

LOWRY BAY YACHT CLUB INCORPORATED

GENERAL RULES

(Last updated with changes approved at the AGM on 7 August 2019)

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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 Executive 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 Executive 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 of 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 four 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. Combined House and Cruising Committee

When there are insufficient members involved in the Cruising and/or House Committees, or one of the Rear Commodores is absent, the Executive may, in any one year, combine the functions of the House and Cruising Committees. In this case, Rules 8 and 10 will be substituted as below.

There shall be a combined House and Cruising 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, cruising and fishing programmes.

The combined House and Cruising Committee shall:

- a) Consist of either the Rear Commodore House or Rear Commodore Cruising (to be agreed, or otherwise decided by the Executive, if one of the positions is not vacant), a combined Cruising and House Secretary 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 the combined House and Cruising Committee.

12. Non-Executive Officers

The Non-Executive Officers of the Club are Patron, President, one or more Vice Presidents, and the Accounts Review Officer.

These positions will be appointed annually at the Annual General Meeting on the recommendation of the outgoing Executive Committee and, as such, do not have to be nominated and seconded by members. The only Non-Executive position that must be filled annually is the Accounts Review Officer.

- a) The position of Club Patron would normally be offered to either a Life Member of the Club, a Local Government person such as the Hutt City Mayor, the Council CEO, or a local Member of Parliament.
- b) The position of President should be offered to a Life Member, or long-term Senior Member of the Club who is still active in the Club, and who is willing take on limited duties within the Club. The duties of the President are:
 - i) To attend if he/she wishes any Executive Committee or sub-committee meeting in an ex-officio capacity, without voting rights, but with the right to speak at any meeting.
 - ii) To be prepared to take over the Management of the Club for the purposes of winding up the Club as provided for in Rule 46 following a Resolution to proceed with Winding Up having been passed.
- c) Vice-Presidents may be offered to the Commodores of other Wellington yacht clubs, the Harbourmaster, the Chairman of the Seaview Marina, local Members of Parliament, local authority senior management or elected officials, or other notable persons.
- d) The position of Accounts Review Officer should be offered to a suitably qualified person. The duties of this officer are to peer-review and sign off the Club accounts after the close of the financial year before they are passed at the Annual General Meeting.

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 Executive 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, and Accounts Review Officer) shall be made by senior financial members only, seconded by another such member 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 Executive 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 Affiliate and 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 Committee 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.
- h) The Executive Committee may, from time to time, invite and negotiate with suitable organisations or groups to become Affiliates. Proposed Affiliates will be advised to members by way of The Club's regular publications and/or by posting on The Club noticeboard and/or website and by email.
- i) The Executive Committee will, in advising members, ask:
 - (a) If they are in favour of the proposal? and
 - (b) Whether a general meeting is required to vote for an Affiliate member?

If ten members request a general meeting, this shall be arranged by the Executive Committee.

20. Classes of Membership

- a) Life Members are full members. Any member may, if nominated by the Executive Committee, be elected at any General Meeting, a Life Member of the Club. Notice of the Executive 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.

h) Affiliates are limited members. The Executive Committee may, from time to time, approve any club, association or any other organisation or group as an Affiliate of The Club. Any such group shall be counted as a single member on The Club's membership list. Members of Affiliates are entitled to use The Club facilities and participate in The Club activities as limited members, except for The Club sailing and on-the-water events, and as the Executive Committee may determine from time to time, subject to the following provisions:

- (i) Affiliates will, on joining and then annually, provide the names, addresses and contact details of the officers of the Affiliate together with a list of names, addresses and contact details of its members.
- (ii) Affiliates shall pay an annual subscription fixed by the Executive Committee.
- (iii) Affiliate membership may be terminated by the Executive Committee by giving written notice to an officer of the Affiliate.
- (iv) Affiliates, or any of their members, shall not:
 - Be eligible to vote or bear office, nor nominate another member as an officer of The Club.
 - Be entitled to propose or second a candidate for membership to The Club.
- Participate in The Club sailing or on-the-water 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 Executive 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 Executive 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.