



# Hamilton Districts 4 Wheel Drive Club

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## CLUB RULES OF THE HAMILTON DISTRICTS 4 WHEEL DRIVE CLUB. MARCH 2015

### 1) **NAME**

The name of the Association is the Hamilton Districts 4 Wheel Drive Club (hereinafter referred to as the club).

### 2) **OBJECTS**

The objects of the club shall be a non profit organisation, to promote a social organisation or club comprised of persons owning or interested in four wheel drive vehicles and their uses and the doing of all such things as are incidental or conducive to the attainment of the above object and without limiting the generality of the foregoing more particularly:

- (a) To organise and conduct outings, runs, tours, trials, rallies, gymkhanas, competitions, lectures and discussions, training and tutorials, social functions, exhibitions and displays, meetings, and associated activities for members and owners of four wheel drive vehicles.
- (b) To promote interest in the uses and capabilities of four wheel drive vehicles and associated equipment.
- (c) To purchase, take on lease, or exchange, hire, or otherwise erect or acquire, any property, real or personal, and any rights or privileges which the club shall think necessary or expedient for the purposes of attaining the objectives of the club.
- (d) To borrow or raise money, issue debentures, conduct creditor accounts, enter into any contract or agency, to charge or mortgage all or any part of the property and assets of the club.
- (e) To invest, control and dispose of the funds and property of the club as may be considered necessary, and without in any way limiting the foregoing:
  - (i) To invest in such securities as are authorised trustee securities.
  - (ii) To advance and lend money to any affiliated club or committee upon such terms and conditions as thought fit.
  - (iii) To employ workers, servants or agents as the club may consider necessary.
- (f) To sell, manage, improve, develop, exchange, lease, dispose of, turn into account or otherwise deal with all or any part of the property or assets of the club.
- (g) To receive any gifts or bequests whether subject to any trust, or restriction or not and to administer such gifts, bequests to trusts.
- (h) To act alone or with any other Association in the interest of sport.
- (i) To maintain and enforce regulations for the control and governing of Four Wheel Driving as may be promulgated by the New Zealand Four Wheel Drive Association of New Zealand Incorporated (NZFWDA) or any equivalent future entity.



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## 3) INTERPRETATION

In these rules unless the context otherwise requires:

"The Association" means - "The Hamilton Districts 4WD Club"

"The Executive" means - the elected officers of the club who are responsible for managing the club's day to day affairs.

"In Writing" and "written" means any mode of representing or reproducing words in visible form.

## 4) MEMBERSHIP

Any person, having an interest in the activities for which the club exists, on being proposed and seconded by financial members of the club, and accepted by a majority vote of the executive committee shall, upon payment of subscription, be deemed to have joined the club. A prospective member may partake of three active runs or outings of the club before being required to seek nomination as a member.

- (a) Membership of the club shall consist of:
  - (i) Single membership (including visiting membership as per 4(c)).
  - (ii) Family membership – i.e. member and partner plus dependent children aged 18 years and under (constitutes one member)
  - (iii) Life Membership – i.e. any member of the club who has given outstanding service to the club may be elected as a life member of the club by unanimous vote at a special meeting or AGM. A life member will not be liable to pay club subscriptions or other levies.
- (b) Every individual member of the club (other than a Life Member) shall be, by virtue of their membership thereof, a member of the New Zealand Four Wheel Drive Association Incorporated, or equivalent future entity, (subject to Article 6) and the club shall levy, as appropriate, an annual fee for membership to this Association unless that member has nominated another club for affiliation to the NZFWDA in which event the annual association fee will not be levied as part of that member's annual subscription.
- (c) The Executive shall be entitled to admit a visitor as a visiting member of the club, for a period not exceeding one calendar month, if such visitor is, in the opinion of the Executive actively interested in the club's activities. Such visiting members may be extended the privilege of participation in club events during the period of visiting membership but will be required to pay the annual NZFWDA levy plus any trip/event fees that may be applicable. In event the visiting member becomes a full member of the club the additional membership fee payable will be club membership only (NZFWDA levy having already been paid).



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## **5) CESSATION OF MEMBERSHIP**

Any member of the club shall cease to be a member thereof if:

- (a) Such member shall resign.
- (b) Such member shall be suspended, disqualified, dismissed or expelled by the Executive or the Club in accordance with the rules of the Club.
- (c) If such member's subscription fees are not paid in accordance with the rules of the Club

## **6) SUBSCRIPTIONS AND LEVIES**

- (a) Annual subscriptions and levies shall be set from time to time by resolution at an Annual General meeting.
- (b) Extra subscriptions and levies may be fixed by resolution of a special general meeting of the members.
- (c) Subscriptions and Levies are due and payable for the full year from the time they are set and shall be paid within the time period set by the AGM. Any member who fails to pay subscriptions or levies as determined by the AGM of the club will cease to be a member and to re-join must do so as a new member in accordance with these rules.
- (d) The only exception will be for any new member who joins the club within 3 months of the next AGM in which event subscriptions shall be payable as to 50% of the annual sum plus levies as may be appropriate.

## **7) OFFICERS**

- (a) The Officers of the club shall be, President, Vice President, Secretary, Treasurer, NZ4WDA Delegate and a committee of not less than 1 members, nor more than 3, all of whom, combined, shall be the Executive Committee. In addition the club may elect such other officers as may be considered necessary and appropriate for the orderly conduct of the club but such other officers shall not have executive voting rights.
- (b) More than one office may be held by one person but in this case, they shall have only one executive vote.
- (c) The Officers shall be elected at the Annual General Meeting of the club.

## **8) MANAGEMENT**

The management of the club shall be vested in the Executive Committee. The Executive shall exercise all the powers of the club except for those matters expressly reserved for the club in general meeting.



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## **9) POWERS OF THE EXECUTIVE:**

Without limiting in any way the general powers herein conferred the Executive shall exercise the following specific powers on behalf of the club:

- (a) To carry out the objects of the club, provided that matters of policy shall be referred to the members in general meeting for ratification.
- (b) To manage and control the finances of the club.
- (c) The approval and organisation of competitions, events, and championships national and international save that the Executive may if it thinks fit, delegate to any affiliated club or committees the power to organise any such competition or championship.
- (d) To investigate any breaches of the Rules of the club, complaints of misconduct or any other matter brought before it, and to inflict penalties on officers and members for any infringement of the Rules of the club.
- (e) To delegate such power, as it may deem advisable to duly appointed representatives or committee of the club.
- (f) To enlist by co-option for any special purpose the services of any members of the club to fill any vacancies (excluding that of President or Vice President) which may occur in its body or any of the sub-committees.
- (g) To receive bequests, subscriptions and donations for approved specific or general purposes and manage the same.
- (h) To grant the club medals, trophies and certificates subject to such regulations as may be in force from time to time.
- (i) To make such regulations for putting into effect the rules as they may deem advisable from time to time but subject to ratification by members in general meeting.
- (j) To be the sole interpreter of the rules of the club; the decision of the Executive in this matter shall be final.

## **10) MEETING OF THE EXECUTIVE**

- (a) The President shall preside over the Executive or, in the absence of the President, the Vice-President shall be appointed in his stead. The President shall be the Chairperson for all meetings of the executive, the AGM, and Special / general meetings of the club
- (b) Executive meetings may be held at such times and places as the Executive shall, from time to time, determine.
- (c) A quorum of a meeting of the Executive shall not be less than the President (or the Vice President if the President is not available plus not less than 4 other officers of the club.
- (d) Each member of the Executive present shall be entitled to one vote and the President (or his stead) shall have the casting vote. Any motion that fails to obtain a majority of votes shall be lost. Voting shall be of voice or show of hands but any member may request and obtain a ballot.



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- (e) A meeting of the Executive shall be held whereby there is a lapse of no more than two months between any two meetings and may be called at any time by the President, or on receipt of a written request signed by three members of the executive, by notice in writing stating the time and place of the meeting and the business to be dealt with and sent to each member of the Executive at least 28 days before the appointed time for such meeting.
- (f) The Executive may, when time is imperative, conduct necessary business by a telephone conference. Decisions reached by telephone meetings shall require a 2/3 majority vote.
- (g) Minutes of any meetings will be retained in the normal way.

### **11) POWERS RESTRICTED TO THE ASSOCIATION IN ANNUAL GENERAL MEETING or SPECIAL GENERAL MEETING**

The following powers shall be restricted to the club in general meeting.

All voting on any matter is to be by voice or show of hands.

- (a) Any alteration of the rules.
- (b) The expulsion of any officer, or member, subject however as hereinbefore and hereinafter provided by these rules.
- (c) The Election of officers and life members of the Club.
- (d) To determine the amount of annual subscription and levies payable by members of the Club.
- (e) Such other powers as may be expressly reserved by the rules or by the Annual General Meeting of the Club from time to time.

### **12) PROCEDURE**

The general procedure of meetings shall be in harmony with the principles set forth in the "Amateur Chairman".



## **13) MEETINGS**

- (a) The Annual General Meeting of the Club shall be held within 2 months of balance date each year at such time and place as the executive may appoint. Notice of time and place and business of the Annual General Meeting shall be given by the Secretary, in writing by way of newsletter one month before the meeting.
- (b) The annual report shall be submitted by the Executive and the annual financial statements shall be submitted by the Treasurer. Copies of the financial statements shall be distributed at the meeting. The order of business for the AGM shall be as follows:
  - (i) Present/apologies.
  - (ii) Approval of Minutes of the previous Annual General Meeting.  
Matters arising from the last years minutes
  - (iii) Annual Report and financial statements of the club.
  - (iv) Motions of which notice has been given pertaining to the rules.
  - (v) Election of Officers and Life Members.
  - (vi) Election of Auditor (as may be decided from time to time).
  - (vii) Subscriptions and Levies for the next year.
  - (viii) General Business.
- (c) The club shall endeavour to hold monthly general meetings.
- (d) Twenty percent of the members, personally present, shall constitute a quorum at all general meetings of the club.
- (e) Special General Meetings may be called at any time by the Secretary, to consider any important business, if directed by the Executive or upon written requisition of not less than ten members of the club. The Secretary shall give not less than 14 days notice of such meetings stating the time and place and business. The date of any Special General Meeting requisitioned for, shall be a time within one month of the date of the receipt of the notice of requisition of by the Secretary. Only the specific business for which written notice has been given may be dealt with at the meeting. In event of extremely urgent business, members may resolve to lessen or waive the period of notice required for a Special General meeting.
- (f) All delegates or representatives of the club on other bodies or organisations shall be elected by the club at AGM or by the Executive.
- (g) Minutes of all meetings are to be recorded in the normal way.

## **14) VOTING AT GENERAL MEETING**

- (a) All voting on matters at General meetings shall be by financial members of the club. A member unable to be present at a meeting has the right to appoint the President of the club as his or her proxy by delivering a written, dated, request and instruction regarding voting preference to the person of any special meeting or AGM by the commencement of the meeting.
- (b) The President shall have a casting vote.
- (c) To facilitate meetings, the President may call for a vote by a show of hands or voice. However, any member may call for and shall be granted a count of the votes. The votes so counted shall decide the matter.





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- (d) Failure by any member to call for such a vote shall not be grounds for subsequent objections and/or appeals regarding the voting method employed.

## **15) SUB-COMMITTEES**

Sub-Committees may be formed to manage the affairs of the club, as deemed necessary by the Executive.

## **16) DISCIPLINE**

- (a) Upon written complaint to the Executive by two or more members, a member may be admonished or his membership suspended by the executive for such period as may be decided, where the executive, at a duly convened meeting, has decided by a two-thirds majority vote that such member has been guilty of conduct injurious to the welfare and character of the club. Such written complaint must have been given to the Secretary within one calendar month after the occurrence or occurrences complained of.
- (b) The executive committee shall notify the member in writing of the complaint at least seven days prior to the committee meeting to consider the complaint. Such notice shall indicate the attendance of the member at the meeting is mandatory unless written indication of the reasons for his inability to attend is given in which event the complaint will be determined in his absence.
- (c) Annual subscriptions shall be payable during any period of suspension of a member and the club shall not be required to make any refund of subscription in connection with any such suspension.
- (d) By the same procedure the committee may expel any member from the club for conduct which they deem shall warrant this penalty
- (e) Any member who has been expelled from the club under the preceding clause (d) of these rules, shall not be eligible for reinstatement to membership for a period of two years after the date on which he is informed of his expulsion.
- (f) Reckless, dangerous, or negligent actions by a member during a club event shall constitute grounds for a complaint against that member.

## **17) MEMBERS BOUND BY RULES**

All members of the club shall be held to consent to and be bound by all these rules and members shall not be entitled to appeal to any court or body other than the executive whose decision shall be final.

## **18) FINANCE**

- (a) The funds of the club shall be devoted to the furtherance of the objects as set out in these rules.
- (b) All monies received and applied on behalf of the club must be able to be traced and audited if required.
- (c) All payments shall be passed for payment by the Executive or authorised committees and recorded in meeting minutes. All payments may be made by either the President, Treasurer or other person duly appointed for that purpose.



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- (d) The financial year shall be from the 1<sup>st</sup> day of April to the 31<sup>st</sup> day of March the following year.
- (e) An auditor may be appointed by the club and shall hold office for the year unless the auditor resigns or the club by Special Resolution terminates the appointment. The current auditor will be eligible for re-election each year. The auditor shall not be a member of the Executive or committees.
- (f) No member of the club, or any person associated with a member, shall participate in or materially influence any decision made by the club in respect of the reimbursement or payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever. Any such income paid shall be reasonable and relative to that which would be paid in an arms length transaction (being the open market value). The provisions and effects of this clause shall not be removed from this document and shall in any event be deemed to be included in and implied into any document replacing this document.

## **19) ALTERATIONS TO RULES**

- (a) Alterations to these rules may only be made at the Annual General Meeting or a Special General Meeting called for the purpose of so adding to, altering, amending, or revising these rules. Any such alterations shall be by way of resolution carried by a not less than two-thirds majority of the votes exercised by the members present and entitled to vote.
- (b) No addition to or alteration of the non-profit aims, personal benefit clause or the dissolution clause shall be removed without the approval of the Inland Revenue Department. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.
- (c) Proposed alterations for the AGM shall be submitted as remits which must be received by the Secretary of the club by the 15<sup>th</sup> June each year.
- (d) Remits to alter these rules will only be accepted from financial members of the Club.
- (e) Remits for the AGM will be considered by the Executive Committee, and after confirmation by the Executive, shall be received by the Club Secretary by the 30<sup>th</sup> June each year.
- (f) A Special General Meeting to make alterations to the Club rules may only be called by the Executive. The Notice of Meeting and proposed alterations must be received by members no less than one month before the date of the Special General Meeting.
- (g) The President may propose a change to a failed Club rules Remit where he feels that change will be acceptable to a two-thirds voting majority.

## **20) CLUB PUBLICATIONS**





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The club shall publish from time to time, bulletins or magazines which shall be the official publications of the club.

## **21) CLUB TRIP RULES**

The executive shall promulgate and distribute rules for all trips and/or events of the club. These trip rules shall be made available at all times to all members and all members shall be held to consent to and be bound by all these rules in the same manner as they are bound to the rules of the club.

## **22) VALIDATION**

No action taken by the Executive or any committee or person acting under the powers delegated to them by the club, executive or any committee shall be deemed to be invalidated by reasons only of an inadvertent irregularity provided that such action is ratified at the first meeting of the club or executive subsequent to the discovery.

Throughout these rules and the club trip rules, words imparting the masculine gender shall be taken as also imparting the feminine gender and vice versa.

## **23) INDEMNITY CLAUSE**

The Executive and their officers and servants (whether voluntary or paid) of the club shall be indemnified by the club against expenses incurred in or about the discharge of their duties except such as happens to be their own willful act, neglect or default.

## **24) DISSOLUTION**

- (a) The club shall not be dissolved unless by Special Resolution passed at a Special general meeting or Annual general meeting by a 2/3 majority vote.
- (b) If upon the winding up or dissolution of the club there remains after the satisfaction of all debts and liabilities, any property whatsoever the same shall not be paid to, or distributed among the members of the organisation but shall be given or transferred to some other charitable organisation or body having objects similar to the objects of the first organisation, or for some other charitable purpose, within New Zealand.



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### **25) INSPECTION OF RULES**

The rules and regulations of the club shall be open to inspection at the address of the club at all reasonable times, and a copy thereof shall be supplied on such terms and conditions as the Executive may from time to time direct.

### **26) NOTICES**

All notices requiring to be given by these rules shall be deemed to have been given if they have been posted addressed to the last known address of the addressee.

**Signed:**

**Designation:**

**Date:**