

# **BAYS CLUB**

(INC)



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## **1 NAME**

The name of the Club shall be Bays Club Incorporated, hereinafter referred to as "the Club"

## **2 REGISTERED OFFICE**

The registered office of the club shall be at the office of The Club, 6 Anzac Road,  
Browns Bay, Auckland

## **3 OBJECTS**

The objects for which the Club is established are:

- (a) To conduct, administer and maintain a Chartered Club for its members and for such persons as are authorised from time to time in accordance with the terms of any charter granted to the Club;
- (b) To provide amenities and cultural activities and promote sports and generally to provide an atmosphere where the members may meet and enjoy fellowship with one another.

## **4 MEMBERSHIP**

### **4.1 Classes of Membership:**

The Members of the Club shall be divided into the following classes:

- a) Full
- b) Veteran
- c) Life
- d) Temporary
- e) Corporate

### **4.2 Full Membership:**

Males and females of at least Legal Purchasing Age may apply to become Ordinary Members of the Club in accordance with the following Rules:

- a) Each candidate for membership shall be nominated in writing by two (2) Financial Members of the Club in the form provided. In the event of candidates being new to the area and unknown to Club Members then their application may be authorised by the Club Management and subject to an interview by committee.
- b) The nomination form shall include the candidates:
  - I. Full name
  - II. Date of birth
  - III. Residential address
  - IV. Occupation
  - V. Undertaking that they will abide by the Rules and By-laws.
  - VI. Acknowledges by signing the form, that he or she has authorised the Club to obtain, check, exchange information with, and supply information to, Members of the Club, Clubs New Zealand and Clubs that are members of Clubs New Zealand
- c) The candidate shall deposit, at the time of nomination, an application fee of such sum as may be directed by the Committee. Such fee shall not exceed the sum of the subscription for the class of membership applied for.
- d) The names and photographs of the candidate shall be posted on the Clubs notice board for fourteen (14) clear days prior to election.
- e) Any objections to a candidate which is lodged by a Member during a period of posting in Rule 4.2(d) shall be considered by the Committee.
- f) Election shall be by ballot at the first Committee Meeting held after the expiration of the fourteen (14) days' notice required by the rule of 4.2(d).
- g) In the event that the application is not approved by the Committee, the candidate shall be informed in writing of the decision. Any monies deposited for the membership fee shall be refunded.

h)

**4.3 Veteran Membership:**

Full Members who have had continuous membership for sixteen (16) years, or have reached the age of sixty (60) or over or are the holders of a Gold Card, shall be entitled to Veteran Membership. The Subscription for Veteran Members shall be half the current membership subscription rate.

**4.4 Life Membership:**

Life Membership may be granted to any Member for meritorious services rendered to or on behalf of the Club, in accordance with the following:

- a) The Committee may elect to recommend a Member for Life Membership.
- b) A Financial Member may propose, and another Financial Member may second a Member for Life Membership in writing, and that nomination shall be forwarded to the committee.
- c) No nomination for Life Membership shall be put to the Annual General Meeting unless it has the support of the Committee.
- d) The Committee shall post notice of its intention to recommend a Life Member on the Clubs notice board for fourteen (14) clear days prior to the Annual General Meeting in any year.
- e) The Club may elect a Member recommended by the Committee to Life Membership, by simple majority at the Annual General Meeting.
- f) Life Members are eligible to vote, hold office and enjoy all the rights and privileges of membership.
- g) Life Members shall not be charged an annual subscription but shall be deemed to be Financial Members.

**4.5 Corporate Members:**

Corporate Membership may be granted by the Management Committee to companies and other body corporate. Corporate Members shall be entitled to nominate a maximum of three (3) members from their staff or employees.

- a) The candidate shall deposit, at the time of nomination, an application fee of such sum as may be directed by the Committee.
- b) The nomination shall include the candidates:
  - I. Full name;
  - II. A list of all Corporate Affiliates to be covered by the membership;
  - III. An undertaking that the organisation and any Corporate Affiliates will abide
- c) On applying to join a Corporate Member shall supply the Club with a list of Corporate Affiliates for the purposes of this membership. It shall at all times keep that list updated and will provide those persons with a method of identifying themselves to the club that is acceptable to the Club
  - I. Those persons who are on the list of Corporate Affiliates supplied by the Corporate Member and who do not otherwise hold membership of the Club shall be deemed to be members of and subject to the rules of the Club.
  - II. The right of entry to the club premises is restricted to such times as agreed with the Corporate.
  - III. They shall at all times carry and provide on request the form of identification agreed by under Rule 4.5 (c)
  - IV. The membership does not entitle a Corporate Member / Affiliate to any voting rights, hold office in the Club, participate in any reciprocal visiting rights with other clubs, or represent the Club at any sporting or other fixture.
  - V. All rights of membership shall cease upon the cessation of the Corporate Membership or upon the Corporate Affiliate ceasing to be affiliated with the Corporate Member.
  - VI. A Corporate Affiliate may apply for Full Membership of the Club in accordance with Rule 4.2.

**4.6 Temporary**

- a) Country Membership may be granted by the Management Committee to any person permanently residing beyond a line drawn from the Southern end of Snells Beach to South Head on Kaipara Harbour in the North, and beyond a line drawn from Glenbrook to Orere Point in the South. The Subscription for Country Members set shall be half of the current full subscription membership rate.

- b) The Management Committee may at its discretion admit visiting relatives or business associates or any Member as Temporary Members upon payment of a monthly fee as determined by the Committee. Temporary Membership shall automatically expire two months after the date of admission.

#### 4.9 **Rights and Privileges:**

All Members shall be entitled to:

- a) Enter Club premises during such hours as may be defined by the Committee.
- b) Enter any Club with whom reciprocal visiting arrangements are in place, provided it is in accordance with the Club Rules.
- c) Full, Veteran and Life Members have the right hold office in accordance with these Rules.
- d) Have an equal voice in all business of the Club.

### **5 SUBSCRIPTIONS**

- 5.1 The Annual Subscriptions shall be such sum as shall be determined by the Management Committee.
- 5.2 A Non Refundable New Membership Administration Fee may be set for New Members joining. Such fee shall be determined from time to time by the Management Committee.
- 5.3 The Annual Subscription shall be payable in accordance with the "Rules" of the Club as determined by the Committee.
- 5.4 Any Members whose Subscription or other dues are not paid by the anniversary date:
  - a) Will automatically cease to be a member and his or her name shall be removed from the register of Members.
  - b) Not be relieved from payment of the Annual Subscription or of any other payment due or payable to the Club.
  - c) Not be refunded any subscription or other payment already paid to the Club.
  - d) Reapply for membership if he or she wishes to be reinstated as a Member.
- 5.5 A Member incapacitated through illness, accident or distress may, on notice in writing given to the General Manager, have his/her subscription suspended or remitted.

### **6 TERMINATION OF MEMBERSHIP**

- a) By Resignation — any member may resign his or her 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 such letter of resignation.
- b) By Expulsion or Suspension — any member who misconducts himself or herself or who commits an offence under the Constitution. If a resolution, be carried for the expulsion of that member, he or she will cease to be a member of the Club, subject however to the right of the Club to recover any entrance fee, subscription account or other.
- c) Any member that the Committee determines has conducted himself or herself in a manner which is prejudicial to The Club shall have their membership terminated without the right of appeal.

### **7 COMMITTEE OF MANAGEMENT**

- 7.1 Committee Members: The general business, management and control of the club shall be conducted by a Committee comprising:
  - a) A President
  - b) A Vice President
  - c) A Treasurer
  - d) Minimum of Three other Committee Members with a maximum of Four other Committee Members.
- 7.2 Office holders of Sections are not Committee Members or Club officials by virtue of holding such office.
- 7.3 Eligibility: Each Committee Member must:
  - a) Be a Financial Member.
  - b) Not be an employee of the Club.
  - c) Have been a Financial Member for at least:

- I. President – two years immediately before nomination and should have previously served on the committee for two full terms.
  - II. Vice –President – Two years immediately before nomination and should have previously served on the committee for a full term.
  - III. Treasurer – Two years immediately before nomination.
  - IV. Committee – one year immediately before nomination.
- 7.4 Term of Office: Committee Members shall:
- a) Remain in office until the Annual General Meeting following his or her election.
  - b) Be eligible for re-election.
- 7.5 Election: The Committee shall be elected in the following manner:
- a) Nominations for Committee Members must be:
    - I. In writing on a form provided for the purpose.
    - II. Proposed, by a Financial Member, and seconded by another Financial Member.
  - b) Deposited with the General Manager at least twenty one (21) days before the Annual General Meeting.
  - c) The election shall be by secret ballot on the Club's premises, during the Annual General Meeting.
- 7.6 Resignation: A Member of the Committee may resign by notice in writing to the Committee. Committee Members are deemed to have resigned if they are absent from three (3) consecutive meetings of the Committee without leave of the Committee.
- 7.7 Removal from Office:
- a) A Member of the Committee may be removed from office for any reason which the Committee deems expedient in accordance with the following:
    - I. The Committee shall convene an Extraordinary General Meeting in the accordance with Rule 13 to consider the removal of the member.
    - II. The Committee must give seven (7) days' notice in writing to the Committee Member informing him or her of his or her right to appear and be heard at the meeting.
    - III. After the Committee Member in question has had the opportunity to be heard, the Meeting may elect to remove him or her from office by simple majority vote.
    - IV. If the Meeting elects to remove the Committee Member, such removal shall be effective immediately.
  - b) On receipt of a notice of motion of no confidence in a Committee Member and signed by fifty (50) Financial Members, the Committee shall convene an Extraordinary General Meeting and proceed in accordance with Rule 13.
  - c) A Committee Member, who has been convicted of any offence which in the opinion of a majority of the Committee brings the Club into disrepute, shall automatically and immediately be removed from office.
  - d) The Committee may elect to remove a Committee Member who becomes physically or mentally incapacitated to the extent that he or she cannot carry out his or her duties as a Committee Member.
  - e) No Committee Member who has been removed from office shall be eligible for re-election without the consent of the General Meeting.
- 7.8 Vacancy: Any vacancy in any Committee position shall be filled by the Committee appointing another person to the vacant office.
- 7.9 Powers: The Committee shall, subject to any limitations imposed by these Rules have the power to:
- a) Exercise all powers and authorities of the Club.
  - b) Do such other acts and things as it deems necessary or expedient for carrying on the business of the Club.

- c) Form standing or ad hoc committees for the purpose of exercising its duties, authorities or powers.
- d) Co-opt any person to assist with its functions.

7.10 Duties: Committee Members shall at all times:

- a) Render every assistance to the President, Vice President and staff of the Club to maintain order and to prevent infringement of the Rules, Regulations or By-laws or the terms of any licences which may from time to time be granted to the Club.
- b) In the execution of their duties, exercise fiduciary responsibility and act in the best interests of the Members.

## **8 PRESIDENT AND VICE PRESIDENT**

The President and Vice-President shall have the right of entry upon the Club premises or buildings at any time. The President, Vice-President and General Manager or duty manager shall have the power to pre-emptly suspend a member from the privileges of the Club who shall, after having been duly warned, persist in creating a disturbance.

## **9 TREASURER**

9.1 The Treasurer shall:

- a) Ensure that all monies received by the club are paid into the bank for the credit of the club.
- b) Prepare a detailed report of the previous month's receipts and payments for each monthly Committee Meeting and present it to that Meeting.
- c) Ensure that all taxes, levies, duties, and other payments required by statute are made before the due date.
- d) All taxation and other financial returns required by statute are accurately completed and lodged by the due date.
- e) Prepare the Club's Financial Statements and present them to the Annual General Meeting each year.

9.2 The Treasurer shall immediately bring to the attention of the Committee, any financial irregularity or suspicion of financial irregularity, or any concern regarding the financial performance of the Club.

9.3 The treasurer shall be entitled to such honorarium as the committee shall fix from time to time.

9.4 The Treasurer shall be required to conduct an Audit of the financial records of each of the Club's Sports Sections prior to the Club's Annual General Meeting.

## **10 AUDITOR**

10.1 The Club's accounts shall be audited annually by a chartered accountant appointed by the Members at Annual General Meeting, who shall:

- a) Be a member of the Institute of Chartered Accountants of New Zealand.
- b) Not be a Committee Member or hold any other office in the Club.

10.2 The Auditor shall have the right to attend any meetings of the Club at which the Club's financial affairs are under discussion, but shall not be entitled to exercise a vote on any question.

10.3 The financial statements shall be audited by him or her and certified under his or her hand before they are submitted to the Annual General Meeting.

## **11 GENERAL MANAGER**

The Club may appoint a General Manager who shall be responsible for:

- a) The day to day maintenance, cleanliness and service of the Club.

- b) The engagement and dismissal of such employees as may be essential to provide adequate and efficient maintenance of the assets and control of the Club.
- c) Ensuring that the Club's membership register is kept and up to date.
- d) Ensuring that the Club has a guest signing in book available for guests of members.
- e) Carrying out such other duties as are conducive to his or her office and that the Committee shall decide from time to time.
- f) Attend to the accounting and clerical duties of the Club.
- g) Take minutes of the Committee and General Meeting.
- h) Generally conform to such regulations as shall from time to time be made by the Committee.

## **12 ANNUAL GENERAL MEETING**

- 12.1 The Annual General Meeting of the Club shall be held not later than the last day of May each year at such time and place as shall be fixed by the Committee, for the purpose of:
- a) Receiving and adopting the Annual Report of the Committee.
  - b) Receiving and adopting the Financial Statements of the Club.
  - c) Considering, and if necessary taking action on, any other motion relating to the Annual Report or Financial Statements of the Club.
  - d) Considering, and if necessary taking action on, any other motion of which due notice pursuant to Rule 15.7(b).
  - e) Election of Committee Members.
  - f) Election of Judiciary Panel.
  - g) General Business.
- 12.2 Notice of business to be conducted at the Annual General Meeting shall be notified to the Membership no later than twenty eight (28) days prior to that date. Notification to be by Club Notice Board, Newsletter, Website or by any other way as approved by the Management Committee

## **13 EXTRAORDINARY GENERAL MEETING**

- 13.1 The Committee shall convene an Extraordinary General Meeting if at any time:
- a) The Committee considers such a Meeting necessary or desirable.
  - b) The General Manager receives a written requisition to do so signed by not less than fifty (50) Financial Members, stating the purpose of the Meeting requisitioned, in which case the meeting must be convened for that purpose only.
- 13.2 Seven (7) days' notice specifying the time and place of an Extraordinary General Meeting, its purpose and an agenda shall be given on the Club's notice board and Notification to be by Club Notice Board, Newsletter, Website or by any other way as approved by the Management Committee.

## **14 COMMITTEE MEETINGS**

- 14.1 The Committee shall meet regularly and at least once each month at a time and place to be determined by the Committee, or on a requisition in writing to the General Manager, setting out the purpose for which the Meeting is required and signed by three (3) members of the Committee. A date for a Committee Meeting must be set within four (4) days of the General Manager receiving a requisition under this clause.
- 14.2 At all Committee Meetings, the Chairman shall be the President or Vice President. The Chairman shall preside at all meetings of the Club and the Management Committee. If at any meeting the Chairman is not present within the fifteen (15) minutes after the time appointed for holding the meeting, the Members in the case of a meeting of the Club and the Management Committee men and women in the case of a Management Committee meeting, may choose any of their number to be Chairman of the meeting.



- 14.3 The quorum of a Committee Meeting shall be not less than five (5) of its members.
- 14.4 Any Committee Meeting shall be adjourned if:
- a) A quorum is not present within half an hour after the time fixed for the Meeting.
  - b) A quorum is present and the meeting elects to adjourn.
- 14.5 If Committee Meeting is adjourned, the committee shall,
- a) Fix a new date not more than fourteen (14) days later.
  - b) Give at least three (3) days' notice of the adjourned Meeting to each Committee Member.
- 14.6 If a quorum is not present at an adjourned meeting, the meeting shall lapse.
- 14.7 Except as otherwise provided by these Rules, all questions raised at a Committee Meeting shall be decided by a simple majority of votes cast.
- 14.8 In the event of equal votes being cast, the Chairman shall have a casting vote.

## **15 CONDUCT OF GENERAL MEETINGS**

- 15.1 At all General Meetings, the chairman shall be:
- a) The president.
  - b) In his or her absence, the Vice President.
  - c) In the absence of both the President and the Vice President, a Committee Member elected by the Meeting.
- 15.2 The quorum of a General Meeting shall be 50 Financial Members.
- 15.3 A General Meeting shall be adjourned if:
- a) A quorum is not present within half an hour after the time fixed for the Meeting.
  - b) A quorum is present and the Meeting elects to adjourn.
- 15.4 If a meeting is adjourned, the committee shall:
- a) Fix a new date not more than fourteen (14) days later.
  - b) Give at least three (3) days' notice of the adjourned Meeting by advertisement in a public newspaper circulating in the district of Club and notice on the Clubs notice board.
- 15.5 If a quorum is not present at an adjourned Meeting, the Meeting shall lapse. If a quorum is not present for an Extraordinary General Meeting, the agenda as displayed on the Notice board shall automatically revert to the Committee to adjudicate on.
- 15.6 Annual Report:
- a) The annual report shall be available to all members seven (7) days prior to the Annual meeting.
- 15.7 Resolutions:
- a) A Member may without notice ask any question or move any resolution relative to the Annual Report or Balance Sheet.
  - b) 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 Secretary at least fourteen (14) days before the Meeting and such notice of motion shall be posted on the club notice board seven (7) days prior to the General Meeting.
- 15.8 Procedure: The following rules of debate shall apply:
- a) Each Member may speak only once to each motion or amendment except the mover, who may reply.
  - b) The mover of any resolution or substantial amendments to resolution shall be allowed five (5) minutes in which to introduce his proposition and five (5) minutes for reply, and any other speaker will be allowed five (5) minutes.

- c) The chairman shall decide whether any amendment proposed to a resolution is substantial amendment or not.
- d) If freer discussions or any subject is desired, any Member may move that the meeting go into Committee on that subject and such motion shall immediately be decided by a show of hands.
- e) In Committee no Member shall speak for more than five (5) minutes at a time.
- f) When In Committee any Member may move that the ordinary meeting shall be resumed and such motion shall immediately be decided by a show of hands.

15.9 Except as otherwise provided by these Rules, all questions shall be decided by simple majority vote.

15.10 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.

15.11 Voting at any General Meeting:

At any General Meeting and Extraordinary General Meeting of members every financial member, who is either a Full Member, Veteran Member or Life Member shall be entitled to be present and, to give one vote and no more upon every question, provided however that in the case of equality of votes the chairman of the meeting shall have a second or casting vote. Voting shall be on the voices in the first instance, PROVIDED HOWEVER that the chairman on his or her own volition may and on the application of three (3) members shall call for a show of hands. On a motion passed by a majority of those present the vote shall be taken by secret ballot.

15.12. Proxies:

At any General Meeting of the Club, votes may be either made personally or by proxy, provided that no Member may hold more than two proxies.

- a) In order to appoint a proxy, the appointing member must be eligible to vote at the General Meeting in accordance with the Constitution. Furthermore, the appointing member must be either out of the district on the day of the General Meeting, or be incapacitated through illness, accident or distress.
- b) Any instrument appointing a proxy shall be in writing and must be signed by the appointing member. It must be lodged with the chairman of the General Meeting not later than 15 minutes prior to the commencement of the General Meeting. For the purposes of the constitution, any member present at a General Meeting of the Club by proxy, shall be deemed to be present in person and shall have the same rights as a member present in person.

## 16 ACCOUNTS

16.1 The committee shall ensure true accounts are kept.

- a) All sums of money received and expended by the Club and the matters in respect of which such receipt and expenditure takes place.
- b) All assets, credits and liabilities of the Club including any charges and securities of any description affecting any property of the Club.
- c) All remuneration and entitlements relating to employees of the Club.

16.2 The books of accounts shall be kept at the office of the Club or other such place as the Committee may determine and shall be open to the inspection of Financial Members at all reasonable times.

16.3 All monies received shall be forthwith paid into a bank approved by the Committee after being entered in the books of the Club as having being received.

16.4 All payments shall be reported to the committee for confirmation at the next meeting following payment.

16.5 Payment of all monies on behalf of the Club shall be made by cheque signed by, or electronic transaction authorised by, two (2) signatories, one being the General Manager and the other being the President, Vice President or Treasurer.

- 16.6 At every Annual General Meeting the committee shall present:
- a) The Clubs Financial Statements.
  - b) An Annual Report as to the state of the Club.
- 16.7 The Club shall make returns required by Section 23 Incorporated Societies Act 1908.

## **17 SEAL**

- 17.1 The Club shall have a common seal which shall be kept in the custody and the control of the General Manager.
- 17.2 Any document to be executed by the Club shall be available for inspection by every Financial Member of the Club at all reasonable times and shall be executed with the following attestation pursuant to a resolution of the Committee.

## **18 GENERAL POWERS**

The Club and/or the Committee shall have the power:

- (a) To take on lease, hire or otherwise acquire any real or personal property rights or privileges which the Club may think necessary or convenient for the purpose of furthering the objects of the Club.
- (b) To invest any monies not required for immediate use in such Government or Local Body securities, or on bank deposit as may be deemed advisable with power from time to time to vary investments for others of a like nature, and to lease or hire or enjoy the benefit of any property presently occupied whether real or personal of any kind or nature whatsoever which may be conveniently used in connection with the objects of the Club.
- (c) To make, alter, amend, rescind or repeal club rules for the conduct of the Club and the discipline required of members. Any such Club rules or changes to such Club rules, shall not be contrary to the aims, purposes and missions of the Club as set down in the Constitution, nor shall they be contrary or contradictory to the Constitution itself or repugnant to the Incorporated Societies Act 1908 or its regulations.
- (d) Such Club rules or changes shall be notified to the membership through the Club website, and /or newsletter and will be posted on the Club notice board for a period of 28 days, being deemed valid and binding on all Club members at the commencement of the 28 day notification period.
- (e) Any member having any objection to any new or altered Club rule must notify the General manager in writing stating their objection and their reason for the objection within a period of 14 days of notification. Such objections shall be considered by the Committee at its next meeting and the decision of the Committee at said meeting shall be final.
- (f) An up to date copy of the Club rules shall be available to all financial members of the Club upon application to the club office.
- (g) To do all such things as in the opinion of the Club may be incidental to the attainment of any of the foregoing objects or the exercise of any of the foregoing powers.

## **19 BORROWING MONEY**

The Club shall have the power to borrow or raise or give security for money by the issue of or upon bonds, debenture stock, bills of exchange, promissory notes or other obligations or securities of the Club by mortgage or charge upon all or any part of the property of the Club or without security and upon terms as to priority or otherwise as the Club shall think fit.

## **20 GUESTS AND VISITORS**

- 20.1 The Club, under its Club License, must ensure that alcohol is only sold or supplied to Members, Authorised Customers or Authorised Visitors for consumption on the Club's premises.

- 20.2 Any Member may invite any person as an Authorised Customer (hereon referred to as a guest) to the Club in accordance with the following
- a) By entering Club Premises, a guest agrees to abide by these Rules.
  - b) All guests shall enter their name and address in the Clubs signing in register each time they visit the Club.
  - c) The Member accompanying a guest shall also sign the Clubs signing in register and will at all times be responsible for the conduct of the guest.
  - d) No guests shall be sold or supplied alcohol on Club premises unless the guest is present on the invitation of a Member and is in the company of the Member and the alcohol is supplied for consumption on the premises.
  - e) Guests may visit the Club once in any calendar month.
- 20.3 Authorised Visitor (hereon referred to as a visitor) who is a member of an Affiliated Club visiting the Club:
- a) Is deemed to agree to abide by these Rules.
  - b) Has the same rights as Members to be sold or supplied alcohol on or off Club premises, provided he / she has produced sufficient evidence to an officer of the Club or member of its staff that he / she is a Member of an Affiliated Club.

## **21 OFFENCES**

If a Member is convicted of any crime (as defined in the Crimes Act 1961 as at 1 June 2010) after election to the Club:

- a) He or she must inform the General Manager of the Conviction and any penalty imposed.
- b) The General Manager shall report the fact to the Committee at or before its next meeting.

## **22 JUDICIARY PANEL**

- a) There shall be a Judiciary Panel consisting of five (5) Members who shall be elected annually at the Annual General Meeting in the same manner as Committee men or women are elected under the Constitution.
- b) These four (5) people must not be on the Management Committee and must have been Financial Members for at least twelve (12) months.
- c) Every complaint, which must be in writing, will be presented to the General Manager, who must pass it on to the Judiciary Panel within forty eight (48) hours of receipt. Any Member or Members who are subject of such complaint shall also be supplied with a confidential copy of the said complaint where possible within forty eight (48) hours.
- d) Following election on the day of the Annual General Meeting, the Judiciary Panel shall meet to elect a chair person and shall notify the General Manager of the Club of its elected chair person.
- e) Where for reasons of absence or incapacitation through illness, accident, or distress or being stood down by the defendant or Management Committee the elected chair person is unable to chair a complaint the Judiciary Panel shall elect from the remaining Judiciary Panel members a chair person to chair the complaint.
- f) In the case of equality of votes the chair person will have the second or casting vote. Before the hearing, both the defendant and the Management Committee have the right to object to and remove one Member from the panel, leaving at least three Members to hear the case.
- g) The Judiciary Panel's decision shall for reasons of fairness be unbiased and shall be final, subject to the right of appeal to the Management Committee by the defendant or the complainant. Where, as a result of a Judiciary hearing, a Member receiving a penalty shall be notified of such penalty by the General Manager of the Club. Where such penalty involves a suspension from the Club, that Member shall be

advised of the date of the commencement of the suspension. Such suspension shall remain effective until the period of suspension is complete irrespective of an appeal to Management Committee being lodged. The result of an appeal to the Management Committee after a Judiciary hearing shall be notified to any Member or Members by the General Manager of the Club and will take immediate effect. Any appeal must be lodged with the Management Committee within fourteen (14) days, stating the grounds for appealing. The Management Committee will then make the decision whether or not to grant or amend the appeal and their decision shall be final and binding.

## **23 CLAIMS TO CLUB PROPERTY**

No expelled or retiring or forfeiting member shall have any claim upon the Committee or the Club either collectively or individually or to any property of the Club.

## **24 DISPUTES**

Every dispute between a member or persons claiming through a member under the Constitution or Club rules and the Club or an officer of the Club shall be decided by the Committee and the decision shall be binding and conclusive on all parties without appeal.

## **25 COMMITTEE LIABILITY INDEMNITY**

No committee person shall be liable for the acts or defaults of any other committee person or any loss caused by such acts or defaults, unless caused by their own wilful default or wilful acquiescence.

Committee men and women shall be indemnified by the Club for all liabilities and costs reasonably incurred by them in proper performance of their functions and duties, other than as a result of their wilful default.

## **26 INTERPRETATION**

In the interpretation of the Constitution and the Club rules, the decision of the Committee shall be final and binding.

## **27 REVISION OF THE CONSITUTION**

The Constitution may be reviewed or amended by a resolution passed by a majority of the financial members who are present at a General Meeting and are for the time being entitled to be present and to vote at any General Meeting of which notice specifying the intention to propose the resolution has been duly given according to the Club Constitution.

## **28 DISSOLUTION**

The Club may be voluntarily dissolved as provided by section.24 of the Incorporated Societies Act 1908 as amended in due settlement of all just debts and the affairs of the Club shall be handed over to some charitable institution to be determined upon at the next meeting.

## **29 GENERAL**

All matters provided for in this Constitution shall, at all times, be dealt with in accordance with the following "guiding principles":

- a) That it be accepted that the Club is established primarily for the benefit and convenience of its members.
- b) That the admission of non-members should at all times be subordinate to the comfort, well-being and satisfaction of the Club's members
- c) That the admission of visitors should always be regarded as a privilege of the members. Being granted to enable them to dispense periodic hospitality to their casual guests and not as a means of augmenting the revenue of the Club.
- d) That at all times the provisions of the Club's charter as laid down by the Licensing Control Commission are to be maintained and upheld.

**30 RESCISSION OF FORMER CONSTITUTIONAL CLAUSES**

All existing Clauses at the date of the adoption of this Constitution are to be hereby rescinded.