

# Nelson Motor Cycle Club Incorporated

## RULES OF THE NELSON MOTOR CYCLE CLUB INCORPORATED Established 1908

### 1. Name

The name of the Club is the Nelson Motor Cycle Club Incorporated (the "Club").

### 2. Objects

The objects of the Club shall be:

1. To encourage the sport and pastime of motorcycling, motoring and allied power sports, and promotion of sporting and social events in the furtherance of these objects.
2. To protect the interest of the Club and of its members against legislation, restrictions, and interferences, and to maintain the lawful rights and privileges of the Club and its members.
3. To subscribe to and become a member of Motorcycling New Zealand or other such body as the Committee shall, by special resolution, so decide.
4. To provide competitions under the Rules of Motorcycling New Zealand or such other body and such other competitions as the Club shall determine.

### 3. Members

There shall be five classes of membership:

#### **Full Members**

1. RIDER: Rider full members shall be those persons participating in active riding provided by the Club with full voting rights to members aged over 18 years at meeting date.
2. HONORARY: Honorary full members shall be elected on and under such conditions as the Committee shall from time to time decide and are exempt from the payment of membership fees.
3. FAMILY: Family full membership shall be available for a family group all residing at the one address, must include one active rider and such membership is entitled to one voting right per family group.
4. LIFE: Life full membership may be conferred by the Club in accordance with Clause 4 and has full voting rights.



# **Nelson Motor Cycle Club Incorporated**

## **5. EVENT:**

1. Event membership shall be available to Riders for the duration of a single Club event on payment of the proscribed fee as decided by the Committee from time to time, with no voting rights or privileges of Club membership and no issue of Club Membership Number or Card.

2. Acceptance of an Event membership application with receipt of fee shall be deemed issue of the Event membership by the event Race Secretary.

3. The event Race Secretary has the right to refuse an Event membership application and require full Rider membership application and fee to be received at their discretion or on instruction by the Committee per Event or Member.

4. Event membership shall not be available to any person for other than club motorcycling event purposes.

5. Event membership shall not count towards time spent for voting or club election purposes per clause 8.2.

2. Acceptance of full members shall be made by the Committee on receipt of an application of membership.

3. The Committee shall have the right to accept, defer or refuse any new or renewal application for full membership. In the case of a refusal or non-acceptance the decision must be confirmed in a general meeting of the Club.

4. Acceptance of membership shall be taken as proof of the applicant's assent to the Rules of the Club.

5. All applications for membership shall be signed manually or electronically by the applicant for membership, or in the case of junior members, their legal representative, and shall be accompanied by the membership subscription appropriate to the class of membership applied for.

6. All applications for full membership may be accepted on a provisional basis until confirmed by issue of Club Membership Card.

7. The Committee may, at their entire discretion, remove from the Register of members, any full member whose subscription is three months or more overdue, but may reinstate such member on payment of all arrears of subscription.

8. No member shall be entitled to any of the rights or privileges of Club membership during the period that their subscription remains in arrears.

9. The name, address and membership number of each full member shall be entered in the Register of Members.



# **Nelson Motor Cycle Club Incorporated**

10. Each full member shall inform the Secretary in writing or by electronic means of any change of address and the register shall be amended accordingly.

11. Any full member wishing to resign from the Club shall give notice in writing to the Secretary as per Rule 6.

## **4. Life Members**

### **1. Election of Life Members.**

1. Any full member may be nominated to become a Life Member by an existing full member to the Committee for approval.

2. The nomination must be in writing and signed by two existing full members as proposer and second respectively.

3. The approved nomination must be confirmed by special resolution at an Annual General Meeting.

### **2. Privileges of Life Members.**

1. Life members need not pay any Membership Fee.

## **5. Subscriptions**

1. The annual subscription for each class of membership shall be determined by the Committee and confirmed by an ordinary resolution at the Annual General Meeting of the Club.

2. Subscriptions for renewal of membership shall be due on the first day of the financial year.

## **6. Cessation of Membership**

1. A member may at any time resign membership of the Club by giving notice in writing to the Secretary, but shall continue liability for any annual subscription due and unpaid at the time of the resignation.

2. In addition to the disciplinary powers provided by the Rules of Motorcycling New Zealand, or other such body, the Committee may expel any member proved to their satisfaction to have been guilty of such conduct as to bring the Club or the Sport into disrepute under the process at Clause 16.

3. Such expulsion does not debar the Committee from recovering any arrears of subscription due and payable.



# Nelson Motor Cycle Club Incorporated

## 7. Officers and Committee

1. A Patron or Patrons may be elected each year. Such positions will be for honorary membership and holders need not pay any membership fee.
2. The Club shall be managed by a committee of up to fifteen full members including the President, Vice President, immediate past President, Club Captain, Secretary, Treasurer and six other full members, being the Club Officers.
3. All Club Officers shall be elected by ballot at each annual general meeting. If insufficient nominations are received, or if an Officer resigns their office during the year, the Committee shall have the power to co-opt a full member or full members to fill the vacancy or shall call a special meeting to fill the vacant position, as determined by a simple majority vote of the committee.
4. All Club Officers shall retire at the end of each year, and those eligible may present themselves for re-election.
5. Key Executive Club Officers (President, Secretary, and Treasurer) retiring shall make themselves available to the Committee and/or their replacements for a minimum period of two months following resignation to enable the satisfactory transfer of Club information and processes.
6. Removal of Club Officer.
  1. The permanent removal of any elected Club Officer may only be made by a successful two-thirds majority of votes being recorded at a General Meeting or Special General Meeting or by a successful motion of no confidence submitted by a Club Committee member.
  2. No less than four weeks notice shall be given to the Club Officer concerned of the date and place of the General Meeting, Special General Meeting or Committee Meeting at which a motion for removal of the Club Officer is to be considered.
  3. The Committee may permanently remove a Club Officer with a motion of no confidence or may otherwise dismiss them from their position if they do not substantially fulfill their duty or substantially comply with the Club constitution or if in common law perform to a level that might be considered 'gross misconduct'.
    1. The permanent removal by motion of no confidence of a Club Officer must be presented with detailed supporting arguments, evidence and reasoning and include the rule(s) within the Constitution or common law that are claimed to have been compromised. These supporting arguments must be presented to the Committee a minimum of six weeks before the Club meeting where the motion of no confidence is to be presented. No additional information may be submitted after that time.



# Nelson Motor Cycle Club Incorporated

2. The Committee must ensure that the motion and the supporting argument documentation received is included on the Agenda and distributed to the Committee and the Club Officer concerned not less than four weeks before the meeting date.
  3. The Club Officer subject to a motion of no confidence shall have the right to defense by argument and documentary evidence and representation by council, agent or advocate; such representation is at the cost of each party.
  4. If the motion of no confidence is accepted then the matter shall be put to a secret ballot with the Club Committee.
  5. For a motion of no confidence to be adopted, it must obtain a two-third majority of all eligible votes cast. As soon as a motion of no confidence is adopted the Club Officer involved will lose all official status, mandate and title with immediate effect.
  6. In the case of votes for a motion of no confidence the President casting vote shall not apply.
  7. In the case of a tied vote result on a motion of no confidence the motion shall be lost.
7. Ineligibility for Office.
1. The following persons shall not be eligible for election:
    1. Bankrupt: a person who is undischarged bankrupt or is subject to any order under the Insolvency Act 1967, or any equivalent provisions under any previous or replacement legislation;
    2. Disqualified Director: a person who is prohibited from being a director or promoter or being concerned or taking part in the management of a company under the Companies Act 1993 or the Charities Act 2005, including any equivalent provisions under any previous or replacement legislation;
    3. Conviction: a person who has been convicted of any offence punishable by a term of imprisonment for two (2) or more years (whether or not a term of imprisonment is imposed) unless that person has obtained a pardon or has served the sentence imposed on them;
    4. Non Competence: a person who is subject to a property or other order made that the person is lacking in competence to manage their own affairs under the Protection of Personal and Property Rights Act 1988, or any equivalent provisions under any previous or replacement legislation.
  2. If an elected Club Officer contravenes any of the above they must be made subject to a Committee vote of no confidence per Clause 7.6.



# **Nelson Motor Cycle Club Incorporated**

## **8. Meetings, Voting and Resolutions**

1. All meetings shall be chaired by the President, or if absent, the Vice President. Should neither be available, it shall be the first duty of the meeting to elect a Chair.
2. Unless provided elsewhere in these Rules, voting at all meetings shall be taken by a show of hands. The Chair shall have discretion to a call for a ballot and must do so if more than five full members request a ballot. Motions carried by ordinary resolution must receive a simple majority of those voting. In the event of an equality of votes, the Chair shall have a casting vote to maintain the status quo, and may exercise a deliberative vote on the first outing.
3. Motions carried by special resolution must be carried by a majority of two thirds of full members voting by ballot and the Chair shall not have a casting vote.
4. Any meeting shall by ordinary resolution, appoint two Scrutineers to receive and count all votes on a special resolution.
5. Voters must be a current full member of the Club with a minimum membership of one financial year and of a class with voting rights.
6. No member is entitled to vote at any time by proxy.

### **Committee Meeting**

7. Meetings of the Committee shall be called from time to time in such manner as the Committee shall determine. Six shall form a quorum.
8. Any member of the Committee who misses three consecutive meetings without presenting apologies which are sustained by the meetings may be deemed to have forfeited their position and the vacancy may then be filled in the manner provided by these rules per Rule 7.3.

### **Annual General Meeting**

9. The Annual General Meeting, for which twenty eight days notice shall be given in Public Notice, shall be held not later than 30 June in each year, for the purpose of receiving from each of the President and Secretary a written report on the year's activities, and a Statement of Financial Performance and Position. If thought fit, the meeting may, by ordinary resolution, adopt the Reports and the Financial Statements. Fifteen shall form a quorum
10. Any full member wishing to move a motion requiring a special resolution must give a notice of motion in writing to the Secretary at least forty days before the meeting, and such motion or motions must be circulated to full members at least twenty eight days prior to the meeting.



# **Nelson Motor Cycle Club Incorporated**

## **General Meeting**

11. General meetings of full members, other than the Annual General Meeting, may be convened by the Committee in such manner and at such time as it sees fit.

12. The Secretary shall call a general meeting upon receipt of a written requisition signed by not less than five full members for the purpose stated in the requisition, and such meeting must be called within one calendar month of receipt of the requisition. Fifteen shall form a quorum.

## **9. Banking**

1. A bank account shall be operated in the name of the Club in such financial institution as the Committee shall determine, and all monies received shall be paid into such account.

2. Any two of the President, Vice President, Secretary or Treasurer shall manually or electronically sign withdrawals on such account and any person may endorse deposits into such account.

3. All withdrawals must be authorised by resolution of the Committee.

4. No member or person who is associated with a member of the Club shall derive any income, benefit or advantage from the Club where they can materially influence the payment of the income, benefit or advantage.

The exceptions are where the income, benefit or advantage is derived from:

1. Professional services to the Club carried out in the course of business that are charged at a rate that is not greater than current market rates, or
2. interest on money lent at a rate that is not greater than current market rates.

## **10. Financial Year**

The Financial Year shall commence on the first day of April each year.

## **11. Secretary and Treasurer**

1. The Committee shall cause proper books of account to be kept with respect to:

1. All sums of money received and expended by the Club, and the matters in respect of which the receipt and expenditure takes place.

2. All assets held, monies due to and liabilities due by the Club.

3. The books of account shall be kept at the Registered Office of the Club or such other place as approved by the Committee, and shall always be open to inspection by any member of the Committee of the Club. No person, other than a member of the Committee shall have the right to inspect any account records or documents of





# **Nelson Motor Cycle Club Incorporated**

the Club, unless authorised by resolution of the Committee, or of the Club in General Meeting.

4. It shall be the duty of the Secretary and Treasurer to act in all things under the direction of the Committee, and inter alia, to convene all meetings of the Club, and to maintain a correct register of Members as required by the "Incorporated Societies Act 1908", and to conduct all correspondence and generally perform duties as are consistent with the offices of Secretary and Treasurer.

5. At the Annual General Meeting a duly audited or reviewed set of financial statements shall be presented to full members, whichever option as determined by full members at the preceding Annual General Meeting.

## **12. Registered Office**

The Registered Office of the Club shall be situated at such place as the Committee shall from time to time determine.

## **13. Common Seal**

1. The Club's Common Seal shall be kept in the custody of the Secretary. It shall not be affixed to any deed or document except by order of the Committee. The Seal shall be affixed to every deed or document requiring sealing in the presence of the President, Secretary and Treasurer, or such person or persons as the Committee may appoint for the purpose, who shall be empowered to sign any deed or document to which the Seal is affixed.

2. The Committee may at any time procure another Common Seal for the Club.

## **14. Competition Rules**

1. All competitions held by the Club shall be conducted under the Competition Rules of Motorcycling New Zealand or any other such organisation determined by the Club as per Rule 2.3.

2. Where the Rules of Motorcycling New Zealand or any other such organisation determined by the Club are silent on any situation then the committee shall determine a course of Best Practice to determine the Rules to be used.

## **15. Interpretation of Rules**

All Members hold themselves in honour bound to abide by the Rules of the Club as in force for the time being, and any special or temporary instructions laid down by the Committee or any Club official in respect of any particular event run by the Club.





# **Nelson Motor Cycle Club Incorporated**

## **16. Cautions, Fines, Suspensions or Expulsion**

1. In the event of a breach of any part of the Club Rules by a member, or of conduct on the part of a member rendering it desirable that the member be cautioned, fined, suspended, or expelled, a meeting of the Disciplinary Committee shall be convened to consider the alleged misconduct. The offending member shall receive notice of the date, time and venue of the meeting and of the allegations made.

The member shall be entitled to attend such meeting with counsel and make representations on their behalf. The Disciplinary Committee may issue such caution, fine, or suspension as it considers fit, and may make a recommendation for expulsion to a General Meeting of the Club.

2. Subject to possible conflict with the current disciplinary procedures as set out in the Rules of Motorcycling New Zealand or other such representative body; the Rules providing most equitable results to the member apply.

3. A motion for expulsion must be carried by special resolution, and the offending member shall be given a right of reply before the vote is taken.

4. The Disciplinary Committee shall be comprised of a minimum of three, including at least one Life and other members as appointed by the Committee.

## **17. Alteration of Rules**

1. Any alteration, revision, deletion, or addition to these Rules must be made by special resolution carried at an Annual General Meeting or a General Meeting called for this purpose. Twenty eight days notice of the date, time and venue of any General Meeting shall be given to members, and the notice must include wording of the notice or notices of motion to be presented to the meeting. No amendment to a notice of motion subsequent to its being advised to members may be made.

2. No voting by proxy may be allowed regarding such alterations.

3. The Inland Revenue Department must approve any addition to or alteration of the aims/objects (2), payments to the members clause (9.4) or the winding-up clause (18). The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document that replaces this document.

## **18. Winding Up**

In the event of a voluntary winding up of the Club pursuant to Section 24 of the Incorporated Societies Act 1971, no members of the Club shall derive any pecuniary gain within the meaning of this contained in the "Incorporated Societies Act 1908" and in the event of the winding up of the Club by any means whatever the assets remaining after all legal claims have been satisfied shall be duly disposed of in such manner as the Club may prior to its dissolution determine; either by grants to public or charitable institutions within its district or be applied towards providing public recreation grounds for the holding of sports or games for the benefit of the public, or to Motorcycling New Zealand or other such incorporated society for the benefit of the sport of motorcycling.

