

**THE  
WAIKAWA BOATING CLUB (Inc.)**

**CONSTITUTION  
&  
CLUB BY-LAWS**  
(Updated March, 2011)

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# CONSTITUTION OF THE WAIKAWA BOATING CLUB (INC.)

## GENERAL RULES

### **1. TITLE**

The title of the Club is 'Waikawa Boating Club (Incorporated)' and throughout these rules is referred to as the 'Club'.

### **2. OBJECTIVES**

The primary objectives of the Club are:

To promote:

- a. Boating under power and sail, including racing and cruising
- b. Development of social activities for club members
- c. Interaction with other club with similar objectives
- d. Education in safe boating practices and
- e. Any act or thing incidental or conducive to the attainment of the above objectives.

### **3. Powers**

The powers of the Club are:

- a. To function as a Boating Club and to encourage safe and enjoyable boating.
- b. To provide and maintain for the club and its members a clubhouse and/or club houses and facilities and such gear, equipment and other things and accessories as may be necessary for or may be conveniently used in connection with the affairs of the club.
- c. To cause the club to become affiliated with any other yacht clubs, associations or federations whether incorporated or not, whose objects are similar to those of the club.
- d. To be involved in maintaining the customary cruising grounds, anchorages or mooring sites of members and to be involved in taking steps to promote safe navigation within waters of the Marlborough Sounds.
- e. To purchase, take on a lease or in exchange or hire or otherwise acquire, hold mortgage and dispose of any real or personal property and any rights and privileges which the club thinks necessary or expedient for the purposes of attaining the objects of the club.
- f. The club will have power to borrow or raise money from time to time by the issue of debentures, bonds, mortgages or any other security, with or without security based on all or any of the property and/or rights of the club or without any such security and upon such terms as the Club or Executive Committee shall think fit, the powers of borrowing or raising money shall only be exercised by authority of the members of the club present at any annual general meeting or at a special general meeting.

- g. To do anything required to meet any or all of the objectives.

#### 4. **FLAG OFFICERS**

- a. The Flag Officers of the club will consist of the Commodore, Vice Commodore, Rear Commodore Sailing, Rear Commodore Cruising, Rear Commodore House, and Rear Commodore Moorings and Assets

#### 5. **DUTIES OF FLAG OFFICERS**

- a. **COMMODORE:** It will be the duty of the Commodore to take command of the club and to attend all meetings of the club.
- b. **VICE COMMODORE:** It will be the duty of the Vice Commodore to assist the Commodore in the discharge of his/her duties and to officiate in the Commodore's absence.
- c. **REAR COMMODORES:** It will be the duty of the Rear Commodores to assist the Commodore and the Vice Commodore in the discharge of their duties, and in their absence to officiate in their stead.

In addition to specific appointments provided under Rules 6-10 (inclusive) the Commodore and Vice Commodore will be ex officio members of all club committees and shall have rights to attend and vote at meetings of those committees.

#### 6. **EXECUTIVE COMMITTEE**

##### 6.1

- a. The affairs of the club will be conducted by an Executive Committee which will be elected at the Annual General Meeting and will hold office until the next Annual General Meeting unless removed by a Special General Meeting of members and will consist of the following members: The Commodore, Vice Commodore, Rear Commodores (4), the Immediate Past Commodore, (ex officio) and two other senior members.
- b. In the event of the Commodore being re-elected to office, the position of Immediate Past Commodore lapses, and three other senior members will be elected instead of two.

6.2 The Executive Committee will be responsible for; promoting the objects of the club, management of club finances and assets, also long term planning and development

6.3 Any member of the Executive Committee failing to attend three consecutive meetings will cease to be a member of the Executive unless they will have first obtained leave of absence for a definite period. The Executive Committee will appoint a member to fill any vacancy occurring within the year.

6.4 The Executive Committee will meet as required, but no less than monthly.

6.5 It will be the prerogative of the Commodore to call a meeting of the Executive

Committee for such time as required. At meetings of the Executive Committee five members having the right to vote will form a quorum.

- 6.6** Any office bearer ceasing to be a member of the club will thereby cease to be an office bearer.
- a.** The Executive Committee may at any committee meeting appoint assistants who will on their appointment be members of the Executive Committee for such term as appointed, but will not exercise a vote.
  - b.** The Executive Committee will, as required, appoint or engage a manager who may make other staff appointments as deemed necessary for the proper management of the club's affairs. Such appointments will be subject to the approval of the Executive Committee.
  - c.** The Executive Committee will appoint a treasurer who will manage the financial affairs of the club.
  - d.** The Executive Committee will keep a true record of its proceedings in a book provided for that purpose.
  - e.** The Executive Committee will establish such other club committees as are required to effectively meet the objects of the club.

## **7. HOUSE COMMITTEE**

There will be a House Committee which will be responsible, subject to club general rules, for the organisation, supervision and management of the Club's social programme and building maintenance programme. The House Committee will:

- a.** Consist of a Rear Commodore who will be elected at the Annual General Meeting and four other members who will be appointed by the Executive Committee
- b.** Hold office until the next Annual General Meeting unless removed by a Special General Meeting of members
- c.** Have the power to appoint further committee members from within club membership, or to delegate such of its functions to club members as it may from time to time deem appropriate
- d.** Be accountable to and subject to the control of the Executive Committee
- e.** Keep a true record of its proceedings in a book provided for that purpose

Three members will form a quorum at House Committee meetings.

## **8. SAILING COMMITTEE**

There will be a Sailing Committee which will be responsible, subject to club general rules, for the organisation and administration of the racing programme of the club; for the promulgation and variation of rules and regulations pertaining thereto, including, but not being restricted to sailing instructions and safety requirements, for the classification and handicapping of yachts for racing purposes; for the awarding of prizes; and for liaising with Yachting New Zealand and the

Nelson/Marlborough Yachting Association in matters related to yacht racing.

The Sailing Committee will:

- a. Consist of the Rear Commodore; who will be elected at the Annual General Meeting; plus a Racing Secretary and four other members who will be appointed by the Executive Committee
- b. Appoint Race Committees as appropriate
- c. Be accountable to and subject to the control of the Executive Committee
- d. Have power to delegate such of its functions to club members or to others as it may from time to time deem appropriate
- e. Appoint a member to represent the club at meetings of the Yachting New Zealand Keelboat and Offshore Racing Committee if required; or any committee or committees in substitution thereof
- f. Appoint a member to represent the club at meetings of the Nelson/Marlborough Yachting Association
- g. Hold office until the next Annual General Meeting unless removed by a Special General Meeting of members
- h. Keep a true record of proceedings in a book provided for that purpose

Four members will form a quorum at any meeting of the Sailing Committee.

A meeting of the Sailing Committee will be called on the requisition of a Flag Officer or the Racing Secretary or three members of the Sailing Committee.

## **9. CRUISING COMMITTEE**

There will be a Cruising Committee which will be responsible subject to club general rules for the organisation and administration of the Cruising Programme of the club. The Cruising Committee will also be responsible for the promulgation and promotion of safety in all aspects of cruising.

The Cruising Committee will liaise with Yachting New Zealand on matters relating to cruising.

- a. Consist of a Rear Commodore who will be elected at the Annual General Meeting and four other members who will be appointed by the Executive Committee
- b. Hold office until the next Annual General Meeting unless removed by a Special General Meeting of members
- c. Have the power to appoint further committee members from within club membership or to delegate such of its functions to club members as it may from time to time deem appropriate
- d. Be accountable to and subject to the control of the Executive Committee

- e. Keep a true record of its proceedings in a book provided for that purpose

Three members will form a quorum at Cruising Committee meetings.

## 10. MOORINGS AND ASSETS COMMITTEE

There will be a Moorings and Assets Committee which will be responsible, subject to club general rules, for acquisition and maintenance of the club's moorings and assets,(except for the clubhouse)

### **The Moorings and Assets Committee will:**

- a. Consist of a Rear Commodore who will be elected at the Annual General Meeting and two other members who will be appointed by the Executive Committee
- b. Hold office until the next Annual General Meeting unless removed by a Special General Meeting of members
- c. Have the power to appoint further committee members from within club membership, or to delegate such of its functions to club members as it may from time to time deem appropriate
- d. Be accountable to and subject to the control of the Executive Committee
- e. Keep a true record of its proceedings in a book provided for that purpose.

Three members will form a quorum at Moorings and Assets Committee meetings.

## 11 By-Laws

**11.a Making By-Laws:** The Executive Committee shall have the power to make, alter or rescind by-laws not inconsistent with these rules for the conduct and behaviour of members or any other matter related to the affairs of the club. By-laws shall take effect and become binding on all members twenty eight days after notice of the by-laws has been given by circular letter to all members, unless within that time written notice of objection signed by thirty members is received by a member of the Club Executive or the Manager, in which case such notice shall be deemed to be a requisition for the purpose of convening a Special General Meeting of members pursuant to Rule 15

**11.b Inspection:** A copy of these rules and by-laws and regulations for conduct shall always be open to inspection, in the clubs office, by members upon reasonable notice to the Manager.

## 12. NOMINATIONS

The nomination of any candidate for any office (except Patron and Auditor) will be made by senior financial members only and the candidate will signify acceptance of such nomination in

writing. Such nominations in writing with evidence of acceptance will be in the hands of the Manager not later than 28 days before the time fixed for the Annual General Meeting. The Manager will post nominations on the club notice board within 24 hours of the time of closing such nominations. In the case of no nominations being received for any office, such office will be filled by appointment by the Executive Committee.

**13. OTHER OFFICES**

The Annual General Meeting, without prior nomination, will elect a Patron and an Auditor.

**14. CHAIR**

The Commodore, if present, will preside at all General and Executive Meetings of the club and in the Commodore's absence the Vice Commodore. In the event of neither being present, the meeting will elect a Chairperson and it will be obligatory on the member so elected by a majority of the members present, to take the chair. Sub committees will be chaired by the appropriate Rear Commodore.

**15. ANNUAL GENERAL MEETING**

- a. The Annual General Meeting of the club will be held in July of each year at such time and place as the Executive Committee will decide.
- b. All Notices of Motion to be transacted at the Annual General Meeting will be notified to the Manager at least 28 days prior to the Annual General Meeting.
- c. Any member who has not paid their subscription will not be entitled to hold office, vote or speak at the Annual General Meeting.

**16. SPECIAL GENERAL MEETING**

A Special General Meeting may be called at any time by the Executive Committee or by the Commodore or, will be called upon a requisition signed by at least thirty senior financial members;

The business of the Special General Meeting will be set out in the notice to members and only that business or matters reasonably incidental thereto, will be dealt with at the meeting.

**17. NOTICE OF GENERAL MEETING AND QUORUM**

Notice of all General Meetings including nominations received and Notices of Motion will be posted on the club notice board not less than fourteen days before the meeting and given to current financial members by circular addressed to their last known postal address and posted not less than ten days before the meeting. At any General Meeting, twenty five financial senior members will form a quorum.

**18. POSTAL VOTING**

- a. In the event of the number of nominations for Flag Officer and Executive positions exceeding the number of vacancies, a postal ballot will be held. A ballot paper will be posted to each financial senior member not less than ten days prior to the meeting,

containing the names of the members nominated for office or committee, listed in alphabetical order. Each nomination will show the nominator's and seconder's name.

- b. Postal votes must be in the hands of the Manager by 5pm on the day prior to the day of the Annual General Meeting.
- c. All postal votes will be opened and counted by scrutineers appointed at the start of the Annual General Meeting. Results of such counting will be handed to the Commodore or meeting chairman as soon as counting is complete. The person with the most votes will be appointed to the relevant position.

## **19. PROCEDURE AT GENERAL MEETING**

At any general meeting a resolution in order to be carried will be moved by one and seconded by another member and will be carried or lost on the voices, or, on a division being called for by any member, on a show of hands, or at the discretion of the chairperson, by ballot. In any case (except where expressly provided otherwise by these rules) a resolution will be carried by a majority of the members personally present and voting at the meeting. The mode of putting motions and amendments and that of regulating the speakers will conform to that prescribed by the standing orders for the time being of the House of Representatives.

## **20. CASTING VOTE**

The Chairperson at any meeting of the club or of any Committee Meeting when there is an equality of votes, will have a casting vote in addition to their own deliberative vote.

## **21. ELECTION OF MEMBERS**

- a. A candidate for membership (other than Honorary Membership) will be proposed in writing on the club's forms by one senior financial member and seconded by another such senior financial member.
- b. Such a candidate will be elected on the application being accepted and confirmed by a majority of the Executive Committee. The Executive may defer the decision to a later date if further consideration is required, but no later than the next Executive Meeting.
- c. All members will be elected by ballot of all Executive members if demanded by any Executive member.
- d. No person who has been struck off the membership roll for non-payment of subscriptions, fees or dues will be eligible for re-election until such subscriptions, fees or dues have been paid in full. No further entrance fee will be payable in the case of a member re-elected who has formally resigned from the club by correspondence.
- e. A candidate for election to membership of the club, will at the time of application, pay any joining fee or levy payable at that date together with the then annual subscription. Such payment will be adjusted as follows:
- f. Senior members elected between 1st February and 30th April in any year will pay one half the annual subscription.
- g. Members elected between 1st May and the Annual General Meeting in any year will pay in accordance with Rule 22 the amount of any subscription set at the Annual General

Meeting that year.

- h. If not elected, a candidate's Joining Fee and subscription will be refunded.

## **22. ENTRANCE FEES AND SUBSCRIPTIONS**

Joining fees (if any) and annual subscriptions will be at such rates as may be fixed by the Club in Annual General Meeting from time to time and the Club may differentiate as to the amount to be paid by each particular class of member. It will be the responsibility of the Manager to ensure that a list of the current fees payable is posted on the notice board at all times.

## **23. FINANCIAL YEAR AND PAYMENT OF SUBSCRIPTIONS**

- a. The financial year will commence on the first day of May and all subscriptions are due on that day. The Annual General Meeting of the club held immediately prior to that date will have set the subscriptions.
- b. Any member who has not paid their subscription on or before the **30th day of June** in any year will be deemed to be in arrears. They may be disbarred from all the privileges of membership of the club and will not be entitled to vote at any meeting nor compete for any prizes offered by the Club, nor helm any boat in any club race or use any moorings, until such subscription has been paid.
- c. The Executive Committee may strike off the membership register, the name of any member whose subscription is not paid in full, on or before the **30th day of June** in any year, or who fails to pay any levy which may be imposed upon them as hereinafter provided for, within 21 days after notification of the intention to strike off has been given to them. The Executive Committee may however, reinstate any such person upon receipt of such subscription or levy.
- d. The Executive Committee will have power to waive, either in whole, or in part, any entrance fee or subscription, but such power will only be exercised in case of hardship or as a special recognition for services rendered to the club, or for designated periods agreed by the Executive to promote membership.
- e. The Manager will, if directed by the Executive Committee, maintain posted on the club notice board, a list of all members who are in arrears under this rule.

## **24. RESIGNATION**

Any senior member wishing to resign will give notice in writing to the manager to that effect. Resignation will not affect the member's liability for subscriptions accrued or other moneys owing at that date if the Executive Committee thinks fit, such proportion of the current year's subscription.

## **25. SENIOR MEMBERS**

- a. Unless elected under Rules 25-28 (inclusive) all persons elected to membership will be Senior members.
- b. Senior Membership status will include the following:
- c. Senior Membership will include his or her spouse or partner, together with his or her

children under the age of 18 years, as at the beginning of the club's financial year.

- d.** Senior Member - Veteran: Any person who has been a Senior financial member of the Club for not less than 15 years and who has attained the age of 60 years may, by notification to the Secretary, become a Senior Member - Veteran.
- e.** Senior Member - Veteran will enjoy all the privileges of the club and will pay the annual subscription of 50% of the senior membership rate.
- f.** One vote for each senior membership may be exercised at General Meetings and one member shall be qualified for election to office.
- g.** Senior members will be entitled to use all the club's facilities, including moorings.
- h.** The Club Executive may from time to time offer membership packages that allow for senior member subscriptions to be paid up to a term of years in advance. Where these options are taken up, these members will be accorded full senior member status for the relevant period of time.

## **26. JUNIOR MEMBERS**

Persons under the age of 18 years at the date of the commencement of the financial year, may belong to the club as junior members and may enjoy such privileges of the club as the Executive Committee may from time to time determine, but will not be elected to office nor be entitled to vote at any general meeting of the club. Junior members will not have to pay any joining fee or levy on applying for membership but will pay a subscription equal to 20% of the senior subscription and shall furnish the club with their date of birth on the nomination form provided. Nothing in this clause shall be deemed to prevent junior members from acquiring the status of a senior member upon payment of the senior subscription applicable for that year. This is an individual membership category.

## **27 ASSOCIATE CREW MEMBERS**

The following may belong to the club as an Associate Crew member:

- a.** Any person who wishes to crew on a boat belonging to a senior member of the club
- b.** Any person who does not own or is not in permanent charge of a boat.
- c.** Any person residing outside the Marlborough Province who does not own a boat which is permanently moored in Queen Charlotte Sounds. Such a person will be entitled to retain Associate Crew membership, for so long as for 6 months of the financial year they continue to reside in the area outside the Marlborough Province
- d.** Associate Crew membership will include his/her legal spouse or partner.
- e.** Any person who owns only a trailer/power boat

Such persons who qualify as an Associate Crew member will pay the subscription and joining fee as may be applicable for an Associate Crew member at the time of joining.

Any Associate Crew member who wishes to upgrade to a senior member must pay the current

joining fee and subscription for that membership. Such fees may be rebated in part by the current associate crew membership subscription provided that the crew membership subscription for that season has been paid prior to the upgrade taking place.

Associate Crew members will not have the right to vote or hold office in any elected position within the club.

Associate Crew members will not have the right to use club moorings at any time unless accompanied in the boat he or she is using by a senior member of the club.

Associate Crew members cannot be issued with club keys.

## **28. VISITING MEMBERS**

A

person may be admitted as an honorary member upon being proposed by a member of the club in the following manner:

- a. The name, address and occupation must be entered in a book provided for that purpose and kept in the club. Such entry must be signed by the proposer and admission approved by two Flag Officers or a Flag Officer and the manager, expressed by their signatures. The honorary member will then be notified of admission to the club by the manager. The proposer of an honorary member will be responsible for the conduct and any debts incurred by such member.
- b. The period for which an honorary member may be elected will not be longer than three months, but the Executive Committee may, at the request of the proposer, from time to time extend the period. Honorary members will be exempt from payment of any subscriptions. No person, once being elected an honorary member, will be eligible for re-election during the same year unless under special circumstances approved by the Executive Committee. Honorary members will be bound by the rules, regulations and by-laws of the club. No honorary members will be permitted to entertain or introduce any visitor into the clubhouse except with the consent of a Flag Officer or the manager. Honorary members will not be entitled to vote or be eligible for any office in the club.
- c. The Executive Committee will have the power at any time to revoke the admission of an Honorary Member without giving notice to such honorary member and without assigning any cause.

## **29. CORPORATE MEMBERS**

At any one time, a maximum of 20 companies or businesses may be elected to Corporate Membership. Such Corporate Membership will be for a four year term. Corporate Members will be entitled to:

- a. Use of the Club Wardroom for meetings or training purposes for a maximum of 10 days a year on such dates as may from time to time be agreed by the Executive Committee.
- b. Four free Senior memberships per year. Such free Senior members will be an owner or an employee of the Corporate member (or spouse of same) and will be entitled to all Senior member's rights and privileges, save that they will not have voting rights at any meetings and will not be entitled to hold Flag Office or be elected as a member of the Executive Committee;

- c. Promotion in such a manner as the Club may from time to time consider appropriate as an active club and/or boating supporter.
- d. Corporate Members will not be entitled to vote at any meetings.

### **30. Life Members**

- a. Life Membership of the club may be conferred on any member who has rendered outstanding service to the club.
- b. The Executive shall, at the June Executive Meeting each year, consider any proposals received from members during the course of the season, to award a member of the Club Life Membership.
- c. Where an Executive Motion is passed supporting the nomination of a member for Life Membership, then the matter will be considered by way of notice of motion at the next Annual General Meeting of the club.
- d. The motion must receive the support of 60% of those present at the Annual General Meeting for Life Membership to be conferred on the member.
- e. A Life Member shall be entitled to all the rights of membership as apply to a senior member of the club.

### **31. HONOUR AWARD**

- a. An honour award may be conferred on any person, member or non-member of the club, as the case may be, who, in the opinion of the Executive of the club merits recognition for services rendered to the club.
- b. The Executive shall at the June Executive Meeting each year, consider any motion or recommendation received from any member that a person be considered for an Honour Award.
- c. Such motion or recommendation must receive the support of 60% of those present at the Executive Meeting before an Honour Award can be granted.
- d. Honour Awards will be announced and conferred at the Club's Annual Prize Giving evening or at such other time as the Executive may decide.

### **32. CHANGE OF STATUS AND ADDRESS**

It will be the responsibility a member to notify the manager in writing of any change in the status of their membership or of any change of address. The non-receipt by any member will not invalidate any decision or action by the club or executive.

### **33. DISCIPLINARY POWERS**

The Executive Committee may suspend any member who has committed a breach of these rules, regulations, or by-laws, or has been guilty of misconduct which in the opinion of the Executive Committee is prejudicial to the interests of the club. The member whose conduct is in question, will be given not less than three days notice of the alleged misconduct and hearing and will be notified of the right to appear and make such explanation or call such evidence as desired. This hearing will be attended by at least 3 members of the Executive Committee. If the Executive Committee finds that such conduct has breached any of these rules, regulations or by-laws, or it finds such conduct to have been prejudicial, it may:

- a. Admonish such member
- b. Suspend that member for a period not exceeding three months during which the member will only be entitled to such privileges of the club as the Executive Committee may determine
- c. Call on that member to resign and/or
- d. Expel that member.

If the member disagrees with the decision of the Hearing Committee, the member may appeal to the full Executive within seven days from the receipt of the decision

#### **34. LEVIES**

Should the Executive Committee at any time find they have not sufficient funds at their disposal to carry on the affairs of the club, they will call a Special General Meeting, by circular to all members and place the financial position and their suggestions for meeting same before that meeting. The majority of those present and voting at such meeting will have the power to make a levy or call on the members equal to the estimated amount of such deficiency. A notice of such levy or call will immediately be posted to every member. Any levy made shall unless otherwise decided be part of the then current years subscription.

#### **35. BOAT REGISTER**

- a. Each member will state in writing to the Manager such particulars of their vessel as the Executive Committee shall require and subject to compliance with this rule, those particulars will be entered in the club register of boats.
- b. Commercial vessels will not be entered on the club register, provided however, that where a vessel has dual functions, one of which is amateur boating; or a vessel is bona fide hired or chartered to a club member, such vessel may at the direction of the Executive Committee be entered on the club register of boats.
- c. Vessels jointly owned may be entered on the club register of boats provided that one of the owners is a financial member of the club.
- d. It will be the responsibility of a member to notify the Manager of any change of ownership of a boat.

## **36. CLUB RACING REGULATIONS**

**36.1** Unless specifically provided otherwise by the Sailing Instructions, to be eligible to contest any race, a yacht must:

- a.** Be entered on the club register of boats and
- b.** Be registered with Yachting New Zealand under the current owner's name.
- c.** The helmsman must be a financial member of the club. This does not apply to visiting boats taking part in club events. These boats may be given temporary membership for the event.

**36.2** All sailing events will be sailed under the then current rules of the International Sailing Federation Racing Rules of Sailing, with Yachting New Zealand Prescriptions and Safety Regulations, Sailing Instructions of the Club and the International Collision Regulations.

## **37. CLUB BURGEE**

The club burgee is a triangle on a light blue base with a gold cross with the upper inner canton containing the letter "W".

- a.** A member may fly a club burgee from any vessel on the club register or vessel where the member is effectively in control but only while that vessel is being used for recreational purposes.
- b.** Vessels able to comply with Rule 36(a) will fly the burgee while using the club moorings and jointly owned moorings.

## **38 OFFICER'S BURGEES**

**Commodore** - Rectangle with a swallow tail, with the upper inner canton containing the letter "W".

**Vice Commodore** - Rectangle with a swallow tail, with the upper inner canton containing the letter "W" and the lower inner canton shall contain one orange ball.

**Rear Commodore** - Rectangle with a swallow tail, with the upper inner canton containing the letter "W" and the lower inner canton shall contain two orange balls.

**Past Commodore** - Rectangle with a gold cross, with the upper inner canton containing the letter "W" and the lower inner canton shall contain one orange ball.

**Manager** - Rectangle with a swallow tail, with the upper inner canton containing the letter "W" and the lower inner canton shall contain an orange five pointed star.

**39. GUESTS**

Members have the privilege of introducing guests. A member introducing a guest will enter their name in the Guest/Visitors Book and will be answerable for the conduct of the guest while on the premises. The member introducing a guest will be responsible for seeing that their guest does not remain on the club premises after the member has left the premises unless the guest has been re-introduced by another member on the premises who is answerable for the conduct of the guest.

**40. CLUB PROPERTY**

No member will remove any property of the club from the clubhouse except by agreement of the Manager. Members will pay the full cost of replacing any club property removed by them and not returned. The Executive must approve the sale of any club property.

**41. MEMBER'S PROPERTY**

The club will not be responsible for any property of any member left in the clubhouse.

**42. OBJECTIONABLE BEHAVIOUR**

No gambling, betting or objectionable language or conduct of any kind will be allowed, nor will any intoxicating liquor be brought into the clubhouse except by order and upon the authority of the Executive Committee.

**43. NOTICES**

No notices will be posted in the clubhouse unless signed and dated by the Manager

**44. ALTERATIONS TO RULES**

These rules will not be changed except at an Annual General Meeting or a Special General Meeting after twenty-one days notice in writing given by the Manager. The proposed change will be set out in a notice of the meeting posted on the club's notice board and will be stated in the circular to members giving notice of the meeting.

No change shall be approved if it affects the personal benefit clause or the winding up clause.

**45. COMMON SEAL**

The Club will have a common seal, which will be held by the Manager and will be affixed to any document pursuant to a resolution of the Executive Committee and witnessed by any two

members of the Executive Committee.

#### **46. LIQUIDATION**

**a. Voluntary Liquidation**

If Members wish to wind up the club they can pass a resolution which must then be confirmed at a second General Meeting held specifically to consider the winding up of the club. This second meeting must be held at least 30 days after the first meeting.

- b.** If the club is wound up any assets will be distributed among such community groups in New Zealand that have similar charitable objects to the club and as the club will decide in a general meeting. If the club is unable to resolve any disagreement over the distribution of surplus assets then the provisions of Section 27 of the Incorporated Societies Act 1908, or the relevant provisions of subsequent enactments will apply

#### **47. INDEMNITY**

- a.** The members of all committees, auditor and the manager and other officers, shall be indemnified by the club for all losses and expenses incurred by them in or about the discharge of their respective duties except such as shall result from their own wilful default.

- b.** No member of any committee, auditor, manager or other officer shall be liable for the acts or default of any other member of any committee, auditor, manager or other officer, or for any loss or expense happening to the club, unless the same happen from his or her own wilful default or by their wilful acquiescence.

#### **48. PECUNIARY ADVANTAGE**

No member of the club or any person associated with a member shall participate in or materially influence any decision made by the club in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.

#### **49. GENERAL**

The decision of the Executive Committee on the interpretation and/or construction of any rules, by-laws or regulations will be final.

**THE  
WAIKAWA BOATING CLUB (Inc.)**

**CLUB BY-LAWS**

Club by-laws shall from time to time be sent to members by way of circular letter,  
(generally in a newsletter).  
They should be affixed in this section to ensure that your copy remains up to date.

**By-Law No.1 Club Members – Approaching Sponsors**

Proceedings under Clause 31 of the Constitution of the Waikawa Boating Club will be instigated against any member who contacts sponsors of the club on matters pertaining to that sponsorship, without prior reference and approval from the Commodore, Vice Commodore or Manager.

**By-Law No. 2 Abuse of Club Officers**

Proceedings under clause 33 of the constitution of the Waikawa Boating Club will be instigated against any member who abuses (verbal or written) a Flag Officer, Executive Member or any person who is carrying out duties on behalf of the club.

**By-Law No. 3 Secretary**

The Secretary shall record the minutes of all General Meetings and Executive Meetings, and all such minutes when confirmed by the next such meeting and signed by the Chairperson of that meeting, shall be prima facie evidence that that meeting was duly called and shall prima facie be a true and correct record of what occurred at that meeting.

The Secretary shall hold the clubs records, documents and books.

The Secretary shall deal with and answer and perform such other duties as directed by the Executive

The Executive shall have the power in its discretion to suspend or remove the secretary from office.

**By-Law No. 4 Treasurer**

The Treasurer will keep such books of account as may be necessary to provide a true record of

the clubs financial position, report on the clubs financial position to each Executive Meeting, and present a annual Statement of Accounts (income and expenditure account and balance sheet) to the Annual General Meeting, together with a budget for the next financial year.

The Executive shall maintain bank accounts in the name of the club, and all cheques and withdrawal forms shall be signed by two members of the Executive or the secretary and countersigned by a member of the Executive.

All money received on account of the club shall be banked within seven days of being received.

All accounts for payment shall be submitted to the Executive for approval of payment

The clubs financial year shall commence 1st May of each year and end 30th April in the following year.

The Annual General Meeting each year will appoint an auditor (who is a member of the New Zealand Institute of Chartered Accountants and not a member of the club) to audit the annual accounts of the club and provide a certificate of correctness of the same, and if any such auditor is unable to act, the Executive shall appoint a replacement auditor.