

**Constitution and Rules**  
**Marsden Cove Fishing Club Incorporated**

**NAME**

The Club shall be called the Marsden Cove Fishing Club Incorporated, hereinafter referred to as the Club

**OBJECTS**

The objectives of the Club shall be:

- 1. To foster further fishing and aquatic activities for members their families and community.**
- 2. To encourage sound conservation to ensure the sustainability of our marine resources**

**1.MEMBERS**

The club shall consist of an unlimited number of persons in the following categories:

**1.1 Life Members**

Those persons, who in the opinion of members have rendered valuable service to the Club over a period of not less than ten years

Life Honorary Members shall receive all rights and privileges of membership but shall not be required to pay the annual subscription

**1.2 Senior Members**

Those persons above the age of twelve (12) years of age who wish to become members and make application in the appropriate manner

**1.3 Family Members**

Family membership cover is a family (Parent/or Parents) with dependent children under the age of 16 and make application in the appropriate manner.

**1.4 Junior Members**

A junior member is

Small Fry under Eleven (11) years

Junior under Seventeen (17) years.

**2. ELECTION OF MEMBERS**

**2.1 Life Members:**

The Annual General Meeting may by resolution elect Honorary Life members to the Club provided that the Committee has received at least thirty (30) days prior notice from the proposer and seconder who shall both be financial members of the Club, and provided that the Committee has approved such nomination

**2.2 Active Members and Family Members:**

The Committee may by simple majority elect persons to membership of the Club provided an application in writing, together with an appropriate Subscription has been received by the Committee

**3. FINANCIAL YEAR**

The Clubs financial year shall commence on the 1st day of July each year, and end on the 30th day of June the following year

**4. SUBSCRIPTIONS**

- 4.1** Annual Subscription for members for the ensuing year will be set by the Committee and approved at the Annual General Meeting.

- 4.2** Family Subscription may be set where two or more active members are resident at the same address.
- 4.3** Subscriptions are due and payable by the 1st day of October each year
- 4.4** Should a member be in arrears of subscription longer than 61 days then that member is to be notified of such and be deemed to be non-financial.

## **5. MANAGEMENT**

**5.1** The Officers of the Club shall consist of the following

- President
- Vice President
- Secretary
- Treasurer
- Club Captain

## **6. COMMITTEE OF THE CLUB**

The committee of the Club shall consist of a minimum number of three members, up to a maximum of six (6) members plus the club officers.

- 6.1** The officers shall be deemed to be members of the Committee, and the word "Committee" in these rules shall hereinafter be understood to mean the Officers and Committee jointly unless otherwise stated
- 6.2** The Honorary Officers shall consist of the following should the A.G.M resolve to elect any or all such Honorary Officers
1. Auditor

## **7. ELECTION OF OFFICERS AND COMMITTEE**

- 7.1** Only Life Members and members who have been financial for the current year are eligible for election as Officers or Committee members.
- 7.2** They shall be elected at each Annual General Meeting and must be either nominated in writing prior to the AGM or nominated from the floor during the AGM.
- 7.3** Each candidate must be duly proposed and seconded by financial members of the Club. The candidate need not necessarily be present at the AGM provided he or she has signified in writing his or her consent to nomination.
- 7.4** Where the number of candidates duly proposed and seconded exceeds the number to be elected a secret ballot shall be held amongst those financial members present at the AGM
- 7.5** The Honorary Officers need not be financial members of the Club and shall be elected by the same procedure as for Officers and Committee as outlined above.

## **8. VACANCIES**

In the case of a vacancy arising on the Committee from any cause whatsoever, then the next highest polling candidate shall be appointed. If no secret ballot was taken, then the Committee shall have power to fill such vacancy until the next AGM excepting in the case of the resignation of any officer, in which case the position shall remain vacant until filled by an election at a Special General Meeting.

## **9. DUTIES OF OFFICERS AND COMMITTEE**

The Officers and Committee as a whole are charged with full control and management of the affairs and business of the Club.

### **9.1 THE PRESIDENT**

- Act as spokesperson for the Club on all matters.

- Oversee the club's affairs and allocate tasking and duties within the committee as required.
- Oversee the club's business in accordance with the Club Constitution.
- Develop and oversee a strategic plan for the growth and development of the club.
- Ensure all activities of the club are conducted in accordance with the Constitution.
- Chair all meetings unless otherwise delegated

## **9.2 The VICE PRESIDENT**

- Duties as delegated by the President
- Undertake the duties of the President in his/her absence

## **9.3 The SECRETARY**

- Duties as delegated by the President
- Administration of the club, including record keeping, security of all records.
- Keep a register of all financial Club Members
- Record the proceedings of general and official committee meetings
- Receive, read and file the correspondence
- Set all agendas and business outlines for meetings.
- Communicate all official club business to club members

## **9.4 The TREASURER**

- Duties as delegated by the President
- Maintenance of comprehensive financial records and other bookkeeping activities.
- Reconciliation of all club bank accounts and banking activities.
- Liaison with the club's bankers.
- Payment of all outgoing funds approved as expenditure by the Committee.
- Collection (in conjunction with the Secretary) of all monies owed to the club.
- Monthly and annual financial statements

## **9.5 THE CLUB CAPTAIN**

- Duties as delegated by the President
- Manage and liaise with sub committees to ensure tasks are completed on time, within budget and properly resourced

## **10 THE COMMITTEE**

The Committee shall meet regularly to conduct the affairs of the Club, and shall at its first meeting after the AGM appoint a Bar Manager, Weigh Master, Trophy Steward and Website/Media person.

### **10.1 THE WEIGH MASTER**

- Shall be responsible for the maintenance of the club's certified scales.
- Ensure the availability of scales and self or a delegated Weigh Master on short notice.
- Man the Weigh station during all competitions.
- Update the Leader Board.

### **10.2 THE TROPHY STEWARD**

- Shall be responsible for the record of the trophies.

- Engraving of trophies after a tournament
- Displaying of Trophies at the tournament.
- Recovery of Trophies post tournament.

### **10.3 THE BAR MANAGER**

- Duties as delegated by the President
- Participates in the club management and committee meetings
- Operates the Bar in accordance with the Liquor Licensing Act
- Ensures efficient operation of the bar, training of barpersons, Roster of barpersons, stock control, delivery of stock.
- Manages and maintains relationship with key personnel, Liquor control board, public health, fire and police
- Ensures proper financial management of club bar budgeting

### **10.4 THE CLUB MEDIA & WEBSITE**

- Duties as delegated by the President
- Construction, expansion, maintenance, and management club internet website
- Construction, expansion, maintenance, and management club Facebook
- Production of regular club activity reports for distribution to members
- Promotion of club interests through electronic media and internet activities and releases.
- Publicity of all tournaments and competitions through all appropriate media.

### **10.5 THE AUDITOR**

Shall examine the accounts of the Club at such time as he/she may see fit and audit the accounts and Financial Position prior to presentation at the AGM

## **11. COMMITTEE MEETINGS**

The Committee shall meet as often as it shall deem necessary, but a minimum of 6 times a year.

**11.1** Five clear days notice of any Committee meeting shall be given by the Secretary to all its members.

**11.1** The President, Secretary or six ordinary Committee members may call a Committee meeting

**11.2** In the absence of the President and Vice President, the meeting shall elect a Chairperson from among their number.

**11.3** The Chairperson shall have deliberative vote and in the case of an equality of votes he/she shall also have a casting vote.

**11.4** Any member of the committee shall vacate his/her office if absent from three consecutive meetings, unless an apology is received prior to or at the missed meeting

**11.5** THE AGENDA of the meeting shall consist of:

- Apologies
- Minutes
- Business arising from the Minutes
- Correspondence
- Accounts
- Reports
- General Business, in which any member may introduce any matter pertaining to the management of the club and its affairs

## 12 GENERAL MEETINGS

### 12.1 Annual General Meeting

The AGM shall be held not later than three calendar months after the end of the financial year, providing that the Committee, if they think fit, may postpone the date for said meeting for a period not exceeding one month.

An Annual Report of the Club's progress including the President's Report together with a Statement of Income and Expenditure and Financial Position for the club, shall be posted /emailed to each member at his/her last known address/ email, together with a notice summoning the meeting, at least **fourteen days** before the day appointed for such a meeting.

The order of business shall be;

- Apologies
- Adoption of Minutes of Previous AGM.
- Adoption of Annual Report
- Financial Performance and Financial Position
- Election of Officers and Committee
- Notices of Motion
- Urgent General Business
- Changes /Additions to the Club Constitution

### 12.2 Special General Meetings

A Special General Meeting of the members of the Club shall be convened by the Secretary on receipt of a requisition signed by ten financial members of the Club or by resolution of the Committee.

Such meeting shall be had within fourteen days after receipt of such requisition and seven days notice shall be given to all members setting out the purpose for which such meeting is being called.

No business other than that for which due notice has been given shall be transacted at the meeting.

## 13 Quorum

At any Committee meeting of the club, **four members** of the committee shall form a quorum, one of whom shall be an officer.

At any General Meeting of the Club, **ten financial members** shall form a quorum. No business shall be transacted at any meeting of the Club unless a quorum of members is present.

If within half an hour of the appointed time for a meeting a quorum is not present, the meeting if it is a Special General Meeting convened upon the requisition of members, shall be dissolved.

In any other case it shall be adjourned to the same day and time in the next week. All members shall be notified and any members present at the subsequent meeting may transact any business as set down for that meeting as if they constitute a full quorum.

## 14 Voting

1. At all meetings of the Club, only Life members and Financial Active Members eighteen (18) years of age and over may vote.
2. In all voting except elections, a simple majority (i.e. 50% or more of the number of voters) shall determine the result of the poll.

- 3 In the case of elections, the highest polling candidate(s), regardless of proportion, shall be declared elected.
4. In all elections, voting shall be by secret ballot. All voting other than elections shall be by voices or by show of hands if any one person require, or by secret ballot if the Chairperson or any two members present so require, or by holding a postal ballot of all members if the Chairperson or any five members present so desire.
5. Where a secret ballot is held, two Scrutinizers shall be appointed to count the votes, such appointment to be made before taking the votes.
6. In all elections, members may vote for less than the number required to fill vacancies, but the voting paper shall be invalid if it shows more than the number required to fill vacancies.
7. In all voting the Chairperson shall have a deliberative vote and in the case of an equality of votes he/she shall have the casting vote.
8. In the case of a tie in the vote for President, there shall be a revote.
9. For all committee voting, proxy voting is permissible, if provided in writing to the secretary prior to the meeting.

## **15. BANK ACCOUNT**

Any two of the President, Vice President, Secretary and Treasurer, Club Captain shall sign all cheques drawn on the Club's Bank account, for payment of invoices.

Payment of invoice (between committee meetings) can be authorized by signing off by the treasurer and any two club officers

## **16. CESSATION OF MEMBERSHIP**

### **16.1 Resignation**

A member of the Club may resign at any time by giving notice in writing of such to the Committee, such resignation shall be accepted providing all overdue subs are paid and all Club property returned.

### **16.2 Expulsion**

The Committee shall have the power to cancel the membership of any member who has been found by the Committee to have acted in an unbecoming or dishonorable manner concerning matters affecting the Club, or acting in a manner prejudicial to the interests of the Club, or acting in breach of the Club's Code of Ethics.

- The member concerned shall be given seven clear days written notice containing particulars of the alleged matter and requesting his/her presence at a Special Committee Meeting, to be called for that purpose.
- Such person shall be allowed an advocate to speak upon the matter affecting the proposed expulsion.
- The Committee may, after hearing the matter concerned, or his/her advocate, or Should he/she fail to attend, after considering the matter, resolve to discipline or expel such member.
- A member expelled under this Rule shall have the right to appeal at a Special General Meeting of members called for this purpose.
- Any member expelled shall within seven days return all Club property in his/her care or possession.

## **17. SERVICE OF GENERAL NOTICES.**

Every notice required to be given to members or any of them shall be deemed to have been duly delivered if posted by ordinary mail in a prepaid letter or e-mailed addressed to the member at his/her last known postal address or e-mail address.

## **18. THE CLUB HEADQUARTERS**

The Headquarters of the Club shall be the Unit 2b Rauiri Drive, Marsden Cove, One Tree Point. postal address can be a PO Box. Club postal address being PO Box 202, Ruakaka 1051.

## **19. GENERAL POWERS OF THE COMMITTEE**

The club shall have the power to:

1. To take on a lease, hire or acquire any real or personal property or rights or privileges which the Club may think necessary or convenient to further the objects of the Club.
2. To lease or hire any property presently occupied whether real or personal of any kind which may be used in connection with the objectives of the Club
3. To make regulations and by-laws for the conduct of the Club and the discipline required of members
4. To do anything else that the Club may decide to achieve the objectives or exercise its powers.

## **20. THE CLUB**

### **20.1 Rules for Visitors**

1. Any member may invite any person as a visitor to the Club.
2. All visitors shall sign the visitor's book provided by the committee and enter their names and address therein on each occasion. The member accompanying them must also sign the visitor's book and will be responsible for the conduct of the visitor at all times.
3. No such visitor will be sold or supplied liquor on the Club premises unless the visitor is in the company of the member and the liquor is supplied for consumption on the premises.
4. Local visitors are not to be invited more often than two days per month subject to any individual not becoming a regular or frequent visitor.

### **20.2 CLUB FISHING**

The Club Fishing year has been set as 1<sup>st</sup> August – 31<sup>st</sup> July

The Club will be responsible to:

- Accurately weigh and record all fish caught as per club rules
- To award season's certificates and trophies as determined by the committee.
- To conduct and organize tournaments for the Welfare of the Club and its members and members of the public.
- To develop further the welfare of the Club as members from time to time deem expedient.

### **20.3 CLUB TROPHIES**

The Trophy Steward is responsible for the trophies while in the Club

- Only financial members of the Club are eligible to win perpetual trophies, cups and other awards owned by the Club.
- All perpetual trophies owned by the Club and presented to members will be returned immediately after the tournament.
- Trophies are not to be removed from the Clubroom.

## **21. PERSONAL GAIN**

No member or person associated with a member of the club shall derive income, benefit or financial advantage from the club, except where income, benefit or advantage is

derived from:

- Professional services to the club rendered in the course of business charged at no greater rate than the current market rates.
- Interest on money lent at no greater rate than current market rates.

## **22. WINDING UP**

The Club may be wound up voluntarily if the members at any General meeting pass a resolution requiring the Club to be so wound up and this resolution is confirmed at a subsequent Special General Meeting called for that express purpose.

Eighty (80) percent of the financial members are required to vote.

On any dissolution or winding up of Marsden Cove Fishing Club Incorporated Marsden Cove Fishing Club Incorporated debts, costs and liabilities shall be paid.

All Surplus Money and Other Assets of Marsden Cove Fishing Club Incorporated may be disposed of by:-

- Resolution or
- According to the provisions in the Incorporated Societies Act 1908
- No payment in money or distribution of assets or other benefits whatsoever shall be paid, applied or distributed to any member past or present for the personal benefit of such members or members
- The surplus Money and Other Assets shall be distributed to: [see S.27 of the Act]



**[S.27 of the Act] Division of surplus assets on winding up**

• (1) On the liquidation of a society or on its dissolution by the Registrar all surplus assets after the payment of all costs, debts, and liabilities shall, subject to any trust affecting the same, be disposed of in manner provided by the rules of the society or if such assets cannot be disposed of in accordance with the rules, then as the Registrar directs.

(2) If the said surplus assets are subject to any trust, they shall be disposed of as the High Court or a Judge thereof directs in the case where a liquidator was appointed by the court, or as the Registrar directs in a case where a liquidator was appointed by a resolution of the members or in the case of a dissolution by the Registrar, but an appeal shall lie from any such decision of the Registrar to the High Court at the suit of any person interested. No appeal under this subsection or under subsection (1) of this section from any decision of the Registrar shall lie unless notice thereof is delivered to the Registrar within one month after the date on which the decision was given.

(3) Where any direction is given under the foregoing provisions of this section, there may (for the purposes of that direction) be included in that direction, or in a subsequent direction given by a Registrar or court or Judge who or which gave or had power to give the original direction, all or any of the following further directions:

- (a) a direction vesting all or any of the assets of the society without transfer, conveyance, or assignment in such person or persons as may be specified in the direction, subject to all charges, encumbrances, estates, and interests affecting the same:
- (b) if anything remains to be done to complete any matters outstanding on the liquidation or dissolution of the society or to provide for the payment of all costs, debts, and liabilities of and in relation to the society and its liquidation or dissolution, such directions as may be necessary or expedient to make provision for the completion and payment thereof:
- (c) a direction conferring on any person such powers as may be necessary or expedient to enable him to carry out the functions and duties imposed on him by any direction given under this section.

(4) Every direction given under subsection (3) of this section shall have effect according to its tenor as soon as the direction becomes final; and for the purposes of this subsection such a direction shall become final—

- (a) on the date specified therein if that date commences after the time determined under paragraph (b) of this subsection:
- (b) on any case where no date on which the direction is to become final is specified therein, or where the date for finality that is specified therein does not commence after the time specified in this paragraph—
  - (i) when the direction under the said subsection (3) is given, if at that time no right of appeal without special leave is subsisting in respect of the direction providing for the distribution of the said surplus assets, and all appeals duly made against that direction have been determined; or
  - (ii) upon the expiration of the time allowed for any appeal without special leave that may lie against the direction providing for the distribution of the said surplus assets, or upon the determination of all appeals against that direction that are duly made either within that time or while any other appeal against that direction is awaiting determination, whichever is later, if when the direction under the said subsection (3) is given a right of appeal without special leave is subsisting in respect of the direction providing for the distribution of the said surplus assets or any appeal duly made against that direction has not been determined.

(5) Where by any direction under this section any estate or interest in land under the [Land Transfer Act 1952](#) is vested in any person, then, subject to the provisions of that direction, the District Land Registrar for the land registration district in which the land is situated, on application made to him by that person in such form as may be prescribed by the Governor-General by Order in Council and on the registration or deposit of such documents or plans as the District Land Registrar may require, shall make such entries in the register and generally do all such things as may be necessary to give full effect to the provisions of the direction.

(6) Except as provided in the foregoing provisions of this section, no appeal shall lie against any direction of the Registrar given under this section.

(7) This section shall bind the Crown.

Section 27(1): amended, on 1 July 1994, by [section 4](#) of the Incorporated Societies Amendment Act 1993 (1993 No 114).

Section 27(1): amended, on 17 October 1922, by [section 4\(2\)\(a\) and \(b\)](#) of the Incorporated Societies Amendment Act 1922 (1922 No 27).

Section 27(2): amended, on 10 December 1976, by section 2(1) of the Incorporated Societies Amendment Act 1976 (1976 No 93).

Section 27(2): amended, on 17 October 1922, by [section 4\(2\)\(c\)](#) of the Incorporated Societies Amendment Act 1922 (1922 No 27).

Section 27(2): amended, on 1 July 1994, by [section 4\(2\)](#) of the Incorporated Societies Amendment Act 1993 (1993 No 114).

Section 27(3): inserted, on 10 December 1976, by section 2(2) of the Incorporated Societies Amendment Act 1976 (1976 No 93).

Section 27(3)(b): amended, on 1 July 1994, by [section 4](#) of the Incorporated Societies Amendment Act 1993 (1993 No 114).

Section 27(4): inserted, on 10 December 1976, by section 2(2) of the Incorporated Societies Amendment Act 1976 (1976 No 93).

Section 27(5): inserted, on 10 December 1976, by section 2(2) of the Incorporated Societies Amendment Act 1976 (1976 No 93).

Section 27(6): inserted, on 10 December 1976, by section 2(2) of the Incorporated Societies Amendment Act 1976 (1976 No 93).

Section 27(7): inserted, on 10 December 1976, by section 2(2) of the Incorporated Societies Amendment Act 1976 (1976 No 93).