

**THE RULES OF
THE BROWNS BAY RACQUETS CLUB INCORPORATED**

As adopted by resolution passed at the Annual General Meeting of The Browns Bay Racquets Club Incorporated duly convened and held on 25 February 2004. All previous rules are hereby revoked.

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PART I - INTERPRETATION

DEFINITIONS

1.1 In these Rules where not inconsistent with the context:



"Act" means the Incorporated Societies Act 1908, its amendments and any replacement Act.

"Annual General Meeting" is the general meeting of the Club held under Rule 16.1.

"Club" means The Browns Bay Racquets Club Incorporated.

"common seal" means the common seal of the Club.

"Executive" means the President, Vice-President Squash, Vice-President Tennis, Club Captain Squash (Men), Club Captain Squash (Women), Club Captain Tennis and the Treasurer or a quorum thereof acting under the Rules.

"meeting" includes any adjournment.

"Member" means a current financial member of the Club.

"Objects" means the objects stated in Rule 4.1.

"President" means the person defined in Rule 11.1.

"Rules" means the registered rules of the Club.

"Secretary" means the person defined in Rule 11.2.

"Signed" includes electronic signatures as permitted by the Electronic Transactions Act 2002.

"Special General Meeting" is a general meeting of the Club called under Rule 16.3.

"Treasurer" is the person defined in Rule 11.3.

"in writing" means written, typewritten, printed or transmitted in electronic form or a combination of these methods.

"posted on a suitable notice board" with or without intervening words includes notified to Members and other interested persons electronically.

Words importing the singular include the plural and vice versa.

PART II – CONSTITUTION

NAME

2.1 The name of the society is *The Browns Bay Racquets Club Incorporated*.

INCORPORATION

3.1 The Club is incorporated under the Act.

OBJECTS

4.1 The objects of the Club are:

4.1.1 To encourage and provide facilities for the competitive and social playing of the sports of Squash and Tennis.

4.1.2 To establish and maintain premises and associated amenities for the benefit of the Members.

POWERS

- 5.1 The Club shall have the powers set out below. This list is not exclusive or in any way restrictive:
- 5.1.1 To organise and conduct tournaments, other competitions and events;
 - 5.1.2 To sell, exchange, develop, improve, lease, license, manage, use or otherwise deal with all or any part of its property and rights;
 - 5.1.3 To employ its funds in such manner as shall be deemed to be in its best interests and in particular to invest these in the manner authorised by law for the investment of trust funds;
 - 5.1.4 To raise money for its purposes by any means of a lawful nature;
 - 5.1.5 To borrow money for its purposes from any source whatever and if required to give security over any or all of its property;
 - 5.1.6 To receive and manage bequests, donations and subscriptions for approved specific or general purposes connected with its activities;
 - 5.1.7 To acquire, construct and maintain any courts, grounds, buildings or works necessary or appropriate for its purposes;
 - 5.1.8 To promote the Club and its activities and for this purpose to arrange for representation on any corporate body;
 - 5.1.9 To enter into any contracts or other agreements that may appear conducive to its activities;
 - 5.1.10 To appoint, remove or suspend any staff member and to direct and control such persons and fix and pay their remuneration;
 - 5.1.11 To affiliate with any other body or association having directly or indirectly as one of its objects any of the Objects;
 - 5.1.12 To frame regulations for the carrying out of the Objects or these Rules;
and
 - 5.1.13 To exercise such other power as may be necessary or desirable for the furtherance of the Objects.

REGISTERED OFFICE

- 6.1 The Club's registered office is its premises at Freyberg Park, Browns Bay or such other place as the Executive may from time to time determine.

MEMBERSHIP

- 7.1 Membership of the Club shall be acquired as determined by these Rules and any person shall, subject thereto, be eligible for membership.

RULES

- 8.1 These Rules shall not be altered, rescinded or added to except by notice of motion to a general meeting passed by a two-thirds majority of Members present and eligible to vote.
- 8.2 The Executive shall be the sole authority for the interpretation of these Rules and its decision on any such interpretation shall be binding upon all Members until set aside or varied at a general meeting.
- 8.3 The Rules shall be open to inspection by any Member and a copy supplied to each Member on request on such terms and conditions as the Executive may from time to time direct.
- 8.4 All Members and others entitled to the use and enjoyment of the Club's facilities shall be held to consent to and be bound by these Rules and any regulations for the time being in force.

PART III – MANAGEMENT

THE EXECUTIVE

- 9.1 The Executive shall consist of the President, the Vice President Squash, the Vice President Tennis, the Club Captain Squash (Men) and the Club Captain Squash (Women), the Club Captain Tennis and the Treasurer. All offices shall be honorary, although the Club may in general meeting vote an honorarium to any office holder for long or signal service to the Club.
- 9.2 The members of the Executive shall be elected at each Annual General Meeting and hold office until the conclusion of the next Annual General Meeting. Newly elected members of the Executive shall then take up their offices.
- 9.3 The Secretary shall be similarly elected and hold office except where this is a paid position, in which case an election shall not be held and the Secretary will continue in office for the term of his or her appointment.
- 9.4 Nominations for members of the Executive shall be called for at least 14 days before the Annual General Meeting. Each candidate shall be proposed and seconded in writing by Members and the completed nomination delivered to the Secretary. Nominations shall close at 5pm on the fifth day before the Annual General Meeting. The Secretary shall post all nominations on a suitable notice board at least 2 days before the Annual General Meeting.

- 9.5 All retiring members of the Executive shall be eligible for re-election.
- 9.6 The Executive shall hold regular meetings for discussing and transacting the business of the Club and meetings at such other times as are considered desirable.
- 9.7 3 members of the Executive personally present shall form a quorum, except in the circumstances of Rule 22 (suspension or expulsion). At all meetings of the Executive the President shall have a casting as well as a deliberative vote.
- 9.8 If any member of the Executive is absent from 3 consecutive meetings without leave of absence from the Executive, the Executive may declare his or her seat to be vacant.
- 9.9 If any office should become vacant, the Executive may elect a Member to fill such vacancy until the next Annual General Meeting. The Executive may appoint a deputy for any member who is temporarily absent.
- 9.10 The Club in Special General Meeting may remove any member of the Executive before the expiration of his or her term of office and appoint another in his or her stead, such person to hold office until the conclusion of the next Annual General Meeting.

POWERS OF THE EXECUTIVE

- 10.1 The Executive shall exercise exclusively all powers of the Club not required by law or these Rules to be exercised in general meeting. In particular the Executive shall manage, supervise and direct the affairs, assets, finances, rights and staff of the Club.
- 10.2 The Executive shall exercise its powers under these Rules by resolution at a meeting called for the purpose, except in an emergency when the President or the Secretary and any two members of the Executive shall collectively be empowered to take whatever action is deemed necessary, such action to be subject to confirmation by the Executive at its next meeting.
- 10.3 A resolution of the Executive is passed if all members present agree to it without dissent or if a majority of the votes cast on it is in favour of it. The Club Captain Squash (Men) and the Club Captain Squash (Women) shall have one vote between them.
- 10.4 No act of the Executive or its constitution shall be invalidated on the ground that the number of its members was incomplete or because there was an error or irregularity in the election of any member.
- 10.5 The Executive may from time to time appoint sub-committees for any special purpose. In particular the Executive may delegate matters relating to the

employment and management of staff to a sub-committee of one or more of its members.

- 10.6 The Executive may from time to time appoint additional persons to assist in the Club's management or for any special duties, but such persons shall not thereby become members of the Executive or have a vote on the Executive. The Executive shall be responsible for the acts of such persons in performing the powers entrusted to them.
- 10.7 The Executive shall have power to make such regulations as it considers necessary for the proper conduct and management of the Club, provided they are not inconsistent with these Rules. Subject to the right of the Club in general meeting to amend such regulations, they shall have the force of rules of the Club and be binding on Members.
- 10.8 The Executive may appoint any person to represent the Club at any conference or meeting of any body to which the Club is a party or in which it is interested.
- 10.9 The Club shall indemnify the members of the Executive and the Auditor for any losses and expenses incurred in discharging their duties unless arising from their own wilful default.

DUTIES OF MEMBERS OF THE EXECUTIVE

- 11.1 The President shall preside at all meetings and perform the duties commonly pertaining to that office. In the absence of the President, the meeting shall elect a chairperson. The President shall be ex officio a member of all committees.
- 11.2 The Secretary shall perform all duties commonly pertaining to that office and shall be a member ex officio of all committees with power to convene the same but without voting rights. He or she shall keep proper minutes of all meetings.
- 11.3 The Treasurer shall collect and account for all moneys received by the Club and, under the direction of the Executive, shall make all disbursements. He or she shall keep full and proper accounts of the Club's financial transactions and shall prepare the annual accounts and balance sheet as at the end of the Club's financial year.
- 11.4 The Vice President Squash and the Vice President Tennis shall preside at all meetings of the Squash and Tennis Committees respectively.
- 11.5 The Club Captain Squash (Men), the Club Captain Squash (Women) and the Club Captain Tennis shall have control of the Club's internal competitions for squash and tennis respectively and shall be responsible for selecting teams for interclub, other representative matches and events.

SQUASH AND TENNIS COMMITTEES

- 12.1 The Squash and Tennis Committees shall respectively comprise the Vice President Squash, the Vice President Tennis, the Club Captain Squash (Men), the Club Captain Squash (Women), the Club Captain Tennis, the Junior Convenor (Squash), the Junior Convenor (Tennis), a representative of Mid-week Tennis and up to 6 committee members.
- 12.2 With the exception of the representative of Mid-week Tennis, all such persons shall be elected at each Annual General Meeting to hold office until the conclusion of the next Annual General Meeting.
- 12.3 Nominations for members of the Squash and Tennis Committees shall be called for at least 14 days before the Annual General Meeting. Each candidate shall be proposed and seconded in writing by Members and the completed nomination delivered to the Secretary. Nominations shall close at 5pm on the fifth day before the Annual General Meeting. The Secretary shall post all nominations on a suitable notice board at least 2 days before the Annual General Meeting. All retiring members of these committees shall be eligible for re-election.
- 12.4 The Junior Squash and Junior Tennis Committees shall consist respectively of the Junior Squash Convenor, the Junior Tennis Convenor and up to 3 committee members to be similarly nominated and elected or invited subsequently to serve.
- 12.5 All retiring members of the Committees shall be eligible for re-election.
- 12.6 The Committees' role is to formulate senior and junior squash and tennis policy respectively for the Club, make recommendations to the Executive as appropriate, and, in particular, to assist the Club Captains Squash and the Club Captain Tennis respectively with the organisation of the Club's internal competitions and tournaments.
- 12.7 The Committees shall hold regular meetings for their purposes. Additionally, the Vice President Squash and the Vice President Tennis may convene a meeting at any time.
- 12.8 3 members of a Committee personally present shall form a quorum. At all meetings the Vice President Squash and Vice President Tennis respectively shall have a casting as well as a deliberative vote.
- 12.9 If any member of a Committee is absent from 3 consecutive meetings without leave of absence, the Vice President Squash or Vice President Tennis, as the case may be, may declare his or her seat to be vacant.
- 12.10 If any seat should become vacant, the Executive may elect a Member to fill such vacancy until the conclusion of the next Annual General Meeting.

- 12.11 A resolution of a Committee is passed if all members present agree to it without dissent or if a majority of the votes cast on it is in favour of it.
- 12.12 Proposals entailing the expenditure of funds are to be budgeted for and presented to the Executive for approval.

AUDITOR

- 13.1 The Auditor, who shall be a member of the New Zealand Institute of Chartered Accountants, shall be appointed at each Annual General Meeting.
- 13.2 No member of the Executive shall be eligible for such appointment, although any other Member is eligible. A retiring Auditor is eligible for re-appointment.

FINANCIAL YEAR

- 14.1 The financial year of the Club shall end on 30 September as at which date the annual statement of accounts and balance sheet shall be prepared for submission to the Annual General Meeting. These, duly audited, shall be circulated among Members at least 7 days before the Annual General Meeting.

COMMON SEAL

- 15.1 The Executive shall provide a common seal for the Club and may from time to time replace it with a new one.
- 15.2 The Secretary shall have custody of the common seal, which shall only be used by the authority of the Executive. Every document to which the common seal is affixed shall be signed by the President and countersigned by the Secretary or a member of the Executive.

PART IV - MEETINGS

GENERAL MEETINGS

- 16.1 The Club shall hold an Annual General Meeting in each year at a date, time and place to be determined by the Executive. All other general meetings shall be called Special General Meetings.
- 16.2 The business of the Annual General Meeting shall be:
- 16.2.1 To confirm the minutes of the previous Annual General Meeting and those of any Special General Meeting held during the year;
 - 16.2.2 To receive and consider the President's Report, the Treasurer's Report, the annual accounts and balance sheet and the Auditor's Report on these, and if approved, to adopt them;
 - 16.2.3 To elect members of the Executive for the ensuing year;

- 16.2.4 To elect members of the Squash and Tennis Committees for the ensuing year;
 - 16.2.5 To appoint the Auditor;
 - 16.2.6 To fix any honoraria for the ensuing year;
 - 16.2.7 To consider and deal with any notice of motion submitted in accordance with these Rules; and
 - 16.2.8 Generally to transact any business brought forward by the Executive or which lies within the Objects or is to be carried out under these Rules.
- 16.3 A Special General Meeting may be called by the Executive or by a general meeting or if demanded by 15% of Members entitled to vote at general meetings. Such demand shall be in writing delivered to the Secretary and contain, in sufficient particularity to inform the Executive of its purpose, notices of motion for all business to be transacted at the meeting. The Executive shall be entitled to request further particulars if it considers these are not sufficiently stated.
- 16.4 On receiving such a demand, the Secretary shall convene a Special General Meeting within 4 weeks. The notice calling the meeting shall specify all business to be transacted.

PROCEDURE FOR GENERAL MEETINGS

- 17.1 At least 14 days notice specifying the venue, date and time of a general meeting shall be given to all Members in writing stating the business to be transacted.
- 17.2 The accidental omission to notify any Member shall not invalidate the proceedings of any general meeting.
- 17.3 The chairperson may with the consent of those attending adjourn a general meeting from time to time and from place to place, but only the unfinished business of the meeting may be transacted at an adjourned meeting. The Secretary shall forthwith post notice of an adjournment on a suitable notice board.
- 17.4 Business requiring notice of motion to a general meeting shall include a motion altering, rescinding or adding to the Rules, a motion that expressly or by implication amounts to a censure of the acts of the Executive or a motion that in the opinion of the Executive or the chairperson (if raised at a general meeting) substantially affects the policy or the interests of the Club.
- 17.5 Any Member desiring to give such notice of motion shall do so in writing to the Secretary at least 10 days before the date of the meeting at which the motion is to be moved. The Executive may give such notice of motion. The Secretary shall post such notice of motion on a suitable notice board at least 7 days before the date of the general meeting.
- 17.6 Prior to the commencement of a general meeting the Secretary shall record the names of Members personally present and entitled to vote. 20 such Members

shall be a quorum for all general meetings except as provided by Rule 31.1 (dissolution). No business shall be transacted unless a quorum is present.

- 17.7 If within 30 minutes from the time stipulated for a general meeting to commence a quorum is not present, the general meeting shall be adjourned to the same day of the next week at the same time (and place if possible).
- 17.8 At an adjourned general meeting those Members present shall form a quorum and may transact the business for which the meeting was convened.
- 17.9 Every question to be determined at any general meeting shall in the first instance be decided by simple majority by voting by voice or by a show of hands, as the chairperson may direct, unless a ballot is demanded, either before or immediately after such a direction, by at least one quarter of the Members personally present and entitled to vote. The chairperson may of his or her own initiative direct that a ballot be held.
- 17.10 In the event that a ballot is demanded or directed, as the case may be, it shall be held in such manner as the chairperson may determine.
- 17.11 Each Member present and entitled to vote shall have the right to record one vote. The chairperson shall have a casting as well as a deliberative vote. Proxy votes shall not be allowed.
- 17.12 A declaration by the chairperson that a motion has been carried or lost and an entry to that effect made in the minutes of the general meeting is conclusive evidence of that fact.

PART V - MEMBERSHIP

REGISTER OF MEMBERS

- 18.1 The Secretary shall keep a register of Members in writing clearly defining the categories of membership and containing the full name, address and occupation of each Member and the date on which each Member commenced membership. Upon a Member ceasing membership, his or her name shall be struck off the register and the reason, where known, noted.
- 18.2 The register is prima facie evidence of membership and the category of membership to which a Member belongs.

MEMBERSHIP CATEGORIES

- 19.1 *Senior Members* shall have all reasonable access to the Club's facilities, the right to take part in the Club's internal competitions and also have the privilege of recording a vote at the Club's general meetings.

- 19.2 *Junior Members* shall be those who attend a day school or college or equivalent. They shall enjoy the privileges of Senior Members with such restrictions as to playing times that the Executive may from time to time direct, except that they shall have no voting rights at a general meeting.
- 19.3 *Life Members* shall be persons who have rendered valuable service to the Club or to squash or tennis generally and who are elected to life membership by a 75% majority of those Members present and entitled to vote at a general meeting. Life Members shall have full use of the Club's facilities and all other rights and privileges of Senior Members without payment of a subscription. They shall be eligible to hold any office in the Club and shall be amenable to the Rules (including that of suspension or expulsion).
- 19.4 *Mid-week Tennis Members* shall be entitled to such use of the Club's facilities as the Executive may from time to time determine. They shall otherwise enjoy the privileges of Senior Members.
- 19.5 *Honorary Members* shall be those distinguished persons with an interest in squash or tennis on whom the Executive may confer honorary status. Honorary Members shall enjoy the privileges of Senior Members without payment of an entrance fee or a subscription but shall have no voting rights at a general meeting. The Executive may withdraw the privileges of honorary membership or transfer the Honorary Member to another category of membership other than Life Membership.
- 19.6 *Social Members* shall be entitled to such use of the Club's facilities as the Executive may from time to time determine, but not for playing purposes. They shall have no speaking or voting rights at a general meeting.
- 19.7 *Restricted Members* shall be entitled to such use of the Club's facilities at restricted times as the Executive may from time to time determine. They shall have no speaking or voting rights at a general meeting.
- 19.8 *Junior Members, Social Members and Restricted Members* are ineligible for membership of the Executive or of a Squash or Tennis Committee.

ELECTION TO MEMBERSHIP

- 20.1 Each candidate for membership - who shall be a person of good standing - shall lodge with the Secretary an application in the form prescribed by the Executive. The applicant shall sign the form and pay the entrance fee (if any) and subscription.
- 20.2 The Executive shall determine the election of all new Members. If a candidate is rejected, his or her entrance fee and subscription shall be returned to him or her. No reason need be given for a rejection. A rejected candidate may re-apply after 12 months. The Secretary shall notify all candidates in writing of their election or rejection, as the case may be.

- 20.3 The Executive may from time to time declare any category of membership closed and thereafter until the Executive revokes such declaration, no person shall be elected to that category of membership.

RESIGNATION

- 21.1 Any Member wishing to resign shall send a signed notice in writing to the Secretary that he or she resigns membership of the Club and 7 days thereafter he or she shall cease to be a Member, but without prejudice to the Club's ability to recover any indebtedness to the Club.

SUSPENSION AND EXPULSION

- 22.1 The Executive shall have power to suspend or expel any Member on any of the following grounds:
- 22.1.1 If in the opinion of the Executive his or her conduct on the Club's premises or elsewhere is objectionable, dishonourable, disgraceful or detrimental to the interests, welfare or reputation of the Club;
 - 22.1.2 If he or she makes default in the payment of any indebtedness to the Club;
 - 22.1.3 If he or she wilfully infringes or omits to observe or fulfil any of the duties in these Rules or any regulations from time to time in force.
- 22.2 6 members of the Executive personally present shall form a quorum of a meeting called for the purposes of this Rule.
- 22.3 In exercising any of the powers conferred under Rule 22.1 the Executive shall have absolute discretion as to the evidence it acts upon and as to the right of any Member affected or other person to be heard.
- 22.4 The Secretary shall give notice in writing of any suspension or expulsion to the offending person, who shall thereupon cease to enjoy any of the privileges to which Members are otherwise entitled.
- 22.5 Any Member suspended or expelled shall immediately return any of the Club's property in his or her possession and any Club trophy held by him or her for the time being. He or she shall not be entitled to receive any trophy or prize won prior to suspension or expulsion, as the case may be.
- 22.6 An expelled Member shall not be eligible for re-election as a Member for 12 months and then only on such terms as the Executive may determine.

ENTRANCE FEES, SUBSCRIPTIONS AND LEVIES

- 23.1 The Executive shall determine the rates for entrance fees, subscriptions and levies (excepting levies the rate of which is set by national or regional organisations for squash or tennis) for the ensuing year and recommend to the Annual General Meeting that these be adopted. If the Annual General Meeting should fail to adopt these, the previous year's rates shall continue to operate until subsequently altered by a general meeting. The Annual General Meeting may resolve to adjust the recommended rates.
- 23.2 Subscriptions shall become due and payable for squash on 31 March and for tennis on 31 August respectively in each year or at such other times as the Executive may determine.
- 23.3 If any Member has not paid his or her subscription within 3 months of due date, he or she shall thereupon cease to be a Member, but shall remain liable to pay the subscription for the year for which he or she makes default.
- 23.4 The Executive may agree to:
- 23.4.1 Accept a proportionate subscription in addition to the entrance fee for any person applying later for membership;
 - 23.4.2 Grant discounts for early payment of subscriptions or impose a penalty for late payment;
 - 23.4.3 Grant an extension in cases of hardship or for other reasons, of the time to pay subscriptions or authorise payment at acceptable intervals;
 - 23.4.4 Refund a subscription or a proportionate amount when a Member leaves the district or defer the subscription to the next year, subject to adjustment to the level to be set for that year; or
 - 23.4.5 Reinstate upon payment of arrears a Member whose membership has ceased through non-payment of his or her subscription.
- 23.5 A Member absent from New Zealand for the whole of a financial year shall not be liable for that year's subscription if he or she gives the Secretary prior notice of his or her intention to be absent.

PART VI - GENERAL MATTERS

RULES OF PLAY

- 24.1 The rules under which Members play shall be those of the national organisations for squash or tennis, as the case may be, provided that these may be amended

from time to time in such ways as are considered desirable for the Club's internal competitions.

GUESTS

- 25.1 Guests may, during the pleasure of the Executive and subject to any conditions it may impose, attend the Club's premises and otherwise enjoy the privileges of the Club without becoming Members.

PREMISES

- 26.1 The Executive shall determine the dates and times at which the Club's premises shall be open to Members and other persons.

TROPHIES

- 27.1 The Club shall endeavour to provide suitable trophies or prizes or both for the Club's internal competitions.
- 27.2 The Club shall meet the cost of engraving trophies with the names of winners. Such trophies shall be returned to the custody of the Club for re-presentation as the Executive may require.

COMPLAINTS

- 28.1 All complaints shall be made in writing to the Secretary for submission to the Executive for consideration.

CLUB COLOURS

- 29.1 The Club's colours shall be blue and white.

CLUB PROPERTY

- 30.1 No Member shall damage or destroy any item of Club property nor without permission of the Executive, remove any such item from the Club's premises.

LIQUIDATION

- 31.1 If at any general meeting a resolution for the liquidation of the Club is passed by a simple majority of the Members present and eligible to vote, and such resolution shall be confirmed at a Special General Meeting to be held at least 30 days later, the Club shall thereupon appoint a liquidator who shall realise the Club's property.
- 31.2 After the discharge of all liabilities, the net proceeds of such realisation and any resulting accumulation of income shall be given or transferred to other squash

and tennis organisations on Auckland's North Shore having objects similar to the Objects.

TRANSITION

- 32.1 These Rules comprise an alteration of rules under section 21 of the Act. They shall come into effect on registration by the Registrar of Incorporated Societies.
- 32.2 Adoption and registration of these Rules shall not affect any person in his or her capacity as a Member, the category of his or her membership, the office that he or she holds within the Club or any dealings that he or she may have with the Club.

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Member

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Member

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Member