



CONSTITUTION AND RULES

Current as at 21 August 2019 and after the inclusion of amendments to clause 12(a)
passed at the 2019 Annual General Meeting held on that date.

UNDER THE INCORPORATED SOCIETIES ACT 1908

THE RULES
OF
LAKE CITY ATHLETIC CLUB INCORPORATED

NAME

1. LAKE CITY ATHLETIC CLUB INCORPORATED

OBJECTS

2. (a) To foster, promote, encourage, control, regulate and supervise athletics throughout Rotorua and elsewhere.

(b) To encourage, promote, regulate, practice and assist sporting activities of every kind and to conduct such meetings or functions as the Club may think fit.

(c) To purchase, take, lease, hire or otherwise acquire and hold and dispose of real and personal property, rights and privileges licences including liquor licences which the Committee may think necessary and/or convenient to further the objects of the Club and to sell, exchange, borrow in any manner, charge, mortgage, lease, hire or build upon any such property and to alter and/or demolish buildings and improvements thereon and to again rebuild.

UNIFORM

3. The Club uniform and colours shall be as formulated by the Executive from time to time.

MEMBERSHIP

4. (a) The membership of the Club shall consist of any person who shall apply to become a member and shall be accepted to membership as hereinafter provided.

(b) The classes of membership shall be:-
 - (i) Ordinary members who have attained the age of 15 years who wish to become members for the purpose of competing as registered athletes.
 - (ii) Associate members who do not wish to be registered athletes but become associated with the Club activities including participation in athletic events organised by the Club other than inter-Club or centre events. Such associate members shall be admitted to membership in the same manner as herein provided for admission of new members and shall be entitled to such of the privileges of ordinary members as from time to time ruled by the Executive.
 - (iii) Honorary members may also be admitted to membership of the Club to honour their services and sacrifices rendered for the benefit of the Club and shall be admitted to membership at the invitation of the Executive and otherwise in the same manner as hereinbefore provided for the admission of new members. Such

honorary members shall be entitled to all the privileges of ordinary members of the Club.

- (iv) Young person members who shall not have attained the age of fifteen (15) years may also be admitted to membership of the Club and shall be admitted to membership in the same manner as herein provided for the admission of new members. Such young person members shall be entitled to all the privileges of ordinary members of the Club with the exception that no young person member may vote at any general meeting and shall not be entitled to hold any office or be a member of the Executive or any Committee.
- (v) Life members - At any Annual General Meeting a life member or members may be elected to honour their special services and sacrifices rendered for the benefit of the Club. Each nominee shall be proposed and seconded by two members and such nomination shall be in the hands of the Secretary of the Club at least 14 days before the Annual General Meeting and 7 days notice thereof must be sent by the Secretary to members of the Club. The election for life members shall be by ballot at which the proposed life member must receive at least 75% majority of the votes cast. Such life member shall be entitled to all the privileges of ordinary members of the Club and shall be qualified to hold any office of the Club but shall not be required to pay any membership subscription fee.
- (c) Any member may resign from membership during the term of any subscription year by giving to the Secretary notice in writing to that effect and every notice unless otherwise expressed will take effect as from the end of the financial year then current and thereafter such member shall cease to be entitled to any of the benefits arising from membership of the Club.
- (d) New members shall be admitted following application made in writing and following payment to the Club of the appropriate subscription fee, and entrance fee if any, PROVIDED THAT the Executive shall be entitled to decline any application so made without giving any reason.

SUBSCRIPTIONS

- 5. (a) Every member shall forthwith on becoming elected as a member of the Club pay to the Club such sum by way of entrance fee as may from time to time be fixed by the Executive as an entrance fee.
- (b) Every member shall also pay such annual subscription for each class of membership as shall from time to time be fixed by resolution at a general meeting.
- (c) Membership shall be terminated if a member's annual subscription remains unpaid beyond any deadline subscription renewal date determined by the Executive from time to time.

ANNUAL GENERAL MEETING

- 6. (a) The Annual General Meeting shall be held not later than five months after the end of the previous financial year, being the 31st March in each year, upon the date and at a time and place to be fixed by the President or in his or her default, absence or inability the Executive for the following purposes:-

- (i) To receive from the Executive a report balance sheet and statement of accounts for the preceding year.
 - (ii) To decide upon any resolution which may be duly submitted to the meeting.
- (b) The President or in his or her absence or inability any other member of the Executive may at any time for any special purpose call a Special General Meeting and shall do so forthwith upon the requisition in writing of any ten ordinary members stating the purpose for which the meeting is required.

NOTICE OF BUSINESS

7. Seven clear days before a Special General Meeting or fourteen clear days before the Annual General Meeting a notice therefor and of the business to be transacted thereat shall be sent to every member or by an appropriate advertisement in a newspaper circulating in the district and no business other than that of which notice has been given shall be brought forward at such meeting.

PROCEDURE OF MEETINGS

8. (a) An ordinary or Special General Meeting shall be held at such times and places as the President shall direct in terms of these Rules for the purposes of transacting the business of the Club and deciding upon such resolutions as shall be duly submitted to the meeting.
- (b) Every notice to be given to the members or any of them shall be deemed to have been duly delivered and posted to him or her and addressed to him or her at his or her last known place of abode or business.
- (c) At all general meetings the President, or in his or her absence any other currently financial member duly elected as Chairperson by the members present at the commencement of that meeting, shall take the chair and every member who is a paid financial member who shall otherwise be entitled to vote shall be entitled on every motion to one vote exercised in person and in the case of an equality of votes the President shall have a casting as well as a deliberative vote. Except as herein expressly provided voting shall be by voices or by show of hands if called for by one person present or by secret ballot if demanded by not less than five persons present. Except as herein expressly provided all motions shall be decided by a simple majority of members present voting in person.
- (d) At all general meetings 15 members shall constitute a quorum. In the event that there is not a quorum within 20 minutes of the time for which the meeting was convened such meeting shall stand adjourned for one week at the same time and place and should there then be no quorum those members present shall constitute a quorum and transact the business for which the meeting was originally called.
- e) After these Rules come into force the Executive may fill any vacancies thereby created and at the Annual General Meeting every year thereafter the Club shall elect the following officers:
- (i) A Patron
 - (ii) A President
 - (iii) A Vice-President
 - (iv) A Secretary

- (v) A Treasurer
- (vi) Club Captain,

and in addition to these officers, shall elect

- (vii) 8 Executive Members
- (f) Every candidate for election must be at the time of nomination, a currently financial member of the club, and shall be nominated in writing by another then currently financial member of the Club and seconded by yet another then currently financial member of the club and such nomination shall be in the hands of the Secretary before the declaration by the Chairperson that the election of officers is to commence. If more candidates are nominated than are required to be elected scrutineers shall be appointed by the meeting and such scrutineers shall be entitled to vote. Every member present and entitled to vote may vote for any number of candidates required to be elected. The candidates who receive most votes shall be declared elected and in the event of two or more candidates receiving an equal number of votes there shall be a re-election with respect to these candidates only. In the event of two or more candidates receiving an equal number of votes in such re-election the Chairperson shall have a second or casting vote and the decision of the Chairperson as to any election shall be final.
- (g) That following the election of officers in terms of these Rules if there shall be a vacancy it shall be filled by nomination at the meeting in the same manner as hereinbefore provided for election of candidates for office.

MEETINGS OF EXECUTIVE

9. (a) The control of the Club shall be vested in the officers and Executive members elected at the Annual General Meeting exclusive of the Patron, who shall collectively constitute the Executive of the club.
- (b) The Executive shall have power to appoint a member to fill any casual vacancy in the Executive until the next Annual General Meeting and any member so appointed shall retire at the next Annual General Meeting together with the rest of the Executive.
- (c) At all meetings of the Executive voting shall on all questions be by voice or if so called for by one member by show of hands. On all questions the Chairperson shall have a deliberative vote and in the case of equality of votes shall have a further casting vote.
- (d) The Executive may appoint from members of the Club or otherwise sub-committees to handle separately the various activities of the Club and the Executive may delegate to any such sub-committee such of its powers subject to such conditions and reporting requirements as it may think fit.
- (e) It shall be the duty of the Executive generally to conduct the affairs of the Club to make such by-laws as it thinks fit for the conduct of the Club and to keep proper books of account and other records of the business of the Club. Meetings of the Executive may be convened at such times and places as the President or in the case of his or her absence inability or refusal to act as the Executive shall appoint and on 48 hours notice to members concerned. The quorum for an Executive meeting shall be 7.
- (f) Any officer or member of the Executive may resign office by notice in writing to the Secretary and a member of the Executive shall forfeit his or her office by absence

without leave specifically given after request by such officer or member for the reason disclosed to the Executive for three consecutive meetings of the Executive.

- (g) The Executive shall be the sole authority for the interpretation of these Rules and the decision of the Executive upon any question of interpretation or upon any matter affecting the Club and not provided for in these Rules shall be final and binding on all members.
- (h) The Executive shall have power to suspend or dismiss or terminate the membership of any member for misconduct or conduct unbecoming a member of the Club or for non-payment of the annual subscription provided that other than for the non-payment of subscriptions, that member has been previously advised in writing of the details of the complaint and has been given the opportunity to supply a defence in writing or in person at a meeting of the Executive before the decision is made. There shall be no further right of appeal from this decision other than to seek to have the decision considered at a General Meeting of members in terms of clauses 6(a) and 6(b). At any such meeting, the member shall have the right to speak and to present a submission against the decision.

ALTERATIONS

- 10. (a) These Rules may be altered added to rescinded or otherwise amended by a resolution passed by three-fourths majority of those present at an ordinary or Special General Meeting of which fourteen days notice has been given.
- (b) Every such notice shall set forth the purport of the proposed alteration addition rescission or other amendment.
- (c) Duplicate copies of every such alteration addition rescission or amendment shall forthwith be delivered to the Registrar in accordance with the requirements of the Act.

THE COMMON SEAL

- 11. (a) The Common Seal of the Club shall be that adopted by the Executive who shall be responsible for the safe custody and control thereof.
- (b) Whenever the Common Seal of the Club is required to be affixed to any deed document or other instrument the Seal shall be affixed pursuant to a resolution of the Executive of the Club by any two persons of the Executive thereby authorised to affix the Seal and the persons so affixing the Seal shall at the same time sign the document to which the Seal is so affixed.

CONTROL AND USE OF FUNDS

- 12. (a) All moneys received by or on behalf of the Club shall forthwith be paid to the credit of the Club in a bank account or accounts as shall from time to time be fixed by the Club or the Executive and all cheques drawn or electronic transactions on the account or accounts shall be signed or authorised by any two of the President, the Vice-President, the Secretary and the Treasurer or in the event of the office of Secretary or Treasurer being held by one officer by that Secretary/Treasurer and one of the other officers as hereinbefore nominated.

- (b) All expenditure incurred by or on behalf of the club shall be made with the prior consent of the Executive save for discretionary amounts or types of expenditure which the Executive may from time to time grant to any member members or sub-committee for the purpose of running the affairs of the club.
- (c) The members of the Club and the officers and Executive shall be indemnified by the Club from and against all losses and expenses incurred by them in or about the discharge of their respective duties except such as happened from their own respective wilful default and no member or officer or executive of the Club shall be liable for the acts or omissions of any other member of the Club or other officer or Executive member or for joining in any act or receipt or for any act of conformity or for any loss happening to the Club unless the same shall be due to his or her own wilful default.

INVESTMENT OF FUNDS

- 13. The Club may from time to time invest and re-invest in such securities and upon such terms as the Executive shall determine the whole or any part of its funds which shall not be required for the immediate business of the Club.

AUDIT

- 14. The accounts of the Club shall be audited annually by a qualified accountant elected at the Annual General Meeting to hold office for one year.

WINDING UP

- 15. In the event of the club being wound up the surplus assets after payment of the Club's liabilities shall become the property of the Athletics Waikato Centre of Athletics New Zealand, to whom at all times, so long as it remains a requirement of Athletics New Zealand, the club shall be affiliated. In the event of the Club proposing dissolution one month's notice of the proposed dissolution shall be given in terms of these Rules to every person entitled to such a notice and there shall be no dissolution unless such resolution shall be passed by a vote at a Special General Meeting called for the purpose of considering dissolution.

PECUNIARY BENEFITS

- 16. Notwithstanding any other clause in these rules no member or person associated with that member shall in their capacity as a member or associated person be permitted to make any pecuniary gain from the Club. Any amendment to this clause under the alterations provision of clause 10 of these rules may not be made without the prior written approval of the Inland Revenue Department.