

# **Levin Cosmopolitan Club**

**Incorporated**



# **CLUB CONSTITUTION 2023**

## **2023 CLUB CONSTITUTION**

### **Clause Content**

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1. Name
2. Registered Office
3. Objects
4. Powers
5. Membership
6. Subscriptions
7. Resignation
8. Immediate Suspension
9. Expulsion and Suspension
10. Property
11. Committee of Management
12. President & Vice President
13. Treasurer
14. Auditor
15. Secretary
16. Manager
17. Patron
18. Annual General Meeting
19. Extraordinary General Meeting
20. Conduct of General Meetings
21. Committee Meetings
22. Accounts
23. Adjuncts
24. Seal
25. Guests and Visitors
26. Offences
27. Board of Appeal
28. Disputes
29. Interpretation
30. Revision of Regulations
31. Dissolution and/or Liquidation
32. General
33. Incorporated Societies Act

Appendix 1: By-Laws

Appendix 2: Definitions

**1. NAME:**

- 1) The name of the Club shall be the Levin Cosmopolitan Club Incorporated.
- 2) For the purposes of promotion and marketing the Club will be known as Club Horowhenua.

**2. REGISTERED OFFICE:**

The registered office of the Club shall be at 47-51 Oxford Street South, Levin or such place as the Committee shall from time to time decide.

**3. OBJECTS:**

The objects for which the Club is established are as follows:

- 1) To conduct, administer and maintain a Club for its Members, and for such persons as are authorised from time to time in accordance within the terms of any charter or licence granted to the Club.
- 2) To provide amenities and cultural activities and to promote sports and generally provide an atmosphere where the Members may meet and enjoy companionship with one another.

**4. POWERS:**

The Club shall have the power to do the following in the pursuance of its objects, subject to any limitation imposed by these Rules:

- 1) To fund its activities by subscription or payments from Members, fees or other income.
- 2) To borrow, raise or secure money in such manner as the Club shall think fit, with or without security.
- 3) To purchase, sell, lease, exchange, maintain, hire, dispose of, manage, invest, lend, mortgage, charge, gift or otherwise deal with any real or personal property.
- 4) To invest, lend or deal with any monies of the Club not required for immediate use in such government or local body securities or on bank deposits as the Club may see fit.
- 5) Notwithstanding anything herein to the contrary, the Committee shall not enter into any transaction involving a consideration (in money or monies in any one year period) exceeding 20% of the net assets of the Club as shown in the Club's last yearly statement of accounts unless such transaction has been approved by the Club at any Annual General Meeting or Special Meeting, provided always that the Committee shall not be in default of this sub clause if it enters into any transaction which is made conditional upon the Club's consent thereto being obtained.
- 6) To employ and remunerate staff.
- 7) To undertake legal action.
- 8) To form and disband adjuncts.
- 9) To enter into any contract, make any arrangements or undertake any activity for the financial benefit of the Club.

**5. MEMBERSHIP:**

The members of the Club shall be divided into the following classes:

- 1) **Ordinary Members:**  
Ordinary Members shall consist of males and females of the age of 18 years or any age that maybe permitted by the Sale of Liquor Act.

**5. MEMBERSHIP Cont.**

- 1) (a) Each Candidate for Membership shall be nominated in writing by two (2) Financial Members of the Club on the form available.
- (b) The nomination form shall include the candidates full name, date of birth, residential address, occupation and undertaking that they will abide by the Rules and By-laws. A photo of the candidate will be taken and attached to the nomination form.
- (c) Acknowledges by signing the form, that he or she has authorised the Club to obtain, check, exchange information with, and supply information to, Clubs New Zealand and Clubs that are members of Clubs New Zealand.
- (d) The candidate shall deposit, at the time of nomination, such sum of money as may be directed by the Committee. Such fee shall not exceed the sum of the subscription for the class of membership applied for.
- (e) The names and photographs shall be posted on the Club's noticeboard for seven (7) clear days prior to election. Any objection to a candidate which is lodged by a Member during the period of posting shall be considered by the Committee.
- (f) Election shall be by ballot at the first Committee Meeting held after the expiration of the seven (7) days noticeboard posting.
- (g) In the event that the application is not approved by the Committee, the candidate shall be informed in writing of the decision.

2) **Gold Star:**

Gold Star Members shall comprise of ordinary members who have achieved 25 consecutive years of membership and shall be required to pay only 40% of the ordinary members subscription.

3) **Life Members:**

The Club in Annual General Meeting, upon recommendation by the Committee, may grant Life Membership to any Member for extraordinary meritorious service to or on behalf of the Club, in accordance with the following:

- (a) The Committee may elect to recommend a Member for Life Membership.
- (b) A Financial Member may propose and another Member may second a Member in writing, and that nomination shall be forwarded to the Committee.
- (c) No nomination for Life Membership shall be put to the Annual General Meeting unless it has the support of the Committee.
- (d) The Committee shall post notice of its intention to recommend a Life Member on the Notice Board for fourteen (14) clear days prior to the Annual General Meeting in any year.
- (e) The Club may elect a Member recommended by the Committee to Life Membership by simple majority at the Annual General Meeting. Voting shall be by secret ballot.
- (f) The number of Life Members shall not, at any time, exceed 3% of the total Membership of the Club.
- (g) Life Members are eligible to vote, hold office and enjoy all the rights and privileges of membership.
- (h) Life Members shall not be charged an annual subscription but shall be deemed to be full Members.

4) **Rights And Privileges:**

Ordinary, Gold Star and Life Members shall be entitled to:-

- (a) Enter Club premises during such hours as may be determined by the Committee.
- (b) Enter any Club with whom reciprocal visiting arrangements are in place, provided it is in accordance with that Club's rules.

**5. MEMBERSHIP Cont.**

- (c) Hold office in accordance with these rules and have an equal voice in all business of the Club.
- (d) Members who are employees of the Club are entitled to all the rights and privileges of membership, excluding those rights concerned with the selection, election and holding office within the Club. Employees shall not have speaking or voting rights at any Club Meeting without the prior permission of the Committee.

**5) Junior Membership:**

Notwithstanding any other rules, the following rules set out provision applying specifically to Junior Members. For the avoidance of doubt, where there is any conflict or ambiguity between these rules and any other rule in the constitution, then these rules relating to Junior Members shall prevail. Subject to the provision contained in these rules, all rules shall apply to Junior Members in the same way as they do to Ordinary Members.

- a) Males and females aged between ten (10) years and the Legal Purchasing Age may apply to become Junior Members of the Club in accordance with the procedure for Ordinary Membership set out in Rule 5.1
- b) On reaching the Legal Purchasing Age, Junior Members are eligible to apply for Ordinary Membership
- c) Members shall automatically lose their Junior Membership status:
  - i) Three months after reaching the Legal Purchasing Age; or
  - ii) Upon admission as an Ordinary member, whichever is earlier
- d) A Junior Member's rights are restricted by the following:
  - i) No voting rights at any General Meeting
  - ii) No right to hold office or be a member of the Executive Committee
  - iii) No right to nominate any applicant for membership
  - iv) No right to participate in any alcohol promotions, accept alcohol as a prize in any club activity, purchase alcohol or accept alcohol from any member
  - v) No access to restricted areas of the Club or supervised areas of the Club unless accompanied by their parent or legal guardian
  - vi) A Junior Member may have the right of admission to an Affiliated Club with which the Club has reciprocal rights (it is essential to check with each Club first to ensure they allow Junior Members into their Club – especially if a Junior Member is wishing to enter a Clubs New Zealand sports tournament)
  - vii) A Junior Member only has the right to invite one person as a guest on any one day to the Club, who is not a member but who is over the age of 15 years. This is subject to the guest being his or her parent, spouse or legal guardian
- e) All Junior Members must join at least one Club Adjunct

**6) Corporate Membership:**

An association, or other corporate body may apply to become a Corporate Member of the Club.

This is designed to allow businesses to join the Club and enable them to bring their staff/clients to the Club to enjoy a meal or drink in accordance with the following rules.

- a) Any association, or corporate body wishing to apply for corporate membership under these rules shall complete the applicable application form.
- b) Each applicant shall deposit, at the time of application, a subscription of such sum as may be directed by the committee.

**5. MEMBERSHIP Cont.**

- c) Corporate Membership shall be valid for a period determined by the committee from the day of joining.
- d) Corporate Members shall automatically lose their Corporate Membership status:
  - i) At the conclusion of the period from date of joining; or
  - ii) Upon admission as an ordinary member, whichever is earlier
- e) Each application for Corporate Membership shall be considered by the Committee and Club Management. The decision of the Committee and Management shall be final. In the event that the application is not approved by the Committee and Management, the candidate shall be informed in writing.
- f) On applying to join, the applicant for Corporate Membership shall supply the Club with a list of their members for the purposes of this membership. It shall at all times keep that list updated and will provide those persons with a method of identifying themselves to the Club that is acceptable to the Club. Each Corporate Member must sign and fill out relevant application forms.
- g) Those persons who are on the list of Corporate Members supplied by the Corporate Membership and who do not otherwise hold membership shall be deemed to be members of and subject to the rules of the club with the following limitations:
  - i) No voting rights at any General Meeting
  - ii) No right to hold office or be a member of the Executive Committee
  - iii) No right to nominate any applicant for membership or Committee
  - iv) No right to be eligible for membership draws or receive birthday vouchers
  - v) Is not entitled to reciprocal rights
  - vi) Not entitled to represent the Club at any sporting or other fixture
  - vii) Not entitled to admittance to the Annual General Meeting or extraordinary meeting
  - viii) All rights of membership shall cease upon the cessation of the membership or upon the corporate member ceasing to be affiliated with the Corporate Membership
  - ix) A corporate member may apply for ordinary membership of the club in accordance with the Club rules
  - ix) May be subject to other restrictions as determined from time to time by the Committee
- h) Corporate members may access and enjoy the facilities of the Club during times the Club is open.
- i) At all times corporate members will agree to abide by the Club's Rules and By-Laws and the New Zealand Law.
- j) If a Corporate Member's conduct is prejudicial to the peace and harmony of the Club or wilful infringement of Rules and/or By-Laws, a Corporate Member's membership may be rescinded by the committee of the club without hearing.

**6. SUBSCRIPTIONS:**

The annual subscription shall be such a sum as shall be determined by Members from time to time in Annual General Meeting or Extraordinary General Meeting.

- 1) The annual subscription shall be payable yearly in advance on or before the last day of July in each year.

**6. SUBSCRIPTIONS Cont:**

- 2) Any member whose subscription or other dues are not paid by the due date shall automatically cease to be a Member and his or her name shall be removed from any register of Members. They will not be relieved from payment of the Annual Subscription or of any other payment due or payable to the Club nor be refunded any subscription or other payment already paid to the Club.
- 3) Reapply for membership pursuant to Rule 5.1 if he or she wishes to be reinstated as a member.
- 4) A Member incapacitated through illness, accident or distress may, on notice in writing given to the Secretary, have his subscription suspended or remitted.
- 5) Any increase in G.S.T. or any other Government charge which the Club does not have any control over may be added to Members annual subscriptions on the direction of the Club Committee.

**7. RESIGNATION:**

- 1) Members may resign their Membership by letter addressed to the Secretary of the Club.
- 2) A resignation will not become effective until all subscriptions, levies or other payment owing at the date the resignation is received are paid.
- 3) No such resignation shall relieve any Member from payment of any subscription, levy or other payment due or payable at the time of resignation.
- 4) No subscriptions, levies or other payments already received by the Club as at the date of resignation shall be refunded on resignation.

**8. IMMEDIATE SUSPENSION:**

- 1) **GROUND FOR IMMEDIATE SUSPENSION:** A member shall be liable to be immediately suspended (interim suspension) from the Club if he or she:
  - (a) Removes any property of the Club, including but not limited to a book or newspaper, from the Club premises without the consent of the Committee.
  - (b) Wilfully or recklessly damages any property of the Club and refuses to replace or make good the damage.
  - (c) Persists in drunkenness, swearing, obscene language or other disorderly conduct on Club premises after being cautioned by any Committee Member or Duty Manager.
  - (d) Persists in creating a disturbance at any Meeting or other Club event, after being cautioned by a Committee Member or Duty Manager.
  - (e) Uses or threatens violence to any person or
  - (f) Contravenes any exclusion order or agreement that is in force, which restricts the Member from participating in gambling activities.
  - (g) Is convicted of a crime as defined in the Crimes Act 1961 (or any amendments) or any offence under the Gaming Act 2003.
  - (h) Uses or possesses illegal drugs on any part of the Club's premises.
- 2) **PROCEDURE FOR IMMEDIATE SUSPENSION:**
  - (a) Any Committee Member or any Manager on Duty pursuant to Section 115 of the Sale of Liquor Act or any amendment may immediately suspend a Member for the acts set out in Rule 8.1.
  - (b) A suspended Member shall be totally excluded from the Club's premises and Club activities from the time of committal of the offence until such time as the matter is dealt with by the Committee
  - (c) A suspended Member must forfeit his or her Membership card during the suspension period and loses reciprocal visiting rights with affiliated Clubs.

**8. IMMEDIATE SUSPENSION Cont:**

- (d) The Committee shall meet to consider the suspension in accordance with the procedures in Rule 9.

**9. EXPULSION AND SUSPENSION:**

- 1)  **GROUNDS FOR EXPULSION OR SUSPENSION:** A member shall be liable to be expelled or suspended from the Club if he or she breaches these Rules:
  - (a) Is convicted of a crime (as defined in the Crimes Act 1961 or any amendments) for which a penalty is imposed or an offence which, in the opinion of the Committee, is likely to prejudice any charter or licence held by the Club.
  - (b) In the opinion of the Committee, brings the Club and/or any of its Members, into disrepute or is found by the Committee to have committed any of the acts set out in Rule 8.
  
- 2)  **PROCEDURE FOR EXPULSION OR SUSPENSION:**
  - (a) Any Member may notify the Committee if he or she believes a Member may be liable to expulsion or suspension pursuant to Rule 9.1. This should be in the form of a written complaint.
  - (b) Within five (5) working days of receipt of such notice, or of a Member immediately suspended pursuant to Rule 9, the Chairperson should check the Club Rules and convene an executive committee meeting. If the Chairperson is the cause for the complaint/suspension, the Deputy Chair will convene the meeting. The Committee must then decide whether there is a case to answer and if upheld, shall form a Disciplinary Committee of one (1) committee member and two (2) non committee members to consider a notice of suspension or expulsion.  
The disciplinary committee will advise the full committee of its findings and recommendations.  
The full committee will consider the disciplinary committee findings and recommendations, then advise the member of the outcome.
  - (c) The Committee must give the Member concerned at least seven (7) days written notice of the Meeting, informing him or her of the nature of the complaint and how the complaint will be heard. Also his or her right to be heard at that Meeting and the process of the Meeting.
  - (d) Any member having been notified to attend and who fails to be present or neglects to notify in writing such inability to comply with the Disciplinary Hearing Committee or Appeals Committee's request shall be dealt with in absentia and shall forfeit any right of appeal.
  - (e) Any Member expelled or suspended not dealt with in absentia, shall have the right to appeal under Rule 27.
  - (f) Any expulsion or suspension shall be entered in the minutes of the Committee Meeting together with the name of the Member concerned.
  
- 3) An expelled Member or suspended Member shall not be relieved from payment of any subscription, levy or other payment due or payable at the time of expulsion or suspension and no subscriptions, levies or other payments received by the Club as at the time of expulsion or suspension shall be refunded on expulsion or suspension.
  
- 4) A Member expelled on the grounds of a criminal conviction shall not be eligible for re-election to membership unless a period of at least 12 months has passed since the date of expulsion. All decisions will be at the discretion of the Club Committee.



**9. EXPULSION AND SUSPENSION Cont:**

- 5) A Member who has been suspended under this Rule is ineligible to stand for election for any position on the Committee, for a period of two (2) years from the last day of that suspension.

**10. PROPERTY:**

- 1) Membership of the Club does not give any Member any transmissible or assignable interest by operation of law or otherwise in any of the property or funds of the Club.
- 2) If a Member ceases to be a Member for any reason, any interest he or she may nevertheless possess in any of the effects, property or funds of the Club will vest in the Club.
- 3) Any information which the Club provides intended solely for Members remains the property of the Club. Members must not pass on such information to any non-Member without the written consent of the Club.
- 4) General Club advertising including tournament fixtures and results, that are not intended to be viewed solely by the Club Members, may be distributed via "Social Media".

**11. COMMITTEE OF MANAGEMENT:**

1) COMMITTEE MEMBERS:

The General Business, Management and Control of the Club shall be conducted by Committee Comprising;

- (a) A President
  - (b) A Vice President
  - (c) A Treasurer
  - (d) Four (4) Committee Members
  - (e) Immediate Past President, who may serve ex-officio for a period not exceeding twelve (12) months.
- 2) Office holders of adjuncts are not Committee or Club officials by virtue of holding office.
  - 3) ELIGIBILITY:
    - (a) Candidates for the office of President or Vice-President must have been a financial Club Member for five (5) years immediately preceding the nomination. Any financial member wishing to stand for the office of President, Vice President or Treasurer must have served a full 2 year term on the Committee prior to standing for any of these positions.
    - (b) Each Committee Member must be a financial Member, an Ordinary, Gold Star or Life Member.
    - (c) Not be an employee of the Club.
    - (d) Have been a Financial Member for at least two (2) years immediately before nomination.
  - 4) ELECTION:

Committee Members shall be elected in the following manner;

    - (a) In the first year there will be an election for the positions of President, Vice President, Treasurer and two (2) Committee Members.
    - (b) In the second year there will be an election for two (2) Committee Members.
    - (c) If there should not be a Member nominated for the position of Treasurer, the Committee shall appoint a Member who will meet the requirements of the office until the following election.

**11. COMMITTEE OF MANAGEMENT Cont:**

- (d) The election of Committee will continue in two (2) yearly cycles with all standing Committee Members being eligible for re-election as their term of office expires. If the Club President and Vice President both fulfil their term in the same year, the sitting President may make a decision to defer the terms of one of the positions to ensure the two key positions are not vacated or changed within the same period.
- (e) Nominations for the Committee shall be made in writing on a form provided for the purpose and shall be deposited with the appointed returning officer at least twenty one (21) clear days prior to the Annual General Meeting.
- (f) The nominee, proposer and seconder must, at the time of nomination, be financial Members of the Club. If any are not then the nomination shall be void.
- (g) The election shall be by secret ballot on the Clubs premises.

5) RESIGNATION:

A Member of the Committee may resign by notice in writing to the Committee. Committee are deemed to have resigned if they are absent from three (3) consecutive meetings of the Committee without leave of the Committee.

6) REMOVAL FROM OFFICE:

A Member of the Committee may be removed from office for any reason which the Committee deems expedient in accordance with the following;

- (a) The Committee shall convene an Extraordinary General Meeting to consider the removal in accordance with Rule 19.
- (b) The Committee must give seven (7) clear days' notice in writing to the Committee Member in question, informing him or her of his or her right to appear and be heard at that Meeting.
- (c) After the Committee Member in question has had the opportunity to be heard, the Meeting may elect to remove him or her from office by simple majority vote.
- (d) If the Committee elects to remove the Committee Member, such removal shall be effective immediately.
- (e) On receipt of a notice of motion of no confidence in a Committee Member signed by fifty (50) Financial Members, the Committee shall convene an Extraordinary General Meeting and proceed in accordance with Rule 19.1(b).
- (f) A Committee Member, who has been convicted of any crime as defined in the Crimes Act 1961 (or any amendments) which in the opinion of a majority of the Committee brings the Club into disrepute, shall automatically and immediately be removed from office.
- (g) The Committee may elect to remove a Committee Member who becomes physically or mentally incapacitated to the extent that he or she cannot carry out his or her duties as a Committee Member.
- (h) No Committee Member who has been removed from office shall be eligible for re-election without the consent of a General Meeting.

7) VACANCY:

Any vacancy in any Committee position which is not filled at an Annual General Meeting or which occurs between Annual General Meetings shall be filled by the Committee appointing another person to the vacant office.

**11. COMMITTEE OF MANAGEMENT Cont:**

8) **POWERS:**

The Committee shall, subject to any limitations imposed by these Rules, have the power to;

- (a) Exercise all powers and authorities of the Club.
- (b) Do such other acts and things as it deems necessary or expedient for carrying out the business of the Club.
- (c) Form standing or ad hoc committees for the purpose of exercising its duties, authorities or powers.
- (d) Delegate its duties, powers and authorities to the Manager or to a Committee formed Under clause 11.8(c).
- (e) Co-opt any person to assist with its functions.

9) **DUTIES:**

Committee Members shall at all times:

- (a) Render every assistance to the President, Vice-President and staff of the Club to maintain order and to prevent infringement of the Rules, Regulations or By-Laws or the terms of any charter or license which may from time to time be granted to the Club.
- (b) In the execution of their duties, exercise fiduciary responsibility and act in the best interest of the Members.
- (c) Ensure that notices and signs required are displayed where they can be seen clearly by Members and guests and that they are current and valid.

**12. PRESIDENT AND VICE-PRESIDENT:**

- 1) The President and Vice-President shall be ex Officio of all sub-Committees and Adjuncts.
- 2) The President and Vice-President shall have the right of entry upon the Club premises at any time.

**13. TREASURER:**

The Treasurer shall;

- 1) Ensure that all monies received by the Club are paid into the bank for the credit of the Club.
- 2) Prepare a detailed report of the previous months receipts and payments for each monthly Committee meeting and present that to that Meeting.
- 3) Ensure that all taxes, duties and other payments required by statute are made before the due date.
- 4) All taxation and other financial returns required by statute are accurately completed and lodged by the due date.
- 5) Prepare the Club's Financial Statements and present them to the Annual General Meeting each year.
- 6) The Treasurer shall immediately bring to the attention of the Committee any financial irregularity or suspicion of financial irregularity or any concern regarding the financial performance of the Club.

**14. AUDITOR:**

The Club's accounts shall be audited annually in Annual General Meeting by a Chartered Accountant appointed by the members who shall;

- 1) Be a Member of the Institute of Chartered Accountants of New Zealand and;
- 2) Not be a Committee Member or hold any other office in the Club.
- 3) The auditor shall have the right to attend any Meeting of the Club at which the Club's financial affairs are under discussion, but shall not be entitled to exercise a vote on any question.

**14. AUDITOR Cont:**

- 4) The auditor shall be paid such fees as may be determined by the Committee from time to time.
- 5) The auditor shall have the power to call for the production of all books, papers and documents (including electronic documents) relating to the affairs of the Club. The financial statements shall be audited by him or her and if correct, certified under his or her hand before they are submitted to the Annual General Meeting.

**15. SECRETARY:**

The Club shall appoint a Secretary whose duties shall be to;

- 1) Attend to the secretarial and clerical duties of the Club.
- 2) Take minutes of Committee and General Meetings.
- 3) Generally conform to such regulations as shall from time to time be made by the Committee.
- 4) The Secretary's remuneration shall be determined by the Committee.
- 5) Nothing in this rule shall preclude the engaging of outside services in the performance of any of the above duties or from combining the office of Secretary with that of Manager.

**16. MANAGER:**

The Club shall appoint a Manager who shall be responsible for;

- 1) The day to day maintenance, cleanliness and service of the Club.
- 2) The engagement and dismissal of such employees as may be essential to provide adequate and efficient maintenance of the assets, and control of the Club.
- 3) Ensuring that the Clubs membership register is kept up to date.
- 4) Ensuring that the Club has a guest signing in book available for guests of members. Carrying out such other duties as are conducive to his or her office and that the Committee shall decide from time to time.
- 5) The Manager's remuneration shall be determined by the Committee.
- 6) The Manager shall have the right to attend all Committee Meetings but shall not have a vote.

**17. PATRON:**

The Club Patron shall be an honorary position and shall be appointed by the Committee.

**18. ANNUAL GENERAL MEETING:**

- 1) The Annual General Meeting of the Club shall be held not later than the last Sunday in October each year at such time and place as shall be fixed by the Committee for the purpose of;
  - (a) Receiving and adopting the Annual Report of the Committee.
  - (b) Receiving and adopting the financial statements of the Club.
  - (c) Considering and if necessary taking action on, any motion relating to the Annual Report or Financial Statements.
  - (d) Considering and if necessary taking action on any other motion of which due notice has been given.
  - (e) Election of Committee Members.
  - (f) Election of Board of Appeal.
  - (g) Election of Auditor.
  - (h) General business.
- 2) At least fourteen (14) days before the Annual General Meeting the following shall be by notice on the Club's notice board and either by an advertisement in a public newspaper circulating in the district of the Club or by notice circulated to each Member;
  - (a) Notice of Annual General Meeting.
  - (b) Notice of all business to be transacted at the Meeting.

**19. EXTRAORDINARY GENERAL MEETING:**

- 1) The Committee shall convene an Extraordinary Meeting if at any time:
  - (a) The Committee considers such a Meeting necessary or desirable.
  - (b) The Secretary receives a written requisition to do so signed by not less than fifty (50) Financial Members stating the purpose of the Meeting requisitioned, in which case the meeting must be convened for that purpose only.
- 2) Ten (10) days' notice specifying the time and place of an Extraordinary General Meeting, its purpose and an agenda shall be given by notice on the Club's noticeboard and either by an advertisement in a public newspaper circulated in the district of the Club or by notice circulated to each Member.

## **20. CONDUCT OF GENERAL MEETINGS:**

- 1) At all General Meetings the Chairman shall be:
  - (a) The President; or
  - (b) In his or her absence the Vice-President; or
  - (c) In the absence of both the President and Vice-President a Committee Member elected by the Meeting.
- 2) The quorum for a General Meeting shall be no less than seventy five (75) Financial Members.
- 3) A General Meeting shall be adjourned if:
  - (a) A quorum is not present within half an hour after the fixed time for the meeting; or
  - (b) A quorum is present and the Meeting elects to adjourn.
- 4) If a Meeting is adjourned the Committee shall:
  - (a) Fix a new date not more than fourteen (14) days later.
  - (b) Give at least three (3) days' notice of the adjourned Meeting in an advertisement in a public newspaper circulating in the district of the Club and notice on the Club's notice board.
- 5) If a quorum is not present at an adjourned Meeting the Meeting shall lapse. If a quorum is not present for an Extraordinary Meeting the agenda as displayed on the notice board shall automatically revert to the Committee to adjudicate on.
- 6) RESOLUTIONS:
  - (a) A Member may without notice ask any question or move any resolution relative to the Annual Report or Balance sheet.
  - (b) Any Member intending to move a resolution on any other matter must give notice of the proposed motion, seconded by another Member, to the Secretary at least twenty one (21) days before the Meeting and such notice shall be advertised with the notice of the Meeting.
- 7) PROCEDURE:

The following rules of debate shall apply;

  - (a) Each Member may only speak once to each motion or amendment, except the mover, who may reply.
  - (b) The mover of any substantial amendment to a resolution shall be allowed five (5) minutes in which to introduce his proposition and five (5) minutes for reply, and any other speaker will be allowed five (5) minutes.
  - (c) The Chairman shall decide whether any amendment proposed to a resolution is a substantial amendment or not.
  - (d) Each amendment must be either accepted or rejected before another amendment to the motion can be considered.
- 8) Except as otherwise provided for in these Rules all questions shall be decided by simple majority vote.

## **20. CONDUCT OF GENERAL MEETINGS Cont:**

9) All resolutions passed at any meeting shall be conclusive on all Members whether present or not, provided that the Meeting was held in substantial conformity with the Rules.

10) VOTING:

At any General Meeting:

- (a) Each Ordinary, Gold Star, or Life Member shall be entitled to be present and to give one vote on all questions.
- (b) Voting shall be on a show of hands in the first instance.
- (c) A declaration by the Chairman as to the result shall be conclusive unless a motion that the vote shall be taken by secret ballot is passed by a majority of the Members present.
- (d) In the event of equal votes being cast the Chairman shall have a casting vote.
- (e) A Returning Officer shall be appointed by the Club Committee for every General Meeting and shall be responsible for ensuring all voting and vote counting is conducted in a fair and legal manner and ensure all aspects of voting complies fully with the Club's constitution.

**21. COMMITTEE MEETINGS:**

- 1) The Committee shall meet regularly, and at least once a month at a time and place to be determined by the Committee, or on a requisition in writing to the Secretary setting out the purpose for which the Meeting is required and signed by three (3) Members of the Committee. A date for a Committee Meeting must be set within fourteen (14) days of the Secretary receiving a requisition under this clause.
- 2) At all Committee Meetings the Chairman shall be;
  - (a) The President; or
  - (b) In his or her absence the Vice-President or
  - (c) In the absence of both the President and Vice-President a Committee Member elected by the Meeting.
- 3) The quorum for a Committee Meeting shall be no less than four (4) of its members.
- 4) Any Committee Meeting shall be adjourned if;
  - (a) A quorum is not present within half an hour after the fixed time for the Meeting.
  - (b) A quorum is present and the Meeting elects to adjourn.
- 5) If a Committee Meeting is adjourned the Committee shall:
  - (a) Fix a new date not more than 14 days later.
  - (b) Give at least 3 days' notice of the adjourned Meeting to each Committee Member.
- 6) If a quorum is not present at an adjourned Meeting the Meeting shall lapse.
- 7) Except as otherwise provided by these Rules, all questions raised at a Committee Meeting shall be decided by a simple majority of votes cast.
- 8) In the event of equal votes being cast the Chairman shall have a casting vote.

**22. ACCOUNTS:**

- 1) The Committee shall ensure true accounts are kept of;
  - (a) All sums of money received and expended by the Club and the matters in respect of which such receipt and expenditure takes place.
  - (b) All cash assets, credits and liabilities of the Club including any charges and securities of any description affecting any property of the Club.
  - (c) All remuneration and entitlements relating to employees of the Club.
- 2) The books of accounts shall be kept at the office of the Club or other such place as the Committee may determine and shall be open to the inspection of Financial Members at all reasonable times.

**22. ACCOUNTS Cont:**

- 3) All monies received shall forthwith be paid into a bank approved by the Committee after being entered in the books of the Club as having been received.
- 4) All payments shall be reported to the Committee for confirmation at the next Meeting following payment.
- 5) Payment of all monies on behalf of the Club shall be made by electronic transaction authorised by two Committee Members one being the President the other being the Treasurer. In the absence of either the Vice-President will have signing authority.
- 6) At every Annual General Meeting the Committee shall present;
  - (a) The Clubs Financial Statements
  - (b) An Annual Report as to the state of the Club
- 7) The Club shall make returns required by Section 23 Incorporated Societies Act 1908 and shall comply with all relevant requirements of that act and any amendments.

**23. ADJUNCTS**

- 1) An Adjunct may be formed within the Club for sporting or special interest groups.
- 2) Any assets of the Adjunct are the assets of the Club. All monies received for Adjuncts shall be paid into the Adjunct's bank account.
- 3) All accounting, taxation, financial reporting and legal compliance responsibilities shall rest with the Club.
- 4) Adjuncts shall use the Club's accounting services in the following manner;
  - (a) Adjuncts must have a separate bank account to the Club.
  - (b) All payments shall be reported to the Adjunct Committee Meeting following payment and all monies on behalf of the Adjunct shall be made by electronic transaction authorised by two committee members, being either the President, Treasurer or Secretary, all with authorising rights.
  - (c) All payments on behalf of an Adjunct shall be made on the Adjunct's account.
  - (d) Adjunct accounts must be closed for Audit on 31<sup>st</sup> July each year. The Adjunct accounts to be audited by the Club Treasurer or a person nominated by the Club Committee before being presented to their Annual General Meeting.
- 5) The Committee of the Adjunct shall not do, or omit to do, anything that is likely to prejudice or not be in the best interests of the Club.
- 6) Members of an Adjunct involved in any activity of or related to the Adjunct, away from Levin Cosmopolitan Club premises, shall indemnify the Club and it's representatives from any problem, direct or indirect, loss or damage, claim or proceedings (including in negligence) caused or contributed to by that activity.

**24. SEAL**

- 1) The Club shall have a Common Seal which shall be kept in the custody and the control of the Secretary or the Club's solicitor.
- 2) Any document to be executed by the Club shall be available for inspection by every Member at all reasonable times and shall be executed with the following attestation pursuant to a resolution of the Committee.

The Common Seal of the Levin Cosmopolitan Club Inc. was hereto affixed by the Secretary in the presence of 2 Members of the Committee.

NAMES

SIGNATURES

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Secretary

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Member

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Member

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**25. GUESTS AND VISITORS:**

- 1) Any Member may invite any person as a guest to the Club in accordance with the following:
  - (a) By entering the Club a guest agrees to abide by these Rules.
  - (b) All guests shall enter their name and address in the Club's guest signing in book each time they visit the Club.
  - (c) The Member accompanying a guest shall also sign the guest signing in book and will at all times be responsible for the conduct of the guest.
  - (d) No guests shall be sold or supplied liquor on Club premises unless the guest is present at the invitation of a Member and is in the company of the Member and the liquor is supplied for consumption on the premises.
- 2) Members of Affiliated Clubs visiting the Club;
  - (a) Are deemed to agree to abide by these Rules.
  - (b) Have the same rights as Members to be sold or supplied liquor on Club premises provided they have produced sufficient evidence to an officer of the Club or member of its staff that they are a Member of an affiliated Club. No person, whether a member of an affiliated Club or otherwise, may become a regular or frequent visitor.
  - (c) Any financial Member of an affiliated Club may invite Non-Members under the same conditions and restrictions as financial Members of the Levin Cosmopolitan Club.

**26. OFFENCES:**

- 1) If a member is convicted of any crime (as defined in the Crimes Act 1961 as at 01 June 2010) after election to the Club.
  - (a) He or she must inform the Secretary of the conviction and any penalty imposed.
  - (b) The Secretary shall report the fact to the Committee at or before its next meeting.

**27. BOARD OF APPEAL:**

- 1) A Board of Appeal consisting of three (3) Members shall be elected at each Annual General Meeting. Committee Members shall not be eligible for membership of the Board of Appeal.
- 2) The Board of Appeal shall hear and decide any appeal lodged by a Member or Members against any decision of the Committee made where a breach of the rules could result in suspension or expulsion in accordance with the following;
  - (a) Any Member who wishes to appeal must give notice in writing to the Secretary within seven (7) days of the date of such committee decision, stating the grounds for appealing.
  - (b) Within seven (7) days of receiving such notice, the Secretary shall convene a meeting of the Board of Appeal.
  - (c) The Board of Appeal shall re-hear the case but shall not admit fresh evidence, except where an application has been made to the Committee for a re-hearing and has been refused.
  - (d) There should be no conflict or association in any form with either the Appellant or the Offender within members of the Appeals Committee.
- 3) The decision of the Board of Appeal shall be final.

**28. DISPUTES:**



Except where otherwise provided in these Rules, every dispute in relation to these Rules between a Member or persons claiming through a Member and the Club or a Committee Member shall be decided by the Committee and the decision shall be binding on all parties without appeal.

**29. INTERPRETATION:**

In the interpretation of these Rules, the decision of the Committee shall be final and binding.

**30. REVISION OF REGULATIONS:**

- 1) These regulations may be revised or amended by a resolution passed by a majority vote of the Financial Members present at a General Meeting. This is subject to the provisions of Section 21 (Amendment 2005) of the Incorporated Societies Act 1908 and shall comply with all relevant requirements of that Act.
- 2) Notice specifying the intention to propose such a resolution must be given in writing to the Secretary at least twenty one (21) days before a General Meeting and such notice shall be posted on the notice board in the Club with the notice of the Meeting.
- 3) No amendment to these Rules shall take effect until those amendments have been approved by Incorporated Societies and confirmation has been received by the Club Secretary.

**31. DISSOLUTION AND/OR LIQUIDATION:**

- 1) The Club may only be dissolved by the Registrar of Incorporated Societies;
  - (a) If at an Extraordinary General Meeting called by the Committee for that purpose passes a resolution that the Registrar make a declaration of dissolution.
  - (b) As provided for in the Incorporated Societies Act 1908 (Amendment 2010).
- 2) The Club may be put into liquidation;
  - (a) At an Extraordinary General Meeting called by the Committee for that purpose.
  - (b) As provided for in the Incorporated Societies Act 1908 (Amendment 2010).
- 3) On the dissolution of the Club by the Registrar all surplus money and assets after the payment of all costs, debts, and liabilities shall be disposed of in accordance with the rules, then as the Registrar directs.
- 4) The Committee shall administer the dissolution of the Club and the division of surplus money and assets on winding up by distribution to a charitable organisation or institution to be determined by the Committee.

**32. GENERAL:**

- 1) All matter provided for in these Rules shall, at all times be dealt with in accordance with the following guiding principles;
  - (a) The Club is established for the benefit and convenience of its Members.
  - (b) The admission of non-members should at all times be subordinated to the comfort, well-being and satisfaction of Members.
  - (d) The admission of guests should always be regarded as a privilege of the Members, granted to enable them to dispense periodic hospitality to their casual guests and not as a means of augmenting the revenue of the Club.
  - (e) At all times the provision of the Club's license as issued by the Liquor Licensing Authority is to be maintained and upheld.

**33. INCORPORATED SOCIETIES ACT:**

The Members and Committee agree that when the Incorporated Societies Act changes, our Constitution automatically changes to fall in line with the Act without the need to consult the members.

Members Certificate

We hereby certify that these Regulations have been approved at a  
General Meeting of the Levin Cosmopolitan Club Inc.

Held on .....

NAMES

SIGNATURES

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Secretary

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Member

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**APPENDIX 1.**

**BY-LAWS:**

These By-Laws are made in accordance with the Club's powers pursuant to Rule 4.

- 1) No raffle shall be allowed on the Club's premises or goods exhibited for the purpose of a raffle except with the authority of the Committee.
- 2) No unlicensed or unlawful gambling or gaming shall be permitted in the Club.
- 3) No petition except for the purpose of convening an Extraordinary General Meeting shall be allowed to circulate on the premises of the Club.
- 4) No business cards or notices shall be displayed on Club premises without the sanction of the Committee.
- 5) No member shall without the sanction of the Committee;
  - (a) Conduct a business on Club premises.
  - (b) Use the Club address for business purposes.
  - (c) Give the address of the Club in an advertisement.
- 6) No animals shall be allowed in the Club with the exception of guide dogs.
- 7) Members shall not interfere with, deface or damage the Club's property, or commit any nuisance in or about the premises.
- 8) No person, political group or party shall be allowed to use any part of the Club's premises for any political purpose.
- 9) No member shall give any gratuity to any employee of the Club.

**MISCELLANEOUS:**

- 1) Gaming machines are for the use of Members, Guests accompanied by Members and Members of Affiliated Clubs with Reciprocal Visiting Rights only. Prizes will only be paid to these persons and proof that the person is lawfully in the Club will be required. If the Club does not have a rule suitably displayed the Club must pay out all prizes in accordance with the Gambling Act 2003.
- 2) A suitable standard of dress is required to be worn while on the Club premises which must be acceptable to Club management.
  - (a) Bare feet, gumboots, singlets, clothing with offensive text, gang patches or any unsuitable clothing will not be acceptable.
  - (b) Overalls will only be acceptable when worn by contractors or persons required to perform repair work in or on Club premises. Clean work boots.
  - (c) The wearing of helmets, balaclavas or hoods to be prohibited on Club premises.
- 3) Children do not have access to the Club premises unless in the company of their parents or a legal guardian and must remain with them whilst on the premises.  
Some areas of the Club are out of bounds and Children are required to be off the premises by the time set by the Committee, as amended from time to time.
- 4) Club operating hours are set by the Committee, as amended from time to time.  
Operating hours are restricted by the Club Licence and Off Licence.  
All Class 4 Gaming Machines are to be turned on whenever the bar is operating.

**APPENDIX 2.**

**Definitions and Interpretations:** In these rules unless the context requires otherwise.

Adjunct	means an adjunct or section of the Club formed for the sporting and special interest groups within the Club.
Association	means Clubs New Zealand Incorporated.
Club	means Levin Cosmopolitan Club Incorporated.
Committee	means the Clubs elected Committee of Management
Constitution	means a set of fundamental principles (rules made up of regulations and by-laws) established to form and govern the Club. These principles together make up, i.e. constitute, what the Club is for. When these principles are written down into a single or set of legal documents, these documents may be said to comprise a written constitution.
Financial Member	means an Ordinary Member, a Gold Star Member, Life Member or Junior Member with no outstanding subscription or payment due to the Club.
Financial Statement	means the Club's balance sheet and statement of accounts made up to the last day of the Club's financial year.
General Meeting	means an Annual General Meeting or Extraordinary General Meeting.
Rules	means individual regulations and/or by-laws that are set in place for guidance, in their various forms, for the efficient management and operation of the Club. Together all the Rules form the Club Constitution.
Regulations	means processes (rules) that regulate individual and group behaviour, leading to conformity and compliance to the rules of the Club and which the regulations can only be changed by a majority vote at a General Meeting following the required days Notice of Motion. Changes must be referred to the Registrar of Incorporated Societies.
Secret Ballot	means a method of voting where the count is not open to dispute and the identity of those voting for or against the motion can be kept secret.