

**POHARA BOAT CLUB INCORPORATED**  
225100

RULES 2009 (amended 2021)

1. TITLE

The name of the club shall be “Pohara Boat Club Incorporated”.

2. OBJECTIVES

The objectives of the club are:

- a) The encouragement and amusement of the sport of sailing and maritime pastimes of all kinds.
- b) The fostering of good seamanship and safe practices.
- c) The development of racing skills and knowledge of the racing rules.
- d) The development of personal independence and good sportsmanship.
- e) The furtherance of good relations between the Club and Yachting New Zealand (Inc) and the authorities having control of Port Golden Bay, Golden Bay in particular, and all New Zealand waters in general.
- f) The promotion of social activities.
- g) To purchase, take out lease, exchange or otherwise acquire any lands, buildings, easements or any real property which may be required or conveniently used in connection with any objects of the Club and to build, alter, sell, convey, transfer, assign, and grant easements in respect of mortgage or loans, lease out or hire or otherwise dispose of the same.
- h) Any income, benefit or advantage must be used to advance the charitable purpose of the Club.

3. OFFICERS

The officers of the club shall consist of: one Honorary Patron. Commodore (who shall be president and club captain), Vice Commodore, Secretary and Treasurer.

4. COMMITTEE

- a) The affairs of the club shall be conducted by a committee which shall be elected at the annual general meeting and shall consist of the commodore, vice- commodore, secretary and treasurer, plus one member representing each of the several sub-committees and sections of the club (i.e. social committee, junior sailing, senior sailing, etc).
- b) A member may be elected to represent more than one sub-committee or section.
- c) Should the number of elected representatives, together with the above officers be less than ten (10) on the committee, the committee shall have the power to add to this membership during the year for any special purpose by co-opting additional members.
- d) Subject to the directions of any special or general meeting, the committee shall have the entire management of the general affairs of the club excepting the forming of new rules. It may make, alter and rescind by-laws including racing rules.
- e) Any members of the committee failing to attend three consecutive meetings shall cease to be a member thereof unless he or she shall first have obtained leave of absence for a definite period or has legitimate reason for such absence.
- f) The committee shall elect a member to fill any vacancy occurring during the year including a secretary or treasurer. The committee shall meet whenever it deems necessary and shall hold not less than one meeting per month during

the sailing season. At meetings of the committee, five (5) shall form a quorum. A committee meeting may be called by the commodore, secretary or three (3) members of the committee upon giving notice to the secretary in writing.

- g) No club member may gain pecuniary benefit from commercial business with the club unless this business is approved by the committee.

## 5. SUB-COMMITTEES/SECTIONS

Each annual general meeting shall decide upon the type of sub-committees and sections required for the ~~ensuring~~ **ensuing** year. The annual general meeting or the management committee shall elect from among club members a minimum of two (2) persons to assist each of the representatives of the several sub-committees and sections mentioned in Rule 4 (a).

## 6 ELECTION OF OFFICERS

- a) The officers of the club shall be elected at the annual general meeting. The Patron shall be entitled to all privileges of membership.
- b) Nominations for the election of officers of the club shall be called by advertisement one month prior to the annual general meeting. Nominations will close with the secretary fourteen days prior to the annual general meeting. Nominations received will be circulated to all members or displayed on the club notice board by the secretary no less than seven days prior to the annual general meeting.
- c) All nominations must be in writing and bear the signature of the nominator, seconder and nominee, who must all be financial members of the club. In the event of not receiving sufficient nominations by the closing date, nominations received shall be confirmed and nominations for the remainder of the positions shall be called at the annual general meeting.
- d) The Pohara Boat Club Committee will make an annual donation to I.R.D. approved registered community groups, clubs or associations established for charitable purposes.

## 7 ACCOUNTS

1. The committee must cause accounting records to be kept that:
  - (a) Correctly record and explain the transactions of the committee.
  - (b) Will at any time enable the financial position of the committee to be determined with reasonable accuracy.
  - (c) Will enable the officers to ensure that the financial position of the committee comply with section 10 of the Financial Reporting Act 1993.
  - (d) Will enable the financial statements of the committee to be readily and properly audited **or reviewed by an independent person/firm.**
2. Without limiting clause 7 (1), the accounting records must contain:
  - (a) Entries of money received and spent each day and the matters to which it relates.
  - (b) A record of the assets and liabilities of the committee.
3. If the committee's business involves dealing in goods:
  - a) A record ~~be is~~ kept of goods bought and sold, which identifies both the goods and buyers and sellers and relevant invoices.
  - b) A record of stock held at the end of the financial year, together with records of any stock takings during the year.

- c) If the committee's business involves providing services, a record of the services provided and the relevant invoices must be kept.

## 8 CONTROL OF FUNDS

All funds of the club shall be under the control of the committee and all moneys shall be paid to the treasurer, who shall keep correct accounts and books showing the financial affairs of the club, and the particulars usually shown in the books of like nature, and shall pay into such bank as the committee may from time to time direct to the credit of the club, all moneys received and for which there is no immediate use. The Treasurer shall submit a statement of the financial affairs of the club to the annual general meeting, such statements having previously **been audited or reviewed** examined and certified by the auditor. All payments out ~~of the funds~~ of the funds of the club shall be made pursuant to an order or resolution of the committee. Withdrawals from the bank shall be **signed authorised** by any two of the three following: Commodore, Vice-commodore or Treasurer.

## 9 AUDIT

- a) The committee must, at each annual general meeting, appoint an auditor/**reviewer** to hold office from the conclusion of the meeting until the conclusion of the next annual general meeting.
- b) Audit/**review** the financial statements of the committee and any sub-committee of the organisation.

## 10 MEETINGS AND MEMBERSHIP

- a) At all meetings the senior officer shall preside. In the event no officer being present, the meeting shall elect a chairperson.
- b) The financial year of the club is the year ended ~~30 April~~ **31<sup>st</sup> March**.
- c) The annual general meeting shall be held in the month of ~~June~~ **May** each year **unless under exceptional circumstances dictate otherwise eg: pandemic. A meeting will be held at earliest convenience**, at such time and place as the committee shall appoint.
- d) A special general meeting may be called at any time by the committee or by the commodore and a special general meeting must be called upon a requisition signed by at least ten (10) financial members, such requisition to state the object thereof. Only such business as been notified to members by the notice convening the meeting shall be decided.
- e) Seven (7) days notice shall be given of all general meetings by notice on the club's notice board, where possible members to be circularised by post. All meetings must start at the advertised time. At any general meeting ten (10) shall be the quorum. ~~All questions shall be decided by a show of hands, unless a ballot is demanded by the chairman or at least three (3) members.~~
- f) A candidate for membership shall be proposed and seconded at a meeting of the committee and shall be elected by a majority vote of the committee in his or her favour. Provided that should a candidate desire to participate in any activity open to members only before a committee meeting is held, such candidate duly proposed and seconded, may do so provided the appropriate subscription is paid. If such a candidate is not elected, the subscription paid shall be returned.

## 11 CONSTITUTION

The club shall consist of:

- a) Senior members (male and female) ~~16~~ **18** years of age and over.
- b) Junior members (male and female) under ~~16~~ **18** years of age.

All members may participate in races and enjoy the privileges of the club, but members under 16 years of age shall not be elected to any office, and not be entitled to vote at any meetings, with the exception however of the junior members elected to be representative on the club committee, provided such junior be 16 years of age or over.

- c) **Addition to constitution following Special Meeting 16 November 2014: PBC has affiliations with other clubs that have reciprocal rights to our facilities. Lists of affiliated clubs to be maintained by PBC committee**

## 12 HONORARY LIFE MEMBERS

Any person for sufficient reason may, if nominated by the committee for that purpose, be elected at any general meeting an honorary life member of the club. Such election shall be by ballot.

## 13 SUBSCRIPTIONS

The annual subscription for each class of member shall be fixed at the annual general meeting.

## 14 DUES

(a) The subscription year of the club commences on 1 July and all members' subscriptions, rentals and other dues for the season shall be paid to the treasurer by 1 October each year.

(b) If any member fails to pay their subscription, rental or dues by 1 October as aforesaid, the committee may, at its discretion, resolve that the name of the defaulter shall thereupon cease to be a member of the club, provided however that the committee has the power to reinstate any such cessor of membership shall be without prejudice to the club's right to recover any subscription or other money due and owed by such member.

## 15 ARREARS

No member whose subscription, rental or dues or any of them are in arrears and those notice has been brought to the fact, shall be entitled to vote at any meeting or compete for prizes or participate in any club race until such moneys are paid.

## 16 BOAT REGISTER

### (a) Yachts

Each member shall state in writing to the race secretary the name, rig, measurements and private flag of every yacht belonging to such member for whom he or she shall desire the privileges of the club, and such other particulars as the committee from season to season may decide upon, and the particulars shall be entered into the club register, and no yacht shall be eligible to compete in club races except as the committee provides for outsiders unless such registration has been made. The committee may from time to time fix the fee payable for placing a yacht upon the register.

### (b) Power Boats

All relevant particulars of a power boat belonging to a member for which is desired the privileges of the club shall be supplied in writing to the elected representative for power vessels, and such particulars shall be entered in the club register. No power boat shall be eligible to compete in club races or other club activities except as the committee provide for outsiders, unless such registration has been made. The relevant particulars for registration shall be determined by the committee which may also from time to time fix the fee payable for such registration.

## 17 ENSIGN

The club ensign shall be the Red Ensign of the New Zealand Mercantile Marine.

18 BURGEE

The club shall have an official burgee.

19 FLYING FLAGS

No member shall fly the club flags from any vessel not on the club register. This rule may not be held not to apply in the case of the flag officer. The club burgee is to worn at the main masthead.

20 VISITORS

Members have the privilege of introducing visitors. A member introducing a visitor shall ~~enter the visitor's name in the visitor's sign the visitor in at the bar in the sign in~~ book and shall be answerable for the conduct of this guest while on club premises. ~~The same visitor may only be introduced a limited number of times.~~

21 CLUB PROPERTY

No members shall remove any property of the club from the club's premises except by agreement of the manager.

22 DAMAGE

Members shall pay the full cost of replacing any club property destroyed, damaged or lost by them.

23 INSURANCE

All club property to be covered by insurance.

24 OBJECTIONABLE BEHAVIOUR

No gambling, betting or objectionable language or conduct of any kind shall be allowed, nor shall any intoxicating liquor be consumed on club premises except by order and on the authority of the **general** committee. The committee shall have the power of fining, suspending or otherwise penalising any member offending against his rule, and no member so fined shall be entitled to enjoy the privileges of any membership until such fine or penalty has been paid. If the conduct of any member, in the opinion of the committee, be injurious to the character and interests of the club, a committee meeting may be called to consider the person's expulsion.

25 JUNIORS

Junior members at all club functions must leave the premises by 9.00 p.m. unless accompanied by a parent or adult who shall be responsible for such junior's behaviour. The club committee may extend the above time limit should the occasion warrant. No junior member shall be permitted to consume intoxicating liquor on or near the club's premises.

26 NOTICES

(a) No notice shall be posted on club premises unless signed and dated by the commodore or secretary or the racing secretary or the NMYA delegate or two members of the committee.

(b) All official copy concerning the club must be authorised by the commodore before publication.

27 MEMBERS PROPERTY

The club will not be responsible for the property of any member left on the club's premises. Boats and gear are stored at the owner's risk.

- 28 **DOGS**  
Dogs are not permitted in the clubhouse **and must be on a lead on club land.**
- 29 **ALTERATION OF RULES**  
No additional to, alteration, ~~amended~~ **amendment** or revision of these rules shall be made except at a general meeting and by a majority in proportion of four (4) to three (3) members present and voting at such general meeting and must not alter the charitable status of the club. In the notice of such general meeting the proposed addition, alteration, amendment or revision shall be set forth. For the purpose of these rules the term *charitable status* means that a charity is established and maintained for charitable purposes and not for private or individual benefit.
- 30 **COMMON SEAL**  
The common seal shall be kept in the custody of the treasurer **or Secretary** and shall be used only by authority of a resolution of the committee. Every instrument to which the seal shall be affixed shall be signed by the commodore and two other members of the committee.
- 31 **WINDING UP**  
By a majority vote of the members present at a special general meeting called for the purpose, the club shall be wound up. Members at this meeting shall distribute the club's assets. The building shall revert to Tasman District Council ownership. The club's remaining assets, including funds, shall be distributed to their likeminded organisations that are I.R.D. registered charitable organisations. No member or private individual may benefit financially from this process.
- 32 **FIRST AID KIT**  
A first aid kit of an approved type shall on hand at all club functions.
- 33 **VOTING**  
**Voting or Questions shall be decided by vote (aye/nay) or a show of hands unless a ballot is called for by the chairperson or at least three (3) members**
- a) **If a ballot is called for the time must be allowed for voting by email so all full financial members can vote**
  - b) **Proxy voting is permitted**
- 34 **CLUB RAMP**  
**This ramp is to provide limited access for members of the Pohara Boat Club to enable the launching & retrieval of small yachts, 2 waka ama vessels and the clubs rescue craft. It is not for the general use by either the public or any other members for any other use.**
- a) **The only motorised craft that may launch on this boat ramp are club rescue craft.**
  - b) **It is for PBC members use only for launching and retrieving of small yachts.**