

# **LOWRY BAY YACHT CLUB**

## **GENERAL RULES**

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## **1. Title**

The title of the Club is 'Lowry Bay Yacht Club Incorporated' (hereinafter referred to as 'The Club').

## **2. Object**

The object of the Club shall be the encouragement of pleasure boating in all its phases including power and/or sail and such other matters and purposes connected with the welfare and development of the Club as members shall from time to time decide.

## **3. Further Objects and Powers**

- a) To provide and maintain for the Club and its members, a Clubhouse and such facilities as may be necessary for, or may be conveniently used in connection with the affairs of the Club.
- b) To foster, cultivate and promote the social welfare of members by organising social activities and generally to promote and forward the interests and welfare of the Club and its members.
- c) To cause the Club to become affiliated with any other boat Club, association or federation whether incorporated or not, whose objects are altogether or in part similar to those of this Club, or to otherwise cooperate with any such Club, association or federation, or to secede from any such affiliation.
- d) To purchase, take on 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 shall think necessary or expedient for the purposes of attaining the objects of the Club.
- e) To incorporate as a society under the terms of the Incorporated Societies Act 1908.
- f) To do all things as are incidental or conducive to the attainment of the above objects or any of them.

## **4. Registered Office**

The registered office shall be the Clubhouse at Seaview Marina, Port Road.

## **5. Flag Officers**

The flag officers of the Club shall consist of the Commodore, Vice Commodore, Rear Commodore House and Rear Commodore Cruising. No person shall hold the position of Commodore for more than three consecutive years.

The Club Manager may be appointed by the Executive Committee to the position of Secretary. In that event the position shall not:

- a) Require election at the Annual General Meeting.
- b) Carry voting rights on the Executive Committee.

## **6. Duties of Flag Officers**

### **Commodore:**

It shall be the duty of the Commodore to take command of the Club, and may choose to preside at all meetings of the Club.

**Vice Commodore:**

It shall be the duty of the Vice Commodore to assist the Commodore in the discharge of the Commodore's duties and to officiate in the Commodore's absence.

**Rear Commodores:**

It shall be the duty of the Rear Commodores to assist the Commodore, in the discharge of the Commodore's duties.

In addition to specific appointments provided under these rules, the Commodore, Vice Commodore, and Rear Commodore House and Rear Commodore Cruising shall be ex officio members of all Club committees and they shall have the right to both attend and vote at meetings of those committees.

## **7. Executive Committee**

The Executive Committee shall be responsible for promoting the objects of the Club, management of Club finances and assets and long term planning and development.

- (a) (i) The affairs of the Club shall be conducted by an Executive Committee which shall be elected at the Annual General Meeting and shall hold office until the next Annual General Meeting, unless removed by a Special General Meeting and shall consist of the following members: the Commodore, the Vice Commodore, the Rear Commodore House and Rear Commodore Cruising, Treasurer, the immediate past Commodore, the Secretary and three other members.  
  
(ii) In the event of the Commodore being re-elected to office, the placing of Immediate Past Commodore lapses and four other members will be elected instead of three.
- (b) The Executive Committee shall meet once each month and at such times as it thinks fit and it shall be the prerogative of the Commodore to call a meeting of the Executive Committee at other times as required.
- (c) The Executive Committee shall elect a Club member to fill any vacancy occurring within the year.
- (d) The Executive Committee may, at any Committee meeting, appoint assistants, who shall on their appointment, be members of the Executive Committee for such term as appointed, but shall not exercise a vote.
- (e) Any member of the Executive Committee failing to attend three consecutive meetings shall cease to be a member thereof unless they shall have first obtained leave of absence for a definite period.
- (f) Any office bearer ceasing to be a member of the Club shall cease to be an office bearer.
- (g) The Executive Committee may, at any Committee meeting, appoint a Manager.
- (h) The Executive Committee shall keep a true record of its proceedings.

At meetings of the Executive Committee, the lesser four members or 50% of the membership having the right to vote shall form a quorum.

## **8. House Committee**

There shall be a House Committee, which shall be responsible to the Executive Committee, subject to the Club General Rules, for the organisation, supervision and management of the Club's social programme.

The House Committee shall:

- a) Consist of a Rear Commodore House and House Secretary who shall be elected at the Annual General Meeting and other members who shall 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 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.

The lesser of three members or 50% of the membership shall form a quorum at House Committee meetings.

## **9. Sailing Committee**

There shall be a Sailing Committee which shall be responsible to the Executive Committee, subject to the 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, for liaison with Yachting New Zealand and the Wellington Yachting Association in matters related to yacht racing.

The Sailing Committee shall:

- a) Consist of the Vice Commodore, and the Racing Secretary, who shall be elected at the Annual General Meeting, and other members who shall be appointed by the Executive Committee
- b) Appoint Race Committees as appropriate.
- c) Have power to delegate such of its functions to Club members or to others as it may from time to time deem appropriate.
- d) Appoint a member to represent the Club at meetings of Yachting New Zealand related to yacht racing.
- e) Appoint a member to represent the Club at meetings of the Wellington Yachting Association.
- f) Hold office until the next Annual General Meeting unless removed by a Special General Meeting of members.
- g) Be accountable to and subject to the control of the Executive Committee.
- h) Keep a true record of proceedings.

The lesser of five members or 50% of the membership shall form a quorum at any meeting of the Sailing Committee.

A meeting of the Sailing Committee shall be called on the requisition of a flag officer or the Racing Secretary, or three members of the Sailing Committee.

## **10. Cruising Committee**

There shall be a Cruising Committee, which shall be responsible to the Executive Committee for the organisation, supervision and management of the Club's cruising and fishing programme.

The Cruising Committee shall:

- a) Consist of a Rear Commodore Cruising who shall be elected at the Annual General Meeting and other members who shall 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 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.

The lesser of three members or 50% of the membership shall form a quorum at Cruising Committee meetings.

## **11. Not in use**

## **12. Not in use**

## **13. Not in use**

## **14. Annual General Meeting**

The Annual General Meeting shall be held prior to 30 September each year at such time as the Committee shall appoint.

### **a) Nominations for Office**

The nomination of any candidate for any office, including membership of the Executive Committee, (except Patron, President, Vice President, Honorary Auditor or Honorary Solicitor) shall be made by senior financial members only and the candidate shall signify their acceptance of such nomination either in writing, or to a flag officer of the Club.

Such nominations in writing, with evidence of acceptance, shall be in the hands of the Secretary no later than 48 hours before the time fixed for the Annual General Meeting.

The Secretary shall post nominations on the Club Notice Board within 24 hours of the closing times of such nominations. In the case of no or insufficient nominations to fill executive roles being received for any office, such office may be filled first by calling for nominations at the Annual General Meeting and then, if need be, by appointment by the Executive Committee.

## **15. Special General Meeting**

A Special General Meeting shall be called at any time by the Executive Committee or the Commodore, or upon a requisition signed by at least ten members, such requisition to state the business to be dealt with. The business shall be set out in the notice to members and only such business or matters relevant thereto shall be dealt with at the meeting.

## **16. Procedure at General Meeting**

At any General Meeting a recommendation to the incoming Committee in order to be duly carried, shall be moved by one member and seconded by another. It shall be carried or lost on the voices, or on a division being called for by any member, on a show of hands; but in either case (except where expressly provided otherwise by these Rules) by a majority of the members personally present at the meeting. At the discretion of the Chairperson any question may be decided by secret ballot.

The mode of putting motions and amendments and of regulating the speakers thereto shall conform to that prescribed by the Standing Orders for the time being of the House of Representatives.

All full members have the right to stand for office, speak and vote at Special and General meetings.

## **17. Notice of General Meeting and Quorum**

Notice of Annual General Meetings shall be notified in Club media and emailed, where possible, to all Club members not less than fourteen days before the meeting. Notice for a Special General Meeting shall be no less than 7 days. At any General Meeting, ten members shall form a quorum.

## **18. Membership**

Club membership shall consist of full and limited members.

Full members are eligible to vote at any General Meeting of the Club, to stand for office in the Club and introduce visitors to the Club.

Limited members shall be entitled to all privileges of the Club save that they shall not be eligible to vote at any General Meeting of the Club; nor shall they be eligible for election as an Officer of the Club or the Executive Committee.

## **19. Election of Members**

- a) A candidate for membership (other than Honorary Membership) must be proposed in writing on the Club's form by one Senior financial member and seconded by another such member.
- b) A candidate for membership of the Club shall at the time of application pay to the Secretary any entrance fee payable at that date, together with the annual subscription as fixed pursuant to Rule 27c.
- c) The nomination shall be posted on the Club's notice board immediately after receipt thereof by the Secretary.
- d) The Executive Committee will decide whether to approve candidates for membership.
- e) If not approved for membership, a candidate's subscription and any entrance fee paid shall be refunded in full.
- f) The Executive may, at their discretion, offer the first three months' membership free of charge for marketing initiatives.



- g) No person who has been struck off the membership roll for non-payment of subscriptions, fees or dues shall be eligible for re-election until such subscriptions, fees or dues have been paid in full. Struck off members are not permitted on the Club premises or grounds except with prior approval of a flag officer.

## **20. Classes of Membership**

- a) Life Members are full members. Any member may, if nominated by the Committee, be elected at any General Meeting, a Life Member of the Club. Notice of the Committee's intention to nominate shall be included in the Notice of General Meeting. At the General Meeting a candidate for Life Membership shall be elected if 80% of the members voting so elect. Life Members shall be entitled to all the privileges of the Club but shall not be required to pay fees.
- b) Senior Members are full members. A Senior Member shall be a person over the age of twenty years on 1 July and shall be entitled to all privileges of the Club subject to the payment of the requisite fees.
- c) Family Members are limited members. The spouse or resident partner of a Senior member and their children under age of twenty may apply for Family membership. On the death of the person enjoying full voting rights, the surviving spouse may apply for membership without payment of any joining fee or levy.
- d) Country Members are limited members. A Country Member shall reside in the North Island living outside the northern boundary determined by the line of the top of the Rimutakas, or north of the Waikanae River, or in the South Island or overseas, be over the age of twenty on 1 April. Country Members may not actively participate in Club racing.
- e) Honorary members are limited members. The Executive Committee may grant Honorary membership for a maximum of one year to persons who are performing a beneficial service to the Club, or visiting from another region or country.
- f) Corporate members are Limited members. These will be limited to ten memberships, which will enable persons to enjoy limited membership two years from the date of election.
- g) Business house members are Limited members. The Executive Committee may invite businesses or organisations to become Business house members. This shall be a temporary membership entitling such businesses to participate in selected club events.

## **21. Absent Members**

Any member leaving New Zealand for one year or longer may, by notifying the Secretary, be placed on the absentee list free of subscription until their return. Such members shall rejoin on their return with payment of subscription fees, but with no nomination requirements or entrance fee payable.

## **22. Expulsion**

If the conduct of any member, in the opinion of the Executive Committee, is injurious to the character and interest of the Club, the Committee shall forthwith suspend such member from membership and summon a Special General Meeting to consider the expulsion from the Club of such member.

The Special Meeting by ordinary resolution may expel, or suspend from membership for a period not exceeding six months, or reinstate any member who is suspended by the Executive Committee.

Suspended or expelled member are not permitted on Club premises or grounds except with prior approval of a Flag Officer.

### **23. Disputes**

All disputes in connection with the Club shall be referred to the Executive Committee, whose decision shall be final, unless ten members shall within seven days give notice of disapproval of the decision and call a Special General Meeting. In such case, the Special General Meeting shall finally decide the dispute on the evidence taken before the Committee.

### **24. Change of Status and Address**

It shall be the duty of any member to notify the Secretary in writing of any change in the status of their membership or of any change of address and unless such notice in writing is given the Club, shall be under no liability to such member for non-receipt of any notices.

### **25. Resignation**

Any member wishing to resign shall give notice in writing to the Secretary to that effect, but resignation shall not affect the member's liability for subscriptions accrued at that date, nor shall subscriptions paid be refunded to the member.

### **26. Entrance Fees**

The entrance fee (if any) fixed at an Annual General Meeting shall apply for the duration to the next date of fixing which shall be at the earliest, the next Annual General Meeting. The entrance fee (if any) for each candidate for membership shall be paid at the time of application, or at the end of a free membership period, if that applies.

Any candidate who has previously paid an entrance fee and voluntarily resigned in good standing shall not be required to pay an entrance fee on re-election.

### **27. Subscriptions**

The annual subscription payable by the various categories of membership shall be fixed at the Annual General Meeting.

- a) Provided that if at any Annual General Meeting the fixing of the subscriptions for the ensuing year is for any reason omitted, the rates of subscription for the year shall be those prevailing in the preceding year.
- b) The subscription year shall be 1 July until 30 June of the following year.
- c) All classes of membership other than Life, Honorary, Corporate or Business House Members shall be liable for payment of an annual subscription.
- d) Where members join the Club after 1 September the subscription to be paid shall be at the rate decided by the previous AGM apportioned by the number of months remaining (rounded upwards) until the end of the financial year.
- e) The Executive Committee may approve subscriptions being paid by direct debit. Subscriptions paid by direct debit will be treated as fully paid under these Rules so long as the agreed payments continue to be made.

**28. Not in use**

**29. Unpaid Subscriptions**

Any member who fails to pay their subscription by 1 September in any year may be struck off the membership roll by the Executive Committee, who shall then endeavour to recover such subscriptions. Members struck off shall not be permitted on Club premises or officially enter in Club activities. Members with unpaid subscriptions after 1 September may not be allowed to enter Club activities except with the prior approval of a Flag Officer.

**30. Financial Year**

The financial year of the Club shall commence on 1 July and shall end on 30 June.

**31. Finance**

- a) The funds of the Club shall be deposited in an account with a bank as the Executive Committee may decide, in the name of the Club, and this account shall be operated upon by any two of the Commodore, Vice Commodore, Rear Commodores, Secretary and Treasurer.
- b) Should the Executive Committee at any time be of the opinion that the funds at their disposal are or will be insufficient to carry on the affairs of the Club, they shall call a General Meeting and the majority of those present and voting at such a Meeting shall have the power by resolution to make a levy on Members.
- c) The Club shall, in addition to the other powers vested in it, have power to borrow or raise money by the issue of debentures, bonds, mortgages, or any other security founded or based on all or any of the property and/or rights of the Club, or without any such security and upon such terms as to priority and otherwise as the Club or Executive Committee shall think fit. The Executive Committee shall have the powers of borrowing or raising money up to a limit of 10% of the net asset value of the Club as stated in the current Annual Financial Report.

The decision to borrow amounts above this limit shall be exercised by the majority of members present at any Annual General Meeting, or a Special General Meeting called for the purpose.

The surplus funds of the Club may be invested by the Executive Committee in such securities as may be authorised by the law relating to the investment of trust funds for the time being in force in New Zealand.

**32. Custody and Use of the Common Seal**

The Common Seal shall be held in the custody of the Secretary who shall affix it to such documents as the Executive Committee shall direct and each instrument sealed shall be signed by any two of the Commodore, Vice Commodore, Rear Commodores, Secretary, Treasurer, plus one other of the Executive Committee.

### **33. Club Flags**

The Commodore's broad pennant to be white and red (white at the hoist); the Vice Commodore's broad pennant to be white and red with one red ball in the top section of the white half; the Rear Commodores' broad pennant to be white and red with two balls placed diagonally in the white half; the Past Commodores shall fly a broad pennant defaced with a Maltese Cross in the red lower section. The Club's burgee to be white and red with a device in the shape of a channel marker.

### **34. Signals**

The International Code of Signals shall be used.

### **35. Racing Rules**

So long as Yachting New Zealand shall be the national body for the administration of yachting in New Zealand, the Club will abide with the racing rules established by that Federation and the Executive Committee shall have the power to require an appeal to be dealt with by such body and the decision of the Yachting New Zealand shall be final and binding on all parties.

### **36. Boat Register**

Each member shall state in writing to the Secretary the name of every boat belonging to such member and the make and such other particulars as the Executive Committee determines. The particulars shall be entered in the Club register and no boat shall be eligible to compete in Club races unless such registration has been made, excepting races in which non-members of the Club are permitted to enter.

It shall be the duty of a member to notify the Secretary of any change of ownership of a boat on the Club register.

### **37. Alterations to Boats**

Any alteration to any boats that may affect the performance of such craft that are racing shall be immediately notified to the Racing Secretary who shall note these alterations and advise the Vice Commodore so that appropriate amendments can be made for sailing handicaps.

### **38. Flying Flags**

No member shall fly the Club's flag from any craft not on the Club's register.

### **39. Notice Board**

A notice board shall be affixed in a conspicuous place in the Clubhouse and all notices thereon must be signed by a Flag Officer, the Secretary, Treasurer, or Club Manager, on behalf of the Executive Committee.

### **40. Visitors**

Members shall have the privilege of introducing visitors. A member introducing a visitor shall enter their visitor's name(s) in the Visitor's Book and be answerable for the conduct of their guest(s) while on the Club property. Visitors who are not members of a Club affiliated to the Yachting New Zealand may only be signed in four times in any one season unless approved by a flag officer.

Members cannot sign in visitors who have previously been struck off the Club membership.

#### **41. Club Property**

Members shall not remove any property of the Club from Club premises except under arrangement with the Executive Committee.

Members shall pay full cost of replacing any Club property destroyed, damaged or lost by them unless acting under authority.

#### **42. Member's Property**

- a) The Club will not accept responsibility for any property of members or guests left in the Club premises.
- b) Liability: The Club will not accept responsibility for damage however arising, to person or property through accident or injury, whilst on Club property or engaged in or participating in the functions or activities of the Club, unless specifically covered by prior determination of the Executive Committee by majority vote.

#### **43. Animals**

Animals shall not be permitted in the Clubrooms.

#### **44. Objectionable Behaviour**

No objectionable conduct shall be allowed on the Club property and no intoxicating liquor brought into the premises except by order and upon authority of the Executive Committee.

The Senior Officer present, Club Manager or the Bar Manager shall be in charge of the Clubrooms and shall take appropriate action and subsequently report any misconduct to the Executive Committee.

#### **45. Alteration of Rules**

These rules or any of them shall not be altered, added to or rescinded except at an Annual General Meeting or a Special General Meeting pursuant to fourteen day's notice given to the members of the intention to move such alteration, rescission or addition of new Rules, which shall be duly set out in Notice of the Meeting posted on the Club's notice board and shall be stated in Club media and by email, where possible, to members giving notice of the meeting.

#### **46. Winding Up**

The Club may be wound up if a resolution to such effect shall be passed by a General Meeting and confirmed at a subsequent General Meeting called not earlier than thirty days after the meeting at which the resolution to be confirmed was passed, notice of which confirmatory meeting has been given to all members through Club media and email at least fourteen days before the date of the confirmatory meeting. Such confirmatory meeting shall decide the destination of the property and assets of the Club left after meeting its liabilities, provided that such property and assets shall not be divided amongst the members, but shall be paid to or distributed among some body or bodies having similar aims to that of this Club.

#### **47. Regulations**

The Executive Committee shall have the power to make regulations or bylaws dealing with all matters not provided for by these rules, provided that such regulation or by-laws are not inconsistent or repugnant to the Incorporated Societies Act, 1908 or to these Rules.

#### **48. General**

- a) The decision of the Executive Committee on the interpretation and/or construction of any Rule, By-law or Regulation shall be final.
- b) These rules totally replace those rules that were registered on the twenty-fourth day of July 1956 with all subsequent amendments.