

THE CONSTITUTION AND RULES

of

**THE DOUBTLESS BAY SPORTFISHING CLUB
(Incorporated)**

Amended August 2001

CONSTITUTION AND RULES

of

DOUBTLESS BAY SPORT FISHING CLUB INCORPORATED

1. NAME

The name of the club is and shall be "**DOUBTLESS BAY SPORTFISHING CLUB INCORPORATED**" (hereinafter referred to as "the Club").

2. OBJECTS

The objects of the Club are:

- 2.1 To promote, advance, encourage, enjoy and develop by any means whatsoever the sport of fishing.
- 2.2 To propound, formulate, promote and implement or assist in the propounding, formulation, promotion or implementation of regulations, restrictions, by-laws or measures of any kind by means of which the sport of fishing in general and big game fishing in particular may be advanced or bettered.
- 2.3 To collect and collate information of interest or assistance to fishermen and boat owners and disseminate the same to members, arrange opportunities for fishing or becoming proficient at the sport.
- 2.4 To assist, promote and encourage by any means whatsoever any movement, idea, project, suggestion or enterprise which is in the opinion of the Committee (hereinafter constituted) for the benefit of the sport of deep sea fishing or any of its adjuncts.
- 2.5 To join with, affiliate to or act in liaison or co-operate with any other body, company, society, person or government department in the furtherance of any of the foregoing objects or in the protection or conservation of any type of fish or any particular fishing grounds.
- 2.6 To do all such incidental things as may be necessary or desirable for the proper enjoyment and control of the sport or for the comfort of the participants and to make available equipment and facilities and responsible officer for the accurate weighing, recording and photographing of fish caught, to organise, manage and conduct competitions, award certificates and trophies, assist and entertain visiting anglers and to hold functions for members and generally do such things as the Committee may consider conducive to the attainment of any of the foregoing objects.

- 2.7 To keep and maintain clubrooms, offices, lounges, restaurants, bars and all or any amenities, facilities and services for the social entertainment, relaxation and enjoyment of members and authorised visitors.
- 2.8 To provide for members such services as they may require and the law allows for the better enjoyment and safety of the sport in the way of radio communications, providing, fuelling, watering, ferrying, docking, slipping, maintaining and supervising of boats and all ancillary gear or equipment.
- 2.9 To encourage and undertake as an ancillary object of the Club the preservation of marine history and early settler history of Mangonui by way of the preservation of vessels, artefacts, photographs, memorabilia and such other items as may advance the enjoyment of people using the clubrooms and the facilities provided by the Club and preserve the history and heritage of Mangonui and marine matters.
- 2.10 To facilitate and encourage the development of the Mangonui waterfront and the provision of facilities and to that end to enter into contracts with any person for the provision of services that may enhance or develop the amenities of the Mangonui waterfront for the enjoyment of members of the public as well as members of the Club.
- 2.11 Generally to do all such things as may in the opinion of the Club be incidental or conducive to the attainment of the foregoing objects and in maintaining community of interest among members in all matters affecting the sport of deep sea fishing in particular or boating and angling in general, that the same may be better and more safely enjoyed by participants.

5. REGISTERED OFFICE

The Registered Office of the Club shall be at such place as the Committee may from time to time decide and until so decided shall be at Mangonui Cruising Club Silver Egg Rd Mangonui.

4. SUBSCRIPTION AND ENTRANCE FEES

- 4.1 The Subscription payable by each class of member and by day anglers and at the time and manner of payment shall be as fixed from time to time by the Club by special resolution passed after due notice at an Annual General Meeting properly convened for that purpose. Notwithstanding that the financial year of the club ends on the 30th June in each year the period of subscriptions and consequential membership shall run from the 1st December in each year to the 30th November in the following year and shall be payable in advance and due by the beginning for the year 2001 when the subscription year which otherwise would have expired on the 30th of June 2001 shall be deemed to expire on the 30th November 2001.
- 4.2 It shall not be competent for the Club to impose or vary any subscription, levy or other charge inconsistent with these Rules nor which would be contrary to the terms of invitation to any particular class of member provided that entrance fees for competition shall be fixed by Committee.

- 4.3 Subscriptions for each year may be paid after the Annual General Meeting of the club but in any event by the last day of December for the following year but in the case of new members shall be paid at the time of application for membership (without abatement or reduction)

5. MEMBERSHIP

All applicants for membership shall first be approved by the Committee and if not so approved shall not be admitted to membership.

5.1 Full members

Any person subject as aforesaid may become a member of this Club by payment of annual subscription and agreeing to abide by the Club's rules and may also be entitled to participate in all the Club's fishing activities.

Even though a subscription may be paid in advance, the Committee may, if it disapproves of such membership, without ascribing any reason, order the refund of such subscription and the removal of the applicant's name from membership of the Club.

Membership shall run from Annual General Meeting to Annual General Meeting. Subscriptions shall be fixed at the Annual General Meeting for ensuing year.

5.2 Honorary Life Members

Any member, on the recommendation of the Committee and approval at Annual General Meeting shall be entitled to all privileges of full members without being liable for subscription for his or her lifetime.

5.3 Complimentary Annual Members

The Committee may award a complimentary annual membership to a person rendering special service to the Club. This award to have all privileges of full members but be pertaining only to the current year of award.

5.4 Junior Members

Any person who has not attained the age of 17 years at the time of joining the club shall be eligible for junior membership. Junior members shall not have the right to speak or hold any office in the club. Any persons attaining the age of 17 years shall cease to be a junior member for the purpose of club competitions and shall from that date deemed to be a full member for the purpose of competitions but shall not have the right to speak or vote or hold any office in the club unless and until the appropriate subscription as a full member has been paid.

5.5 **Family Membership**

Any member and their partners and any children who have not attained the age of 17 years at the time of joining the club shall be eligible for family membership. Children who have not attained the age of 17 years shall not have the right to speak or vote or hold any office in the club.

5.6 **Special Membership**

On such terms as the Committee may from time to time decide special membership for a specific event may be available to members of the public such membership to be on such terms as the Committee may from time to time decide to be for such subscription as the Committee may from time to time decide shall confer upon the members the right to use the Club facilities for the time specified in the membership but shall be limited to a specific event and period and shall not confer upon such members any right to a vote or attend Club meetings or participate in any activity other than the one specified.

5.7 **Social Membership**

Social members rights to be decided each year by the Committee but shall include the rights to speak but not vote at Annual General Meetings but shall not necessarily include the right to hold office.

6. **RULES OF MEMBERSHIP**

- 6.1 Any person wishing immediate entitlement to the fishing privileges of the Club and official recognition of the fish caught must have completed the application for membership and paid the appropriate subscription and entrance fee to the Secretary or other duly appointed representative of the Club prior to commencing fishing for the day PROVIDED HOWEVER that in compliance with the terms of the Club's charter the privileges hereinbefore referred to shall not include the use and enjoyment of the licensed areas of the Club (except as a guest accompanied by a member) until such time as the applicant has been duly elected a member in accordance with the next succeeding rule.
- 6.2 Application for membership shall be made upon the appropriate form – accompanied by the appropriate subscription and (if applicable) entrance fee.
- 6.3 A non-member (being a person who has not membership to any club affiliated to NZ Big Game Fish Council) may only be signed in three times before being required to pay a membership.

6.4 Resignation

Any member by giving to the Secretary of the Club notice in writing may resign his membership of the Club. Each such resignation shall take effect as from the date of the meeting of the Committee at which such resignation is received and thereupon resigning member shall not thereby be absolved from payment of any outstanding subscriptions, levies or other charges which may have accrued prior to the date of such Committee meeting.

6.5 Subscription Unpaid

Members whose subscriptions are in arrears (whether or not they have been demanded) shall be deemed to be unfinancial and shall not be entitled to any privilege of membership or to attend or to speak or vote at meetings of the Club or to be eligible for office or to have any fish caught officially recognised. Members whose subscriptions are still in arrears at the ensuing Annual General Meeting shall thereupon cease to be members but shall not thereby be absolved from payment of any outstanding subscriptions levies or charges which may have accrued prior to their ceasing to be members.

6.6 Proprietary Rights and Liabilities of Members

- (a) Membership of the Club shall not confer on any member any estate or proprietary right, interest or share in the funds and property of the Club nor shall any member be personally liable for any of the liabilities of the Club.
- (b) No member shall make any pecuniary gain from membership of the Club save as is permitted by Section 5 of the Incorporated Societies Act 1908.
- (c) No member of the organisation or any person associated with a member shall participate in or materially influence any decision made by the organisation in respect of payment to or on behalf of that member or associated person of any income, benefit or advantage whatsoever.

7. ANNUAL GENERAL MEETING

7.1 The financial year of the Club shall end on the 30th June in each year and the Annual General Meeting shall be held on the first Saturday in August or if in the opinion of the Committee this is impractical on the nearest Saturday to that date as may be practical.

7.2 The order of the regular business of the Annual General meeting shall be:

- (a) To receive the President's Annual Report.
- (b) To receive the balance sheet and income and expenditure account for the past year both of which shall have been duly certified by the Club's Auditor.

- (c) To elect officers for the ensuing year in the following order
- (i) One or two patrons.
 - (ii) A president.
 - (iii) Two vice presidents.
 - (iv) A club captain.
 - (v) A secretary.
 - (vi) A treasurer.
 - (vii) A recorder.
 - (viii) A weighmaster.
 - (ix) Six ordinary committee members who together with the weighmaster, recorder, treasurer, secretary, club captain, vice presidents and president shall form the committee.
- (d) The fixing of subscriptions for the ensuing year and the date by which they must be paid.
- (e) To consider motions set out on the order paper for the meeting of which due notice has been given in terms of Rule 11 hereof. If the carrying of any such motion would materially affect any of the foregoing items of business then such motion shall be dealt with prior to such business.
- (f) Any general business which may properly be dealt with at an Annual General Meeting.

8. VOTING

- 8.1 Voting for officers shall be at the discretion of the Chairman be by ballot (on approved form) or by a show hands. Voting shall be by ballot on any matter if requested by one or more members.
- 8.2 Only full members, honorary life members and complimentary annual members or adult family shall be eligible to vote.
- 8.3 Notwithstanding anything hereinbefore contained a member whose subscription is unpaid by the date fixed for payment shall not be entitled to vote.
- 8.4 The President or Chairman shall have a casting as well as a deliberate vote to be exercised in favour of the status quo.
- 8.5 In the case of family membership up to two members shall be entitled to one vote each provided such member shall have attained the age of 17 years.
- 8.6 In a ballot for election of committee it shall not be necessary to vote for the full number.

8.7 The ruling of the Chairman of the meeting on any point of order or procedure shall be final and shall not be the subject of any debate or review of any kind whatsoever.

8.8 The Chairman of any general meeting of members whether annual or special may receive from the floor and put to the vote an amendment to any motion so long as such amendment has been duly proposed and seconded, does not in the Chairman's opinion constitute a negative of the substantive motion and does not have the effect of directly increasing the financial obligation of members or any class of members beyond the amount specified in the substantive motion of which notice was given to members.

9. CHAIRMAN

9.1 The President shall be Chairman.

9.2 In the event of the President being absent or unwilling to act a Vice President shall chair the meeting PROVIDED HOWEVER that if neither of these officers be present or willing to act then the meeting shall appoint any financial member present to act as chairman for that meeting.

10. NOTICE

Notice of the time and place of the meeting and a copy of the order paper shall be forwarded to each member who is entitled to vote thereat at least 7 clear days prior to the date of the meeting. Any notices of motion received by the Secretary in due time in accordance with Rule 11 shall be included on the order paper so circulated to members but shall not otherwise be dealt with at the Annual General Meeting. Non receipt of such notice and/or order paper shall not invalidate any meeting unless the meeting or subsequent meeting so resolves.

11. SPECIAL GENERAL MEETING

11.1 Subject to due notice being given in accordance with the next succeeding rule a special general meeting may be called by the Committee at any time and shall be convened by the Secretary and held within 21 days after receiving a requisition signed by not less than 15 members setting out the objects of such meeting.

11.2 Fourteen days notice shall be given by the Secretary to all members entitled to vote thereat stating the business for which the meeting is called

11.3 Such requisition may be dealt with at an Annual General Meeting if the same be due to be held within 2 months of receipt by the Secretary of such requisition.

11.4 Venue

All meetings shall be held in Mangonui unless there are special and clearly justifiable reasons for holding the meeting elsewhere and the Committee unanimously agrees that such meeting shall be held elsewhere.

- 11.5 All resolutions passed at any meeting of the Club held in substantial conformity with these rules shall be conclusive and binding on all members whether present at such meeting or not.

12 QUORUM

A quorum at all general meetings shall consist of at least 15 members personally present.

- 12.1 In the case of the Annual General Meeting if after half an hour a quorum shall not be present the meeting shall stand adjourned to the same time and place the following week and if a quorum is not then present the members attending shall be deemed to constitute a quorum and the meeting shall proceed to business.
- 12.2 In the case of any Special General Meeting if after half an hour a quorum shall not be present the meeting shall stand adjourned to the same time and place the following week and if a quorum is not then present the meeting shall lapse.
- 12.3 So long as a quorum is present when the meeting is called it may be adjourned from time to time for any period not exceeding one month at one time as the meeting resolves.

13 GENERAL COMMITTEES

- 13.1 The Committee may meet together for the despatch of business and adjourn and otherwise regulate their meetings as the members thereof think fit. Questions arising at any meeting shall be decided by a majority of votes.
- 13.2 In the case of equality of votes the Chairman of the meeting shall have a casting as well as a deliberate vote.
- 13.3 Six members personally present shall form a quorum of the Committee.
- 13.4 The Committee shall keep minutes according to proper usage and any resolution of the Committee properly authenticated by the signatures of the Chairman at the same or subsequent meeting shall be deemed a proper resolution of the Committee.
- 13.5 In the event of any Committee member failing to attend three consecutive meetings without reasonable excuse (of which the Committee shall be the sole judge) his or her seat may be declared vacant and the Secretary will inform him or her of this decision. The acceptance by the meeting of an apology for absence shall be deemed to be a reasonable excuse.
- 13.6 Committee vacancies shall be filled by the Committee with the next highest

poling unsuccessful Annual General Meeting nomination given first right of refusal and then the second highest unsuccessful nomination. If none, then any financial club member may be co-opted by the Committee to fill the vacancy of a committee member with power to vote.

13.7 The Committee shall be entrusted with full power of the management and direction of the business of the Club and the making, altering or repealing from time to time of by-laws for the good government thereof, the conduct of competitions and awards and the control of the Club's amenities and facilities.

13.8 The President, Treasurer and Secretary shall be cheque signatories. Any two shall sign.

All payments of accounts must be presented to the Committee and passed for payment by it.

13.9 The Committee in addition to the exercise of the powers and authorities by these Rules expressly conferred upon it exercise and do all such powers acts and things as may be exercised or done by members in general meeting.

Without derogating from the generality of the foregoing the Committee shall have power:

- (a) To invest, dispose of, and deal with the funds and property of the Club as they think fit for the better carrying out of its objects and the promotion and conservation of its interest.
- (b) To enter into such contracts on behalf of the Club as they may deem desirable including contracts of employment.
- (c) To purchase or acquire lands, buildings, plant, equipment, furniture, vehicles and boats for the use of the Club and for such other use or purpose as the Committee may from time to time determine.
- (d) To improve, manage and develop all or any part of the property of the Club and to let, sell, exchange, lease or otherwise dispose of such part of the Club's property as may not from time to time be required by the Club upon such terms and subject to such conditions as the Committee may determine provided that decisions relating to the buying and selling of land and major items of plant shall have first been approved by resolution at that Annual General Meeting or Special General Meeting of the Club at which prior notice of the business to be transacted shall have been given.

- (e) To borrow or raise money for such purposes and upon such terms and in such manner as the Committee may deem necessary in the interests of or for the carrying out of the objects of the Club upon the security of a mortgage or charge (floating or fixed) or debentures or debenture stock over all or any part of the Club's property and assets both present and future or without security.

13.10 Delegation of Power by Committee

The Committee shall have power from time to time to appoint sub-committees and/or additional non executive officers to deal with any specific part of the Club's undertaking referred to it or them and may invest such sub-committee and officer with full power to act if the Committee deems it expedient and may generally delegate any of its functions to any person or persons. (These persons have no committee voting rights).

13.11 The Committee shall elect delegates to the New Zealand Big Game Fishing Council.

13.12 The Weighmaster's assistants be appointed by the Committee each year.

13.13 The Committee may appoint Photographers, Auditors, Publicity Officers and a Judicial Committee each year.

13.14 Removal of Officers

Any of the aforesaid officers executive or non-executive may be removed from his office or position by a vote of not less than three quarters of members present and voting at a Special General Meeting of members called for that purpose and any other member may be elected in lieu by a vote of members present at such meeting.

13.15 Contracts with Officers

Provided it is in the category of permitted interests in accordance with Section 5 of the Incorporated Societies Act 1908 no officer shall be disqualified from office by contracting with the Club nor shall any contract between the Club and an officer or any contract or arrangement entered into by or on behalf of the Club with any company or partnership in which any officer is a director, member or otherwise interested be avoided or affected nor shall any officers so contracting or being such director member or so interested be liable to account to the Club for any profit realised by such contract or arrangement by reason only to such officer holding his office or of the fiduciary relationship

19 ACQUISITION, DISPOSAL AND CONTROL OF REAL AND PERSONAL PROPERTY IN THE FURTHERANCE OF THE OBJECTS OF THE CLUB

The Club shall have the following powers:

- 19.1 To purchase, take on lease or in exchange, hire and otherwise acquire any real or personal property or any rights and privileges in connection therewith and to hold, improve manage, develop, let or lease, sell, exchange or otherwise dispose of any such property rights and privileges.
- 19.2 To construct, build, alter, improve, enlarge, pull down, remove or replace any buildings or other improvements which may be in upon or about any of the real or leasehold property of the Club or over which it may have any licence or right of occupancy.
- 19.3 To employ contractors, managers, servants, barmen, waiters, cleaners, caretakers and/or any other employees for any of the purposes aforesaid and from time to time to terminate such employment and to appoint other or others in their stead.
- 19.4 To operate manage and maintain for the use benefit and enjoyment of members and their authorised guests a clubhouse or clubhouses all ancillary amenities and consistent with any laws applicable thereto to provide therein meals, snacks, liquor, drinks, entertainment and facilities for their relaxation and enjoyment and benefit of members.
- 19.5 To provide such services to members as the law permits and the Committee from time to time decide in the way of radio communication, providoring, fuelling, watering, docking, slipping, storing, boat maintenance and supervision and otherwise howsoever for the assistance of members.
- 19.6 To borrow or raise money in such a manner as the Club may think fit and to secure the repayment thereof by issue of debentures or by mortgage or charge upon the whole or any part of the property or assets of the Club (whether present or future) and to purchase, redeem or pay off any such securities.
- 19.7 To invest and deal with moneys of the Club not immediately required in such manner as may from time to time be determined and in particular to invest the same on mortgage or purchase of real leasehold or personal property or securities or by depositing the same with any bank at interest and to vary such investments from time to time.
- 19.8 To make admission and other charges to persons attending or partaking of any of the functions or activities of the Club.
- 19.9 From time to time to pay, make over, transfer or make disbursements from any money or property of the Club for any cause or purpose, which in the opinion of the Committee will further the Club's objects.

20 EXPULSION OF MEMBERS

20.1 If any member in the opinion of the Committee wilfully infringe these Rules or the by-laws or regulations in pursuance hereof or be guilty of any unsportsmanlike conduct or any act detrimental to the interest of the Club it shall be in the power of the Committee provided a 75% majority of the whole approve.

- a) To suspend such member for any period not exceeding 12 calendar months during which period such member shall not be entitled to any of the privileges of the Club;
or
- b) To call such member to resign his membership and if any such member after being so called upon shall refuse or neglect to forward his written resignation within seven days the Committee may expel the member who shall thenceforth cease to be a member of the Club – subject to the right of appeal hereinafter provided.
- c) Prior to exercising the aforesaid powers of suspension or expulsion the Committee shall give the member details of the allegations against him and a reasonable opportunity of presenting in person before the Committee his answers thereto or explanation thereof.
- d)
 - (i) If the Committee shall expel a member as aforesaid such member shall have the right to appeal to a General Meeting of members provided that within seven days of the decision of the Committee being made known to him he shall notify the Committee in writing of his intention to appeal. On the receipt of such notice the Committee shall convene a Special General Meeting for the purpose of hearing the appeal.
 - (ii) The proceedings before such meeting shall be by way of rehearsing and the meeting by a majority of those members present and voting may expel such member or impose any suspension or make any other decisions which the Committee might have made.
 - (iii) The member shall be bound to attend any such Special General Meeting and if he shall fail to attend the meeting may proceed with the appeal in his absence or dismiss it.
 - (iv) The chairman of such Special General Meeting may admit such evidence as he deems fit and any person whether a member or not able to give evidence on the matter may be called as a witness either by the Committee or by the member.

- (v) At any meeting at which any such enquiry is held the member may be represented by any other member of the Club.

21. BY-LAWS AND RULES OF COMPETITIONS

21.1 By-Laws

That the Club may by resolution in general meeting make, amend or rescind by-laws or regulations not inconsistent with these rules:

- (a) Governing procedure at its meetings.
- (b) Defining the duties of any office or office bearer of the Club.
- (c) Generally regulating competitions.
- (d) Generally for the order of good government and regulation of the affairs of the Club.

21.2 Rules of Competitions

21.2.1 All competitions for presentation trophies shall be conducted in accordance with the conditions laid down by the donors thereof at the time of presentation and accepted by the Committee or subsequently varied by agreement with the Committee and such conditions and general rules of competition shall be available at all reasonable times at the office of the Club and shall be published from time to time in the Club booklet.

21.2.2 All Club awards and trophy competitions shall be subject to the rules of the New Zealand Big Game Fishing Council (Inc.) as from time to time in force with regard to fishing and tackle which rules the Club adopts as part of these Rules.

21.2.3 Catch Certificates or Trophies

No certificate or trophy shall be awarded by the Club unless:

- (a) The claimant therefore was a member of a club at the time of catching the fish.
- (b) The weighing of the fish was at an authorised weigh-station and by authorised weighmaster or by a deputy weighmaster or in the unavoidable absence of the aforesaid by a committee member plus one adult financial and the Secretary was so advised provided that weighing at an authorised weigh-station of an Affiliated Club by an authorised weighmaster

Affiliated Club concerned has supplied to the New Zealand Big Game Fishing Council the receipt from the Government Inspector of Weights and Measures who has tested and passed accurate, for the season in question, the scales concerned and that this Club has been so informed by the Council Secretary.

- (c) That all the conditions of these Rules and of the New Zealand Big Game Fishing Council have been compiled with and the angler and boatman have signed a declaration to that effect.