

CONSTITUTION OF THE HAMILTON YACHT CLUB INCORPORATED

2007

1. NAME

- 1.1. The organisation shall be called the Hamilton Yacht Club (Incorporated), hereinafter referred to as the HYC

2. OBJECTS

- 2.1. The objects of the Hamilton Yacht Club shall be to:
 - 2.1.1. foster the growth and guide the development of yachting and boating, including racing, recreational sailing or cruising, under sail or power;
 - 2.1.2. create opportunities for all participants to reach their potential;
 - 2.1.3. encourage and develop elite performance;
 - 2.1.4. encourage and develop mass participation;
 - 2.1.5. participate in national and international competition; and,
 - 2.1.6. represent the organisation at regional, national and international meetings.

3. POWERS

- 3.1. The powers of the Hamilton Yacht Club are to:
 - 3.1.1. make or alter rules, constitutions, regulations and by-laws by resolution in General Meeting;
 - 3.1.2. organise and control competitions;
 - 3.1.3. develop, organise, deliver and participate in programmes of education and training;
 - 3.1.4. withdraw, suspend or terminate membership;
 - 3.1.5. implement disciplinary procedures and impose sanctions and penalties;
 - 3.1.6. establish tribunals, conduct hearings and hear appeals;
 - 3.1.7. develop drug testing and other policies and associated disciplinary procedures;
 - 3.1.8. assign functions to and/or enter into agreement with other organisations such as Yachting New Zealand;
 - 3.1.9. apply funds to purposes in accordance with the Objects. It may lend, invest, borrow, raise or secure the payment of money, fund raise by subscriptions, levies, donations etc. It may incur liabilities, insure property, employees, athletes, events and such other activities that further the objects of the HYC;
 - 3.1.10. enter into and/or terminate contracts with athletes, staff, members, sponsors, media and other persons, agencies or organisations;
 - 3.1.11. develop job descriptions and appoint and terminate the appointment of staff (casual, contract, other);
 - 3.1.12. delegate duties, co-opt or appointment sub-committees or individuals;
 - 3.1.13. acquire by purchase, lease or grant any property or property rights and to manage, let, sell, exchange or otherwise deal with property of the organisation. Property may include land, buildings, publications, videos, electronic or web site material.
 - 3.1.14. obtain such licences or authorities as are required by law for the purposes of the sale of liquor to members.

- 3.1.15. disseminate private or other information about members with their consent, via written declaration, and subject to the purpose being in accordance with the Objects of the organisation;
- 3.1.16. subscribe to, affiliate to and co-operate with kindred or other national and international organisations;
- 3.1.17. promote the organisation and its activities; and,
- 3.1.18. do all such other things as incidental or conducive to the attainment of the Objects and the powers of the Hamilton Yacht Club.

4. MEMBERS

- 4.1. Membership of the Hamilton Yacht Club shall consist of the following classes:
 - 4.1.1. Ordinary Members, who are further classified as follows:
 - 4.1.1.1. A **Junior** member is defined as one who is aged less than 17 years on the first day of October.
 - 4.1.1.2. An **Intermediate** member is one who is over 17 years but less than 20 years on the first day of October.
 - 4.1.1.3. A **Senior** member is one who is over 20 years on the first day of October.
 - 4.1.1.4. A **Non-Sailing** member is defined as one who takes no active part in club races.
 - 4.1.2. Honorary Members
 - 4.1.3. Associate Members
 - 4.1.4. Life members
 - 4.1.5. A Patron appointed at the Annual General Meeting.
 - 4.1.6. Such other classes as the Management Committee may from time to time determine

5. ADMISSION OF MEMBERS

- 5.1. Ordinary Members: Applications for ordinary membership shall be made in writing, signed by the applicant and shall be in such form as the Management Committee from time to time prescribes. At the next meeting of the Management Committee after the receipt of any application and the fee applicable for any category of ordinary membership, each application shall be considered and decided.
- 5.2. Associate Members: An Associate member's sole right is one of access to the club house at such times as shall be determined by the Management Committee. Applications for Associate membership shall be in such form as the Management Committee from time to time prescribes. At the next meeting of the Management Committee after the receipt of any application and the fee applicable for Associate membership, each application shall be considered and decided.
- 5.3. Honorary Members: A person may be admitted to Honorary Membership upon being proposed by a member of the club. The person's name, address and calling must be kept in a book provided for that purpose and kept in the public room of the club. The entry must be signed by the person's proposer and the person's admission approved by a member of the Management Committee, indicated by the member's signature. The person shall be notified of their admission by the Honorary Secretary. The proposer of Honorary members shall be responsible for the conduct of such members and for any debt incurred by them to the club. The period of Honorary Membership shall be three months in any one year. The Management Committee shall have the power to revoke the admission of an Honorary member without explanation.
- 5.4. Life Members: Any members of the HYC who have made outstanding contributions to the club and/or sailing in New Zealand. Life members shall be nominated by the Management Committee and elected at any General Meeting.
- 5.5. Register of Members. The Management of Committee shall cause a Register to be kept in which shall be entered the full name, residential address, occupation, and category of membership of all persons admitted to membership of the Hamilton Yacht Club, the dates of

their admission and all subsequent changes and shall keep and maintain the Register accord with the provisions of the Privacy Act 1993.

6. MEMBERSHIP FEES

- 6.1. The membership fees for each class of membership shall be determined by members at any general meeting.
- 6.2. The payment of membership shall be in a time and manner determined by the Management Committee.

7. WITHDRAWAL, SUSPENSION, OR TERMINATION OF MEMBERSHIP.

- 7.1. Membership shall lapse if the annual subscription is not paid within three months of the due date.
- 7.2. Any member deciding to resign must notify the secretary in writing before the Annual General Meeting in any year, or be liable for an annual subscription.
- 7.3. A membership shall be withdrawn, suspended or terminated if the member:
 - 7.3.1. is convicted of an indictable offence; or
 - 7.3.2. fails to comply with any of the provisions of these Rules; or
 - 7.3.3. acts in a manner considered to be injurious or prejudicial to the character or interests of the Hamilton Yacht Club.
- 7.4. A member may have their membership withdrawn, or be suspended or removed from office on a resolution carried by a two-thirds majority of votes recorded at a General Meeting

8. APPEAL AGAINST WITHDRAWAL, SUSPENSION OR TERMINATION OF MEMBERSHIP.

- 8.1. A person whose membership has been withdrawn, suspended or terminated may, within one month of receiving written notification thereof, lodge with the secretary written notice of intention to appeal against the decision.
- 8.2. Upon receipt of a notification of intention to appeal, the Secretary shall convene a general meeting within twenty-one (21) days, to determine the appeal. At any such meeting the applicant shall be given the opportunity to present fully a case and the meeting shall be given the opportunity to hear the opposing view. The appeal shall be determined by the majority of vote of the members present.

9. OFFICERS AND MANAGEMENT COMMITTEE OF THE HAMILTON YACHT CLUB

- 9.1. The Officers of the Hamilton Yacht Club shall be the Commodore, Vice Commodore, Rear Commodore, Secretary, Treasurer, Racing Secretary, Club Captain, Intermediate or Junior Club Captain. No Commodore, Vice Commodore or Rear Commodore shall hold the same office for a period of three years in one term.
- 9.2. The Management Committee of the Club shall be elected at the Annual General Meeting. It shall comprise the following:
 - 9.2.1. Commodore,
 - 9.2.2. Vice Commodore,
 - 9.2.3. Rear Commodore,
 - 9.2.4. Secretary,
 - 9.2.5. Treasurer,
 - 9.2.6. Racing Secretary,
 - 9.2.7. Club Captain,
 - 9.2.8. Intermediate or Junior Club Captain,

- 9.2.9. No more than ten additional senior members,
- 9.2.10. The immediate Past Commodore shall be an ex-officio member of the management committee.
- 9.3. Nominations for the election of officers and other members of the Management Committee shall be in writing and signed by the member, proposer and seconder. They shall be lodged with the secretary at least 7 days before the Annual General Meeting at which the election is to take place. Nominations may be taken from the floor of the meeting.
- 9.4. The role of the Management Committee will be to manage the affairs of the club, implement policy set at General Meetings and carry out the objects and powers of the HYC. The Management Committee will meet as required by the business of the HYC. The form of notice for each meeting will be determined by the Management Committee.
- 9.5. The Management Committee may co-opt up to three people, who may or may not be members of the HYC, to assist the Management Committee in its work. A co-opted person may exercise the same rights as a member. His or her co-option will cease at the next Annual General Meeting.
- 9.6. If any position on the Management Committee is not filled at the Annual General meeting or becomes vacant prior to the next Annual General Meeting, the Management Committee may co-opt a person to fill the vacancy.
- 9.7. Members may attend all Management Meetings.
- 9.8. Management Committee decisions will be by consensus but failing a consensus, by a simple majority vote of the Management Committee members present.
- 9.9. The Management Committee may form sub-committees and give each subcommittee the same powers as the Management Committee.
- 9.10. Six members, shall form a quorum for Management Committee meetings
- 9.11. At the Annual General Meeting of the Hamilton Yacht Club all members of the Management Committee shall retire from office, but shall be eligible upon nomination for re-election.
- 9.12. The Management Committee shall, at its first Committee Meeting, elect where deemed necessary the following Sub-Committees: Race Committee, House Committee.
 - 9.12.1. The Race Committee shall consist of the Commodore, Vice Commodore, Racing Secretary and such other persons as appointed by the Management Committee. The Race Committee shall be chaired by the Vice Commodore and shall be responsible for the management of all races.
 - 9.12.2. The House Committee shall consist of the Commodore, Rear Commodore, Club Captain and such other members as shall be appointed by the Management Committee. The House Committee shall be chaired by the Rear Commodore and shall be responsible for the management of club premises and functions.

10. MEETINGS OF THE HAMILTON YACHT CLUB

- 10.1. The secretary shall convene all general meetings of the Hamilton Yacht Club by giving not less than 14 days notice of any such meeting to the members of the Hamilton Yacht Club.
- 10.2. The manner by which such notice shall be given shall be determined by the Management Committee except that notice of any meeting convened for the purpose of hearing the appeal of a member against the termination of their membership shall be given in writing. Notice of a general meeting shall clearly state the nature of the business to be discussed.

11. ANNUAL GENERAL MEETINGS.

- 11.1. The Annual General Meeting of HYC will be held not later than the 7th of October each year
- 11.2. The business to be transacted at every annual general meeting shall include:
 - 11.2.1. approval of the minutes of the previous AGM;

- 11.2.2. the Annual Report
- 11.2.3. the Financial accounts
- 11.2.4. approval of the annual subscription and other fees;
- 11.2.5. the election of officers and members of the Management Committee;
- 11.2.6. any other business

12. SPECIAL GENERAL MEETINGS

- 12.1. The secretary shall convene a special general meeting:
 - 12.1.1. when directed to do so by the Management Committee; or
 - 12.1.2. on receipt of a written requisition signed by not less than one third of the members of the Management Committee or not less than two thirds of the members of the Hamilton Yacht Club. The requisition shall state the reasons for convening the meeting is being convened and the nature of the business to be discussed.
 - 12.1.3. on being given a notice in writing of an intention to appeal against a decision of the Management Committee or a general meeting.
- 12.2. Such meetings shall be called 21 days of receipt of requisition.

13. VOTING AT HAMILTON YACHT CLUB MEETINGS.

- 13.1. Ordinary and Life Members only are eligible to vote at General Meetings.
- 13.2. Unless otherwise provided by these Rules, at every general meeting:
 - 13.2.1. except for votes to alter these Rules, every question, matter or resolution shall be decided by a majority of votes of the members present;
 - 13.2.2. voting shall be by show of hands or a division of members, unless not less than three of the members present demand a secret ballot. The Chairperson shall appoint two members to conduct the secret ballot and the result of the ballot shall be deemed to be the resolution of the meeting.
 - 13.2.3. a member may vote in person or by proxy.

14. QUORUM FOR HAMILTON YACHT CLUB MEETINGS

- 14.1. At any general meeting the number required to constitute a quorum shall be ten.
- 14.2. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. For the purposes of this rule "member" includes all proxies.
- 14.3. If, within half an hour of the time appointed for the commencement of a general meeting, a quorum is not present, the meeting, if convened at the requisition of the Management Committee or members, shall lapse. In any other case it shall stand adjourned to such other day and at such other time and place as may be determined, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the members present shall be a quorum.

15. FINANCES AND PECUNIARY PROFIT

- 15.1. All cheques and withdrawal slips drawn on the HYC's account will be signed by the Treasurer and one of two other members appointed by resolution of the Management Committee.
- 15.2. The income and property of the HYC is to be applied solely to further the aims of the HYC. No income or property is to be paid or transferred directly or indirectly to any members. This will not prevent payment of reasonable remuneration or expenses to any officer or employee of the HYC or to any members for any services performed by them for the HYC.
- 15.3. A member may charge for any services carried out by him or her where the HYC would have had to pay for that service if it was carried out by somebody who was not a member.

15.4. The accounts of the HYC shall be reviewed by a suitably qualified person, nominated the Management Committee.

15.5. The financial year of the Hamilton Yacht Club shall end on the 30th of April in each year.

16. COMMON SEAL

16.1. The Hamilton Yacht Club shall have a Common Seal and provide for its safe custody. Subject to the Incorporated Societies Act 1908, the Management Committee shall determine when the common seal is used and make provision for its safe custody.

17. ALTERATION OF THE CONSTITUTION

17.1. These rules may be amended, rescinded or added to from time to time by a special resolution carried by two thirds majority at a general meeting

17.2. Notice of such resolution shall be circulated to members not less than fourteen days prior to the meeting at which the resolution will be considered.

17.3. No addition to, or alteration of, the Finances and Pecuniary Profit clause or the Liquidation clause shall be approved without the Inland Revenue Department's approval.

17.4. Notice of any proposed alteration to the rules shall be given to members in circular or advertisement convening the meeting.

18. LIQUIDATION

18.1. The Hamilton Yacht Club may be wound up if ordered to do so by the High Court, or if, by resolution of a general meeting, the Hamilton Yacht Club:

18.1.1. has achieved its purpose;

18.1.2. cannot pay its debts;

18.1.3. has ceased to operate;

18.1.4. is found to be making a pecuniary gain for members;

18.2. If, upon the liquidation of the Hamilton Yacht Club, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, it shall not be paid to or distributed among the members of the organisation but shall be given or transferred to some other charitable organisation or body having objects similar to the objects of the Hamilton Yacht Club, or for some other charitable purpose, within New Zealand.

19. BY-LAWS

19.1. The Management Committee may from time to time make, amend or repeal by-laws and regulations, not inconsistent with these Rules, for the internal management of the Hamilton Yacht Club. Any by-law or regulation may be set aside by a general meeting of members.

APPENDIX
BY LAWS OF THE HAMILTON YACHT CLUB

1. DUTIES OF THE OFFICERS

- 1.1. The Commodore shall preside over meetings of the Hamilton Yacht Club. If the Commodore is unavailable the Vice Commodore shall preside. If the Vice Commodore is unavailable the Rear Commodore shall preside. If the Rear Commodore is unavailable then the members present shall elect one of their number to be Chairperson of the meeting.
- 1.2. It shall be the duty of the Honorary Secretary:
 - 1.2.1. To keep a true and correct record of all meetings of the Club.
 - 1.2.2. To file all documents, records, reports and communications with the club, and to bring them before such meetings as may properly deal with them.
 - 1.2.3. To conduct the correspondence of the club.
 - 1.2.4. To notify those members liable of every meeting except standing meetings
 - 1.2.5. In case of inability to attend any meeting, to cause the necessary books and papers to conveyed to the place of meeting
 - 1.2.6. To do all things which are within the general duties of a Secretary.
- 1.3. It shall be the duty of the Treasurer:
 - 1.3.1. To receive all moneys due to the club and pay all bills contracted by it when passed for payment by the General Committee, keeping a record of such in manner to be determined by the Management Committee
 - 1.3.2. To produce at each meeting a statement of accounts and at the Annual General Meeting a balance sheet of the receipts and expenditure of the past year and a report generally upon the finances of the club.
 - 1.3.3. To have custody of the funds of the club and to keep account of the same in such a manner as will at any time clearly show the true financial position of the club.
 - 1.3.4. All moneys collected by the Treasurer shall be paid by the Treasurer as soon as practicable to the club bank account.
 - 1.3.5. No liability for more than \$200 shall be incurred unless the proposal is first submitted to the Committee.
- 1.4. It shall be the duty of the Club Captain:
 - 1.4.1. to be in charge of the club house and facilities and be responsible for their maintenance, repair and cleanliness.
 - 1.4.2. To bring to the notice of the Committee from time to time any repairs or improvements that are required
 - 1.4.3. To see that “members only” use the clubhouse and facilities. The Club Captain shall have the right to request the production of a member’s card.
 - 1.4.4. To report to the Committee any disorderly or objectionable conduct in the club house or vicinity or at any organised club function or any place where members are assembled as a club.
 - 1.4.5. To receive and entertain any visitor to the club.
- 1.5. It shall be the duty of the Race Secretary;
 - 1.5.1. to attend all meetings of the Race Committee.
 - 1.5.2. to compile and keep a complete record of all race results and fixtures held by the club.

2. FINANCIAL GUIDELINES

2.1. Financial Guidelines to the Management Committee

- 2.1.1. **Banking.** The funds of the Hamilton Yacht Club must be kept in the name of the Hamilton Yacht Club in a financial institution decided by the Management Committee. All moneys shall be deposited as soon as practicable after receipt thereof.
- 2.1.2. **Bookkeeping.** Proper books and accounts shall be kept and maintained either in written or printed form in the English language showing correctly the financial affairs of the Hamilton Yacht Club and the particulars usually shown in the books of a like nature.
- 2.1.3. **Cheques.** Cheques shall be crossed “not transferable” except those in payment of wages, allowances, or petty cash which may be open.
- 2.1.4. **Petty cash.** The Management Committee shall determine the amount of petty cash which shall be kept on the imprest system.

3. CLUB HOUSE

3.1. Club house

- 3.1.1. The club house shall be open as directed by the General Committee
- 3.1.2. The General Committee shall have the power at any time to close all or part of the club house to members.
- 3.1.3. No notice shall be posted in the club house unless signed by the Honorary Secretary of one of the Committee
- 3.1.4. No intoxicating liquor shall be brought into the club house except by authority of the Committee
- 3.1.5. The club shall not be responsible for the property of any member left in the club house
- 3.1.6. Members may be called upon to pay the full cost of replacing any club property destroyed or lost by them.

HAMILTON YACHT CLUB (INC)		
213890		
Signature	Name	Position