percent (60%) majority of Members at a General Meeting vote in favour.
- 17.6 A Member who has been suspended under this Rule is ineligible to stand for election to any position on the Committee for a period of two (2) years from the last day of that suspension.

18. OFFICERS OF THE CLUB

- 18.1 The Officers of the Club shall be the President and the Members of the Committee.
- 18.2 The tenure of Officers of the Club shall be two (2) years commencing from the date of the Annual General Meeting at which those persons assumed office (subject to Rule 18.3).
- 18.3 In any year at least two (2) Officers of the Club, other than the President, shall retire.
- 18.4 Those to retire under Rule 18.3 shall be determined in the following sequence:
- 18.4.1 any person deemed to have vacated their position if such person;
- a. ceases to be a financial member of the Club; or
 - b. resigns their position in writing; or
 - c. fails to attend three consecutive meetings of the Committee without leave of absence; or
 - d. becomes physically or mentally incapable of fulfilling the duties of their position; or
 - e. is adjudged bankrupt; or
 - f. whose membership has been terminated or suspended pursuant to Rule 17.2.6 by the Disciplinary Committee; or
- 18.4.2 any member who has filled a casual vacancy; or
- 18.4.3 those persons who have served as officers of the Club for the longest period since last elected; or
- 18.4.4 by lot, where the required number of vacancies cannot be determined under the foregoing.
- 18.5 At the completion of their term of office any person serving as an officer of the Club may offer themselves for re-election.
- 18.6 No member of the Club shall hold more than one position as an officer of the Club at any one time.

19. PATRON

19.1 There shall be a Patron who may or may not be a member of the Club and who, subject to that person's consent, shall be elected annually by members at the Annual General Meeting.

20. PRESIDENT

20.1 There shall be a President of the Club who shall:
20.1.1 be elected for a period of two years;
20.1.2 be the senior representative of the Club;
20.1.3 preside at all General Meetings of the Club;
20.1.4 have the right to attend, participate in and vote at meetings of the Committee.

21. MANAGEMENT COMMITTEE

21.1. There shall be a Management Committee ("Committee") to have the powers and responsibilities set out in Rule 23, comprising:
21.1.1. The President
21.1.2. Five (5) other voting members, all of whom shall be one of the classes of members specified in Rule 10.1
21.2. The Committee members specified in Rule 21.1.2 shall be elected by a ballot of members prior to the Annual General Meeting, and shall take office immediately after such meeting.
21.3. The Committee shall elect its own Chairperson at its first meeting who shall have a deliberative and a casting vote.
21.4. The Committee shall fill any casual vacancy occurring.
21.5. The Committee shall meet as and when required but at least once a month.
21.6. At any Committee meeting the quorum shall be four (4).

22. TREASURER

22.1. Should the Committee consider it desirable to support the General Manager in the performance of the responsibilities of that office it may appoint a Treasurer to undertake such accounting and like duties as it thinks necessary.
22.2. An appointment as Treasurer shall be on such terms and conditions as the Committee thinks fit.
22.3. The Treasurer may attend and speak at meetings of the Committee but, unless an elected member of the Committee, shall not have the right to vote.

23 POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE

- 23.1 The Committee's powers and duties shall include:
- 23.1.1 responsibility for the governance of the Club on behalf of its members in areas of financial planning, business management, and strategic policy information;
 - 23.1.2 to borrow or raise money for purposes stated in the strategic and business plans approved by members to a limit of total indebtedness of \$500,000.00, unless the approval of members to exceed that limit has been obtained in General Meeting.
 - 23.1.3 to plan, co-ordinate and direct long term policy for the diligent use of finances and resources, including the presentation of strategic and business plans, and an annual operating and capital budget for approval by members at a General Meeting;
 - 23.1.4 to formulate and implement long term policies for the management and improvement of the Club facilities provided that any proposal to permanently alter the facilities shall first be submitted to a General Meeting for approval of the members;
 - 23.1.5 to plan and implement policies ensuring long-term membership growth consistent with the future needs of the Club;
 - 23.1.6 to deal with matters arising from the conduct of the Club's activities for which there is no provision in this Constitution as it deems fit in its sole discretion;
 - 23.1.7 to buy, lease or sell any Club property or any rights or privileges at such price and upon such terms and conditions, as it thinks fit and give and execute such mortgages, deeds, instruments and securities as are considered necessary except that no commitment for the purchase or sale of Club land may be made without the prior approval of members obtained in General Meeting;
 - 23.1.8 to appoint, review, suspend or terminate the employment of the General Manager and to negotiate with the General Manager conditions of service, remuneration and the terms of contract;
 - 23.1.9 to invest such part of the funds of the Club not required to satisfy or provide for its immediate demands in such securities or other investments and convert the same as the Committee may deem prudent;
 - 23.1.10 to delegate to the General Manager the authority to enter into contracts, sign bills, notes and cheques and execute documents relating to the Club's property on behalf of the Committee, and exercise such authority itself where this delegation is exceeded;

- 23.1.11 to set annual subscriptions and set due dates for their payment for each class of membership excepting that any increase in excess of 10% shall not be applied without the approval of a General Meeting of members;
- 23.1.12 to set a levy for any special purpose consistent with the strategic and business plans approved by members excepting that any such levy in excess of 15% of the annual subscription in any one year shall not be applied without the approval of a General Meeting of members;
- 23.1.13 to maintain full and accurate records of all Club activities, ensuring that they conform to statutory requirements;
- 23.1.14 to determine any entrance fee for membership of the Club;
- 23.1.15 to regulate the number of members within the categories of membership;
- 23.1.16 to make, alter or rescind Regulations necessary for the financial or strategic objectives of the Club provided that such Regulations are consistent with this Constitution;
- 23.1.17 to recommend to the Annual Meeting the appointment of the person to act as Auditor for the Club. The person so appointed shall be a Member of the Institute of Chartered Accountants of New Zealand.
- 23.1.18 to appoint a member of the Club to act as the Returning Officer for the Club, and two Scrutineers, who will be responsible for all ballots in accordance with this Constitution;
- 23.1.19 to appoint a member of the Club to act as the Welfare Officer;
- 23.1.20 to appoint four members of the Club to act as the Disciplinary Committee;
- 23.1.21 to determine the hours of entry by Members to the Club premises.
- 23.1.22 to fix the date of the Annual General Meeting.
- 23.1.23 organising social, entertainment and inter-club events appropriate to the objectives of the Club;
- 23.1.24 arranging and controlling all competitions, membership draws, raffles;
- 23.1.25 promoting membership of the Club in consultation with the Committee;
- 23.1.26 organising and providing catering or food as required under the Liquor Licence Laws;
- 23.1.27 reviewing all aspects of Club security, including member and visitor entry;
- 23.1.28 Referring matters to the Disciplinary Committee as required.

23.1.29 appointing such sub-committees as deemed necessary for the proper fulfillment of their obligations;

24 REMOVAL FROM OFFICE

24.1

A member of the Committee may be removed from office for any reason which the Committee deems expedient in accordance with the following;

24.1.1 The Committee shall convene a Special General Meeting to consider the removal; and

24.1.2 The Committee must give seven (7) days notice in writing to the Committee member in question, informing him or her of his or her right to appear and be heard at that meeting; and

24.1.3 After the Committee Member in question has had the opportunity to be heard, the Meeting may decide to remove the Committee member from office by majority vote;

24.2 If the Meeting decides to remove the Committee Member, such removal shall be effective immediately;

24.3 On receipt of a notice of motion of no confidence in a Committee Member signed by fifty (50) Financial Members, the Committee shall convene a Special General Meeting and proceed in accordance with Rule 25.1.

24.4 The Committee may decide to remove a Committee member who becomes physically or mentally incapacitated to the extent that the member cannot carry out the duties of a Committee Member.

24.5 No Committee or Committee Member who has been removed from office shall be eligible for re-election without the consent of a General Meeting.

25. ELECTION OF OFFICERS OF THE CLUB

25.1 Life Members, Senior Members and Ordinary Members shall have the right to:

25.1.1 stand for election to the positions of President and Committee.

25.1.2 nominate members for election to any of the positions set out in Rule 26.1.1

25.2 Any member nominated for any of the positions set out in Rule 18.1 must be a financial member and shall be nominated in writing by two members of the Club entitled to nominate under Rule 10.1

25.3 The President and members of the Committee shall be elected by postal ballot and assume office at the conclusion of the Annual General Meeting at which the results of the ballots are announced.

25.4 No member of the Club who is in receipt of a salary or wage from the Club shall be eligible for election to any position.

26. BALLOT PROCEDURE

- 26.1 Where required to elect any Officer of the Club by ballot, such ballot shall be conducted as follows:
- 26.1.1 Nominations for any elected position within the Club shall be:
- a. proposed and seconded by members in accordance with Rule 10.1; and
 - b. be lodged with the General Manager at least 21 days before the date fixed by the Committee for the Annual General Meeting.
- 26.2 Nominations will be placed on the Clubhouse notice board immediately following receipt by the General Manager together with any personal information the candidate may wish to publish.
- 26.2.1 A member may be nominated as a candidate for more than one office but must indicate in the nominations an order of preference of the positions sought.
- 26.3 A Member entitled to vote in the ballot in accordance with Rule 10.1 shall:
- 26.3.1 receive from the General Manager the ballot paper(s) by post at least 14 days prior to the Annual General Meeting; and
- 26.3.2 strike out the names of the candidates for whom the member does not wish to vote leaving uncanceled the name(s) of the candidate(s) for whom the member desires to vote and shall return the voting paper sealed in the envelope supplied to the Returning Officer prior to the time and date of closing of the ballot, or place the completed voting paper in the sealed ballot box provided at the Club office;
- 26.3.3 each member exercising a vote shall print and sign the member's name upon the outside of the flap of the envelope enclosing the voting paper, but not on the voting paper.
- 26.4 All ballots will close at 10.00am on the day preceding the meeting at which the result of the ballot will be announced.
- 26.5 The Committee shall appoint a Returning Officer and two Scrutineers.
- 26.6 On closure of the ballot the Returning Officer will proceed to count the voting papers received and provide the President with a certificate, endorsed by the Scrutineers, showing the number of votes received by each candidate. The President or other person presiding shall announce the result to the Annual General Meeting.
- 26.7 Where there is an equal number of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer in the presence of the Scrutineers shall determine by lot which candidate shall be elected.
- 26.8 The Returning Officer's certificate will be retained in the papers of the Committee for a period of 12 months following the declaration of the ballot.
- 26.9 In the event that any member is elected to more than one office, the Returning Officer shall have regard to the preference indicated by the member in terms

of Rule 27.2.1 and the member shall be deemed to have vacated the other office. Thereupon the Returning Officer shall declare to be elected instead of that member the unsuccessful candidate or candidates who received the highest number of votes at that election for the office or offices vacated.

- 26.10 If a member is already a member of the Committee and is not required to retire at the Annual General Meeting by virtue of Rule 18.3 and stands for and is elected to the office of President, that member shall forthwith vacate the office of Committee member and thereupon the Returning Officer shall declare to be elected to that office of Committee member the unsuccessful candidate who received the next highest number of votes.

27. GENERAL MANAGER

- 27.1 The Committee shall appoint a General Manager whose responsibilities shall include:
- 27.1.1 the effective and efficient administration of the organisation of the Club and its activities, including the supervision and control of expenditure,
 - 27.1.2 implementation of the policies and strategies of the Committee,
 - 27.1.3 the engagement and supervision of staff and the implementation of effective management practices,
 - 27.1.4 preparation, at the direction of the Committee, of the annual budget and business plan and all financial statements and other reports,
 - 27.1.5 attendances at meetings of the Committee unless there is good cause to be absent in which circumstances alternative representation shall be arranged, but will have no voting rights,
 - 27.1.6 the recording of all proceedings of the Committee and custody of these records,
 - 27.1.7 filing of statutory returns,
 - 27.1.8 such other duties as may be specified in the General Manager's contract of employment.
- 27.2 The General Manager shall be accountable in the performance of the duties and responsibilities of the position to the Chairperson of the Committee.

28. STAFF

- 28.1 All other employees of the Club shall be appointed by and be under the control of the General Manager or his/her deputy.
- 28.2 No member shall reprimand an employee. All complaints about the conduct of employees shall be in writing to the General Manager.
- 28.3 No member shall give money or gratuity to an employee of the Club.

29. ADJUNCTS

- 29.1 An Adjunct may be formed within the Club for sporting or special interest groups.
- 29.2 Any assets of the Adjunct are the assets of the Club. All monies received for Adjuncts shall be paid into the Adjunct's bank account referred to in Rule 30.4.1

- 29.3 All accounting, taxation, financial reporting and legal compliance responsibilities of the Adjunct shall rest with the Club.
- 29.4 Adjuncts shall use the Club's accounting services in the following manner:
- 29.4.1 Adjuncts must have a separate bank account to the Club, which shall be on the Club's base bank account number.
- 29.4.2 The General Manager of the Club and the Secretary of the Adjunct shall be joint signatories of the Adjunct's account.
- 29.4.3 All payments on behalf of an Adjunct shall be made by cheque on the Adjunct's account.
- 29.5 Any monies accumulated by an Adjunct, or any portion of such monies, may be invested in any manner approved by the Committee.
- 29.6 The Committee of an Adjunct may from time to time regulate the number of its members. Any dispute as to membership of an Adjunct shall be referred to and determined by the Committee.
- 29.7 The Committee of the Adjunct shall not do, or omit to do, anything that is likely to prejudice or not be in the best interests of the club.

30. CLUB FUNDS AND PROPERTY

- 30.1 The property, effects, funds, securities, investments and monies of the Club shall be vested in the Club as an incorporated body and shall be devoted to the objects set out in Rule 3.
- 30.2 No commitment for the purchase or sale of Club land may be made unless the prior approval of members is first obtained at a General Meeting of the Club.

31. CLUB YEAR

- 31.1 The Club year shall commence on 1 April and end on 31 March the following year.

32. ANNUAL GENERAL MEETING

- 32.1 The Annual General Meeting of the Club shall be held not later than 31st July in each year. The Committee shall fix the date of the meeting.
- 32.2 Notice of the date of meeting shall be:
- 32.2.1 posted on the Club notice board not less than 35 days beforehand
- 32.2.2 forwarded by the General Manager to each member at least 14 days prior to the date fixed for the holding of the meeting together with the Annual Report and Statement of Accounts.
- 32.3 The business of the Annual General Meeting shall be to:
- 32.3.1 Receive the Annual Report, Statement of Accounts, Strategic and business plans, and the annual financial budgets;
- 32.3.2 Receive reports from the Committee on the Club's operations, and consider matters arising from such reports;
- 32.3.3 Receive the results of the ballots for officers of the Club;

- 32.3.4 Approve the appointment of an auditor.
- 32.3.5 Consider any motion brought by a member where notice of that motion had been given in writing to the General Manager 21 days before the meeting. Such notice of motion shall have been proposed and seconded by members eligible to vote in accordance with Rule 10.1.
- 32.3.6 Transact such other general business as may be brought forward.

33. SPECIAL GENERAL MEETING

- 33.1 Special General Meetings may be called by:
 - 33.1.1 direction of the Committee at any time, or
 - 33.1.2 the General Manager within 2 days from the receipt of a requisition to that effect, signed by at least 50 financial members of the Club entitled to vote at such a meeting as specified in Rule 10.1.
 - 33.1.3 notice of such meeting, specifying the matter to be considered, shall be displayed on the Club notice board and sent by post to all members by the General Manager at least 14 days prior to the date fixed for the meeting.

34. CONDUCT OF GENERAL MEETINGS

- 34.1 The President, and in the absence of the President, the Chairperson of the Committee, shall be entitled to preside at any General Meeting. In the absence of the President and the Chairperson, those members present shall elect their own chairperson.
- 34.2 The quorum for a General Meeting shall be fifty (50) or seven and one half percent (7 ½%) of members which ever is higher of Financial Members.
- 34.3 A General Meeting shall be adjourned if:
 - 34.3.1 a quorum is not present within half an hour after the time fixed for the Meeting; or
 - 34.3.1 a quorum is present and the Meeting elects to adjourn.
- 34.4 If a meeting is adjourned, the Committee shall:
 - 34.4.1 fix a new date not more than fourteen (14) days later; and
 - 34.4.2 give at least three (3) days notice of the adjourned Meeting by advertisement in a public newspaper circulating in the district of the Club and notice on the Club's notice board.
- 34.5 If a quorum is not present at an adjourned Meeting, the Meeting shall lapse. If a quorum is not present for an adjourned Special General Meeting, the agenda as displayed on the notice board shall automatically revert to the Committee to adjudicate on.
- 34.6 Resolutions:
 - 34.6.1 A Member may without notice ask any question or move any resolution relative to the Annual Report or Balance Sheet.

- 34.6.2 Any Member intending to move a resolution bearing on any other matter must give notice of the proposed motion, seconded by another Member, to the General Manager at least (21) days before the Meeting and such notice of motion shall be forwarded to each Member with the notice of the Meeting.
- 34.7 Procedure:
- 34.7.1 Each Member may speak only once to each motion or amendment, except the mover, who may reply.
- 34.7.2 The mover of any resolution or substantial amendment to a resolution shall be allowed five (5) minutes in which to introduce his proposition and ten (10) minutes to reply, or vice versa, and any other speaker will be allowed five (5) minutes.
- 34.7.3 The Chairman shall decide whether any amendment proposed to a resolution is a substantial amendment or not.
- 34.7.4 If freer discussion of any subject is desired, any Member may move that the Meeting go into Committee on that subject and such motion shall be immediately put and decided by a show of hands.
- 34.7.5 In Committee no Member shall speak for more than five (5) minutes at a time.
- 34.7.6 When in Committee any Member may move that the ordinary meeting shall be resumed, and such motion shall be immediately put and decided by a show of hands.
- 34.8 Except as otherwise provided by these Rules, all questions shall be decided by simple majority vote.
- 34.9 All resolutions passed at any Meeting shall be conclusive and binding on all Members whether present or not, provided that the Meeting was held in substantial conformity with the Rules.
- 34.10 Voting:
- 34.10.1 At any General Meeting each Member shall be entitled to be present and to give one vote on all questions;
- 34.10.2 voting shall be on show of hands in the first instance;
- 34.10.3 a declaration by the Chairman as to the result shall be conclusive unless a motion that a vote shall be taken by secret ballot is passed by a majority of Members present; and
- 34.10.4 in event of equal votes being cast, the Chairman shall have a casting vote.

35. INTERPRETATION

- 35.1 The Committee's decision on the interpretation of the Constitution or any matter not contained in the Constitution and which pertains to the Club, its property or its interests, shall be conclusive and binding on all of the Club until revoked or endorsed at a General Meeting.

36. ALTERATION TO CONSTITUTION

- 36.1 No Rule shall be changed by way of repeal or amendment or new Rule adopted unless two thirds of votes cast at a General Meeting are in favour of the change.
- 36.2 At least 21 days notice shall have been given to the General Manager of intention to propose such repeal or alteration, or new Rule.
- 37.3 Such notice to be posted on the Club notice board within 24 hours of receipt by the General Manager.

37. INDEMNITY

- 37.1 The Club will indemnify all officers, employees or persons who may be acting for the Club on a voluntary basis or other basis (hereinafter referred to as "volunteer") against any personal liability or expense whatsoever, incurred by any such officer or employee or volunteer lawfully and properly acting or omitting to act in any capacity as an officer or employee or volunteer. No officer, employee or volunteer shall be liable for anything done or omitted to be done except in the case of fraud or wilful misconduct on their part.
- 37.2 Without limiting the generality of the foregoing this indemnity shall extend to any actions, proceedings or demands brought against or served upon such officers or employees or volunteers of the Club by any person or persons, statutory body or other entity.
- 37.3 This indemnity shall extend to former officers or employees or volunteers.

38. WINDING UP

- 38.1 In the event of the Club being wound up all its property and assets shall be sold or realised and the net proceeds after payment and discharges of all liabilities (if any) shall be transferred to some local charitable institution(s) to be determined upon at a general meeting.

39. REGULATIONS

- 39.1 The members in general meeting shall have power to make regulations dealing with all matters within the jurisdiction of the Club and not provided for in these Rules.

40. OFFENCES

- 40.1 If a member is convicted of any Crime (as defined by the Crimes Act 1961) after election to the Club:
- 40.1.1 the member must notify the General Manager of that conviction and any penalty imposed; and
- 40.1.2 the General Manager shall report the fact to the Committee at or before its next meeting

- 40.1.3 the Committee shall consider whether it is appropriate for the notice from the member to be referred to the Disciplinary Committee

41. COMMON SEAL

- 41.1 The Common Seal of the Club shall be kept in the custody of the General Manager, and shall be affixed to a document or instrument in pursuance of a resolution of the Committee and in the presence of two members of the Committee who shall subscribe their names as witnesses.

42. GENERAL

- 42.1 All matters provided for in these Rules shall, at all times, be dealt with in accordance with the following “guideline principals”.
 - 42.1.1 That it be accepted that the Club is established primarily for the benefit and convenience of its members;
 - 42.1.2 That the admission of non members should at all times be subordinate to the comfort, well being and satisfaction of the Club’s members;
 - 42.1.3 That the admission of visitors shall always be regarded as a privilege to the members, granted to enable them to dispense periodic hospitality to their casual guests and not as a means of augmenting the revenue of the Club;
 - 42.1.4 That at all times the provisions of the Club’s Licence as laid down by the Liquor Licensing Authority and District Licensing Agency are to be maintained and upheld.

43. TRANSITIONAL PROVISIONS.

- 43.1. Officers of the Club in terms of the Constitution dated 6 April 2003 and amended 17 July 2005 shall remain in office until the conclusion of the Annual General Meeting in the year 2006.

44. MATTERS NOT PROVIDED FOR

- 44.1 Matters not provided for in the foregoing Rules shall be dealt with by the Committee who shall adjudicate thereon as the Committee shall think fit and the Committee’s decision thereon shall be final.

REGULATIONS FOR THE CONDUCT OF THE CLUB

- 1) No liquor shall be supplied to any person under eighteen years of age, or of such age not authorised by the Sale of Liquor Act 1989, and its amendments.
- 2) Liquor will be supplied only to members of the Club and such visitors as may be permitted under these Rules.
- 3) Liquor will be sold or supplied for consumption on the Club premises only unless otherwise authorised by the Liquor Licensing Authority
- 4) Members and non-members may be admitted into the Club premises only pursuant to these Rules and the Code of Conduct.
- 5) No raffle shall be allowed on the Club's premises or goods exhibited for that purpose except with the authority of the Committee.
- 6) No sectarian or political discussion shall be allowed in the Club.
- 7) No petition, except for the purposes of convening a Special General Meeting as provided for in Rule 34.1.2, shall be allowed to circulate or signatures be sought on the premises of the Club.
- 8) No business cards or notices shall be posted or hung on the premises without the sanction of the Committee, nor shall any member give the address of the Club in an advertisement or solicit any business in the Club or use the Club address for business purposes.
- 9) Members are expected to maintain a clean and tidy standard of dress at all times. Any member who breaches this requirement or persists in wearing items of dress which the Committee considers inappropriate may be subject to disciplinary proceedings.
- 10) Cheques of up to such value as may be determined by the Committee from time to time may be cashed at the bar. All cheques above this amount must be authorised by the General Manager.
- 11) No member shall make any complaint to the Club's servants. All complaints should be made to the General Manager in writing.
- 12) Officers of the Club shall at all times render every assistance to the General Manager and staff of the Club to maintain order and to prevent infringement of the Rules, Regulations or the terms of any licence held by the Club.
- 13) The Rules, Regulations shall apply equally to each and every member of the Club.
- 14) The Committee shall be the sole responsible authority for the interpretation of these Rules and Regulations made thereunder, and the decision of the said Committee upon any question of interpretation or upon any matter affecting the Club and not provided for by the Rules or by the Regulations made thereunder, shall be final and binding on the members until set aside or varied

by an Special General Meeting of the Club to be held within twenty-eight (28) days of the date of such decision of the said Committee.

- 15) No gambling shall be permitted on the premises, unless otherwise authorised by law and then only with permission of the Committee.
- 16) No member shall give any gratuity to any employee of the Club.
- 17) No member shall, except for services rendered or goods supplied at the request of the Committee, or in pursuance of resolution of a General Meeting, on any pretence or in any matter, receive any profit, salary or emolument from the funds or transactions of the Club.
- 18) Any Officer of the Club present may instruct the staff not to serve a member with liquor refreshment if that member is considered by the Officer to be intoxicated and/or proving to be a nuisance to other members present.
- 19) Drunkenness, swearing, obscene language and other disorderly conduct shall not be permitted in the Club premises, and any member persisting in offending shall be liable to disciplinary proceedings.

VISITORS

- 1) Any member may invite any person as a visitor to the Club, but such person shall not be a regular or frequent visitor. All visitors shall sign the Visitors' Book provided by the Committee and enter their name and address therein on each such occasion. The member accompanying the visitor shall also sign the Visitors' Book and will at all times be responsible for the conduct of the Visitor. No such Visitor shall be sold or supplied liquor on the Club premises unless the Visitor is present on the invitation of a member and is in the company of a member and the liquor is supplied for consumption on the premises.
- 2) A member of an affiliated Club may be sold or supplied liquor on the Club premises provided he/she has on admission to the premises produced sufficient evidence to an Officer of the Club or member of the staff that he/she is a member of an affiliated Club. Affiliated visitors shall sign the Visitors' Book provided by the Committee for the purpose and shall enter their names and the name of their own Club therein. No visitor, admitted under this Rule shall become a frequent or regular visitor.
- 3) No visitor can be introduced to the Club who has within the previous twelve (12) months been rejected for membership by the Committee or who is a member serving a suspension, or who has been expelled from an affiliated Club without approval by the Committee.