



# **KAMO CLUB**

# **Incorporated**

# **Rule Book**

August 2023

**REGISTERED OFFICE: 7 – 11 MELDRUM STREET – TE-KAMO  
WHANGAREI 0112**

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## **RULES OF THE Kamo Club Incorporated**

### **NAME**

**1.0** The name of the club shall be The Kamo Club, Incorporated, hereinafter referred to as "the Club".

### **REGISTERED OFFICE**

**2.0** The registered office of the Club shall be at the Club's buildings, Meldrum St, Te-Kamo or such place as the Board shall from time to time appoint.

### **OBJECTIVES**

**3.0** The objects for which the Club is established are -

(a) To conduct, administer and maintain a Chartered Club for its members and for such persons as are authorised from time to time in accordance with the terms of any charter and/or licenses granted to the Club.

(b) To provide amenities and cultural activities and promote sports and generally to provide an atmosphere where the members may meet and enjoy the companionship with one another.

### **MEMBERSHIP**

**4.0** Membership of the Club shall consist of Nominated Members, Ordinary Members, Youth Members, Life Members, Introductory Members and Corporate Members and shall comprise:

(a) **Life Members** elected as such pursuant to Rule 9.0 hereof.

(b) **Ordinary Members** shall be Persons of not less than 18 years of age, or such lower age as may be authorised by the Sale of Liquor Act 2012 and its amendments, or any Acts or Act passed in substitution thereof.

(c) **Youth Members** shall be persons aged 12 years to 18 years or legal drinking age. Such persons will be nominated by the Kamo Club Section they belong to, these applications must obtain Board approval.

**4.1** Life and Ordinary Members shall be entitled to rights and privileges as follows: -

(a) entry to the Club premises during such hours as may be defined by the Board (see Rule 30.0)

(b) the right to hold office in accordance with the rules of the Club.

(c) an equal voice in all business of the Club.

(d) the privilege of admission to any chartered club with which the club has reciprocal rights.

**4.2** Nominated Members hereafter referred to as Nominees. Their rights are as covered in rule 5.0, 5.1 and 5.2.

**4.3** Youth Members shall be entitled to utilise the Clubs facilities under the following conditions: -

(a) When present in the Club the Youth Member must be accompanied by his or her Parent or Guardian.

(b) The Parent or Guardian mentioned in 4.3(a) must be a fully Financial Member of the Club.

(c) Youth Members will not have the right to vote or partake in the business of the Club.

(d) Youth Members will not have the right to sign in guests.

(e) Youth Members will have a special membership number, which will not be eligible for the snowball draw and associated door sweep lotteries.

(f) For the interpretation of Rule 10.1(6) time as a Youth Member will not qualify a person to be able to stand as a Board Member.

(g) Youth Members may participate in all Club and Section competitions.

(h) Youth Members may represent the Club at Regional, Island and National Tournaments provided that the Tournament Host Club has acknowledged their acceptance that Youth Members can be in their Club facilities and participate in the tournament.

(i) Upon reaching the age of 18 or legal drinking age, Youth Members are eligible to apply for Ordinary Membership.

(j) Members shall automatically lose their Youth Membership status:

(i) Three months after reaching 18 years of age or legal drinking age; or

(ii) Upon admission as an Ordinary Member, whichever is first.

#### 4.4 Introductory Membership.

The Club may from time to time with the approval of the Executive Board and Management of the Kamo Club approve Introductory Membership to males and females of at least the Legal Purchasing Age in accordance with the following rules.

- a) Each applicant for introductory membership shall complete the applicable application form.
- b) Each applicant shall deposit, at the time of application, a subscription of such sum as per section 7.3 of this constitution.
- c) Introductory membership shall be valid for a period of one month from the day of joining.
- d) Introductory members shall automatically lose their Introductory Membership status.
  - i. At the conclusion of the one-month period from the date of joining; or
  - ii. Upon admission as a Nominee member as per Section 5.0, whichever is earlier?
- e) Introductory Membership cannot be extended and is not renewable.
- f) Introductory members must carry evidence of membership as issued and produce the same on request to any person authorised by the Committee or Management to make such request.
- g) Introductory Member's rights are restricted to 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. Is not entitled to reciprocal visiting rights.
  - iv. Are not entitled to participate in member promotions.
  - v. May be subject to other restrictions as determined from time to time by the committee.
- h) Subject to the foregoing, Introductory Members may access and enjoy the facilities of the club during times that the club is open.

- i) The Executive Committee reserve the right to revoke Introductory Membership at any time if the introductory member is found to have provided false information or is deemed to have breached the club's constitution.

#### **4.5 Corporate Membership**

Any Club or other Incorporated Body, or Business approved by the Executive Committee from time to time, may apply for Corporate Membership.

Corporate Associate Members (Staff), and who are not otherwise members of the Club shall be deemed to be members of and subject to the rules of the Club with the following provisos:

- a) Entry to the Club premises is restricted to occasions when the Corporate Member is using the Club premises for an agreed purpose.
- b) They shall always carry the agreed identification whilst in the Club.
- c) Corporate members or Corporate Associates may not stand for any "Office" in the Club, nor may they have speaking or voting rights at Annual or Special General Meetings.
- d) Corporate or Associate Members will not have "reciprocal" visiting rights to other Clubs, nor represent the Club in sporting fixtures.

**4.6** Employees of the Club shall not be eligible for membership.

#### **ADMISSION OF MEMBERS (Nominees)**

**5.0** Each candidate for membership shall be nominated in writing by two financial members of the Club who have been members for the preceding twelve (12) months, on the form provided for the purpose. The nomination form shall include the forenames, surname, age, residential address and occupation of the candidate and an undertaking that they will abide by the Rules of the Club. The names of candidates shall be posted on the Club's notice board for one month prior to election.

**5.1** The Board shall have the right to accept or reject any nomination.

**5.2** Nominee Members List: A list of nominees received under rule 5.0 shall be formed. From this list the Board will select new full members.

**5.3** Nominee Members are not allowed to attend a General Meeting of the Kamo Club Inc.

Nominees on the list shall be entitled to enjoy entry to the Club premises during such hours as may be defined by the Board.

## **TERMINATION OF MEMBERSHIP**

**6.0** By Resignation: Members may resign their membership by letter addressed to the Manager of the Club to that effect and by paying all subscriptions owing at the date of such letter of resignation.

**6.1** By expulsion or suspension: Members who misconduct themselves or commit offences under these Rules render themselves liable to expulsion or suspension on the majority decision of the Disciplinary Committee; Members shall have the right to appear and be heard at any meeting of the Disciplinary Committee considering a complaint against them as per Section 18.

## **SUBSCRIPTIONS**

**7.0** All subscriptions shall be paid yearly in advance. The annual subscriptions for Ordinary Members and Youth Members shall be such respective sums as shall from time to time be determined by Members in Annual General Meetings or at such a Special General Meeting called for that purpose.

**7.1** The subscription year of the club shall commence on the first (1st) day of November in each year. Renewal of Subscriptions paid in full before the thirtieth (30th) day of November shall be eligible for a prompt payment discount of one third (1/3rd),

**7.3** The subscriptions for Introductory Members shall be such respective sums as shall from time to time be determined by the Board.

**7.4** The subscriptions for Corporate Members shall be such respective sums, not less than four times the Ordinary membership fee and as shall from time to time be determined by the Board.

## **ARREARS**

**8.0** Any member whose subscription or dues are in arrears, shall be classified as an un-financial member and shall automatically surrender all rights and privileges as contained in Rule 4.1. Un-financial members shall have until 31st January of the following year to reinstate full membership upon payment of the subscription. Any member whose subscription or dues are in arrears as at the close of business on 31 January, shall be struck off the register of members.

**8.1** Any member who is absent from New Zealand, or incapacitated through illness, accident or distress may, in writing given to the Club Manager, have the subscription suspended, remitted, or discounted.



## **LIFE MEMBERS**

**9.0** The Club in Annual General Meeting, upon recommendation by the Board, or upon the motion of any member, may elect by ballot, to grant life membership to any member for meritorious service rendered to or on behalf of the club.

**9.1** Notice of intention to recommend shall be in writing to the Club Manager and posted on the Club's notice board for twenty-one (21) clear days prior to the Annual General Meeting.

**9.2** Life Members shall be exempt from annual subscription.

## **BOARD**

**10.0** The general business, management and control of the club shall be conducted by a Board of Management comprising -

(1) Executive Board Members (1) President (2) Vice President (3) Secretary (4) Treasurer (2) Ordinary Board Members (Six Positions) Provided that the offices of Secretary and Treasurer may be held by the same person who shall be designated "Secretary / Treasurer" and the office of Secretary may be held by a Manager appointed under rule 14 hereof who shall be designated the "Chief Executive Officer"

**10.1** The Board shall be elected in the following manner: -

(1) Nominations shall be made in writing on a form provided for the purpose and shall be deposited with the Club Manager by 8.00pm at least twenty- one (21) clear days prior to the Annual General Meeting. The proposer and seconder shall, at the date of nomination, be financial members of the Club and have been so for the preceding twelve (12) months. If either is not, then the nomination shall be void.

(2) The election of the Board shall be by secret ballot at the Club's Annual General Meeting.

(3)(a) If the President, Vice President, Treasurer, or any Ordinary Board Member dies, resigns, refuses to act, or becomes incapacitated from action, or if there be any defect in the number of members on the Board, then any vacancy, shall be filled as follows:

(b) Where such vacancy occurs in the office of President, the Vice- President shall automatically be elected to fill such vacancy.

(c) Where such a vacancy occurs in the office of Vice-President or Treasurer, the Board shall forthwith elect one of their number to fill such vacancy.

(d) Where such vacancy occurs in the office of Ordinary Board Member, the unsuccessful candidate for the office of Ordinary Board Member, who polled the highest number of votes at the election before the vacancy occurring shall fill such vacancy.

(e) Should there be a defect in the numbers of the Board not otherwise provided for under these Rules, the Board may fill such vacancy or vacancies.

(4) Any Executive Board Member appointed after the date of the annual election shall hold office only until the next annual election. Any Ordinary Board Member appointed after the date of the annual election shall hold office for the balance of the term of the Ordinary Board Member in respect of whom the extraordinary vacancy on the Board has occurred.

(5) The President, Vice-President, Secretary, Treasurer and Ordinary Board Members shall be eligible for re-election.

(6) Every candidate for office as an Executive Board Member, shall have served at least two (2) years as an Ordinary Board Member. Every candidate for office as an Ordinary Board Member must have been a member of the Club for at least two (2) years.

(7) A member may be a candidate for, but shall not hold, more than one office. In the case of plural nominations, the order of voting for office shall be President, Vice-President, Secretary, Treasurer, Ordinary Board Members.

(8) For any office other than that currently held, and if successful the vacancy so caused on the Board shall be an extraordinary vacancy if not filled at the Annual General Meeting.

(9) Any member who has been suspended by the Board for misconduct shall not be eligible for office within two (2) years from the conclusion of such suspension.

(10) No candidate shall be entitled to canvas for votes or support at a Club election by advertisement, circular, letter or ticket. Any candidate infringing this rule or allowing any other person to solicit votes or support for the, shall be automatically disqualified from that election.

(11) The Executive Board Members and Auditors shall hold office for Twelve (12) months, Ordinary Board Members for twenty-four (24) Months, retiring at the Annual General Meeting but shall be Eligible for re-election. Three Ordinary Board Member positions shall retire each year.

(12) The position of Patron shall be decided by nomination as provided in this rule and once elected by members present at the Annual General Meeting shall hold office until such time as the office holder dies, resigns, refuses to act, or becomes incapacitated from acting.

(13) If the number of candidates for any office does not exceed the number required to be elected, the members nominated shall be declared elected at the time fixed for the declaration of elections.

(14) The Club's Manager shall act as Returning Officer and shall issue a ballot paper to each Financial Member and Life Member present at the General Meeting who shall lodge a

completed ballot paper in a box provided by the Returning Office. Rules 24.1 and 24.2 shall apply to the election of officers.

(15) Scrutineers shall be elected by members at the General Meeting.

(16) Any paid official or servant of the Club endeavouring to influence the result of an election shall be liable to summary dismissal.

**10.2** A member of the Board shall vacate his office if he: -

- a) Is absent from three (3) consecutive meetings of the Board without leave of the Board.
- b) Resigns by giving notice in writing to the Board.
- c) Does not resign within seven (7) days of the Board giving notice in writing, calling for a resignation, for any reason the Board deems expedient as per section 17.3.

#### **PRESIDENT AND VICE PRESIDENT**

**11.0** The President shall preside at all meetings of the Club and the Board. In the President's absence the Vice President shall preside and failing both attending the meeting shall elect a chairperson. The chairperson of any meeting shall have a deliberate and casting vote.

**11.1** The President and Vice President shall be ex-officio members of all sub-committees. The President and the Vice President shall have the right of entry upon the club premises or buildings at any time.

**11.2** The President, Vice President, Board Member, chairperson of any meeting of the Club and/or of the Board shall have the power to peremptorily suspend a member from the privileges of the Club who shall, after having been duly warned, persists in creating a disturbance at any meeting or entertainment.

#### **TREASURER**

**12.0** The Treasurer shall ensure that the Secretary / Manager pays into the Bank for the credit of the Club all moneys received and shall furnish the Committee at each ordinary meeting with a detailed report of the previous month's receipts and payments.

#### **AUDITOR**

**13.0** An auditor, who shall be a member of the Institute of Chartered Accountants of New Zealand, shall be appointed by the members annually. The auditor shall not hold any office in the Club. The Auditor shall have the right to attend any meeting of the Club at which the Club's financial affairs are under discussion.

**MANAGER**

**14.0** The Committee may appoint a Manager who shall be responsible for the day-to-day maintenance, cleanliness, and service of the Club; engagement and dismissal of such employees as may be essential in providing for the adequate and efficient maintenance, control and operation of the Club and such other duties as contribute to the position. The Manager's salary and remuneration shall be determined by the Board.

**14.1** In the absence of the Manager the Senior Steward shall be responsible for the performance of the duties of the Manager.

**SECRETARY**

**15.0** The Board shall appoint a Secretary whose duties shall be to attend to the accounting and clerical duties of the Club; to take minutes of the Board and General Meeting and generally to conform to such regulations as shall from time-to-time be in force and/or is required by the Board. Salary and remuneration shall be determined by the Board.

**15.1** Nothing in Rules 10.1 and 15.0 shall preclude the engaging of outside professional services in the performance of any of the above duties or from combining the office of Secretary with that of Manager and creating the position of CEO.

**EXPENSE ACCOUNTS**

**16.0** Expense accounts to President, Vice President, Secretary, Treasurer, shall be determined annually by the Board.

**BOARD'S POWERS AND DUTIES**

**17.0.** In addition to the other powers invested in the Board, it is hereby expressly directed that the Board shall be entrusted with and may perform and exercise the following powers and duties (subject however to the approval of a General Meeting where the transaction involves real or leasehold property):

(1) to take on lease, hire or otherwise acquire any real or personal property or rights or privileges which the Club may think necessary or convenient for the purpose of furthering the object of the Club.

(2) to invest such of the funds as may not be wanted to meet the Club's usual accruing liabilities. Any money which may be so invested shall, from time to time, whenever the Board requires, be withdrawn from investment and repaid to the working account of the Club. The Board may hold, purchase, acquire by gift, devise, bequest or otherwise, or take on lease in the name of the Club, any land in the city of Whangarei; and may with like consent, sell, exchange, mortgage, lease or build upon the same, with the power to alter and pull-down buildings and rebuild.

(3) to make Regulations and By-laws for the conduct of the Club and the discipline required of members. All such Regulations and By-laws shall be submitted to the next General Meeting of members for approval.

(4) to appoint, suspend, or dismiss (summarily or otherwise) any salaried officer of the Club, and any such action shall be final.

- a) Exercise all the powers and authorities of the club.
- b) Do such other acts and things as it deems necessary or expedient for carrying on the business of the club.
- c) Form standing or ad hoc Boards for the purpose of exercising its duties, authorities, or powers.
- d) Delegate its duties, powers, and authorities to the Manager or to a Board formed under Rule 17.4(c).
- e) Co-opt any person to assist with its functions; and
- f) From time to time, as they see fit make By-Laws that are consistent with the Constitution of the Club for operational purposes. A register of these By-Laws must be kept, and members must have access to the register on request.
- g) Consider and develop policies pertaining to the operation of the club or as required by law.

(5) to entertain complaints in connection with the Club, and suggestions for improvement of the Club made in writing.

(6) to take stock, not less than 4 times in each year and annually may take an inventory and valuation of all furniture and effects but shall do so every five (5) years.

(8) to do all such things as in the opinion of the Club may be incidental to the attainment of any of the Club's objects or the exercise of any of the foregoing powers and duties.

17.1. Duties: Board Members shall always:

- 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 licence which may from time to time be granted to the club.
- b) Use powers for the proper purpose, to comply with the Act and the Clubs constitution.
- c) Act in good faith and the best interests of the club.

- d) Exercise a degree of care and diligence of a reasonable person with such responsibilities.
- e) Not allow the Club activities to be carried on in a reckless manner or in a way likely to create a substantial risk of serious loss to the Club's creditors.
- f) Not to allow the Club to incur obligations that the officer does not reasonably believe will be fulfilled.
- g) Abide by the Club's Board Code of Practise and Conduct, and
- h) Any other duties which the Board of the Club may from time to time determine.

17.2. Interests Register: The Board must keep and maintain a register of disclosures made by officers under Section 58 of the Incorporated Societies Act 1908.

- a) The interests register must be made available for inspection by the officers of the club at any reasonable time.
- b) An officer with a direct or indirect financial interest in a matter must disclose as soon as practicable details of the nature and extent of the interest.
- c) A member of the Board who is interested in a matter:
  - I. Must not vote or take part in a decision of the Board relating to the matter; and
  - II. Must not sign any document relating to the entry into a transaction or the initiation of the matter; but
  - III. May take part in any discussion of the Board relating to the matter and be present at the time of the decision.

### **17.3. Removal from Office**

- a) A member of the Board may be removed from office for any reason which the Board deems expedient in accordance with the following:
  - I. The Board shall convene an Extraordinary Meeting of the Board to consider the removal.
  - II. The Board must give seven (7) days' notice in writing to the Board Member in question, informing him or her of his or her right to appear and be heard at that Meeting.
  - III. After the Board Member in question has had the opportunity to be heard, the Meeting may elect to remove him or her from office by 75% majority vote.
  - IV. If the Meeting elects to remove the Board Member, such removal shall be effective immediately.

b) On receipt of a notice of motion of no confidence in one or more Board Member(s) signed by ten percent (10%) of the total membership or fifty (50) Financial Members (whichever is greater), the Board shall convene a Special General Meeting and proceed in accordance with Rule 19.

l. If a notice of motion of no confidence is raised against more than one Board member or the entire Board, the motion will be discussed at the Special General Meeting referred to in Rule 12.6(b). If the motion is carried, the meeting will appoint three (3) members of the club to assume the governance role until new elections can be conducted at a date set by the special general meeting.

c) A Board Member, who has been convicted of any offence which in the opinion of most of the Board brings the Club into disrepute, shall automatically and immediately be removed from office.

d) A Board Member, who becomes disqualified from holding office in accordance with Section 47(3) of the Incorporated Societies Act 1908 shall automatically and immediately be removed from office.

e) The Board may elect to remove a Board Member who becomes physically or mentally incapacitated to the extent that he or she cannot carry out his or her duties as a Board Member.

f) No Board Member who has been removed from office shall be eligible for re-election without the consent of a General Meeting.

### **DISPUTES AND APPEALS**

18.0. All members of the Kamo Club will be covered by these rules and may be subject to penalties, sanctions or orders imposed by the Disciplinary Committee.

18.1. If the conduct of any member should be reported as objectionable, a member, guest, visitor, staff member or any member of the public making the complaint shall do so in writing to the Manager, as soon as practical and no later than one calendar month after the incident, on the Complaint Form as prescribed by these By-Laws.

18.2. The Complaint Form (Appendix 1) will include:

- a) The name of the Complainant.
- b) Their membership number or position held within the Club (if any).
- c) The name of the person complained about (respondent).
- d) The date, time, and location of the incident.
- e) The nature and details of the incident.

- f) The name of witnesses (if any).
- g) The remedy sought by the complainant.

18.3. Upon receipt of a complaint, the Board will decide whether a Disciplinary Committee needs to be convened within 14 days or within a reasonable time as circumstances permit. In the event of a complaint being made against a member of the Executive Committee, a Disciplinary Committee will be convened by the Manager.

18.4. Depending on the seriousness of the complaint and at the discretion of the President and/or the Manager, the respondent may be immediately notified that they are suspended pending an investigation and/or until a hearing if any.

a) The Disciplinary Committee will consist of three (3) members of the Executive Committee who have no actual, apparent or perceived bias in relation to the respondent.

b) In the event that three (3) Board Members cannot be found to be free of any actual, apparent or perceived bias up to three (3) financial members of the Club may be co-opted by the Board to form a Disciplinary Committee. If this is still not possible, they may co-opt up to three (3) non-members of the Club to fill the vacancy/vacancies with the preference being given to members of another Club or members of the public in good standing.

c) If the complaint is against a Board Member the Manager may co-opt three financial Club Members who have no actual, apparent or perceived bias in relation to the respondent. If this is not possible, the Manager may co-opt up to three (3) non-members of the Club with the preference being given to members of another Club or members of the public in good standing.

18.5. Prior to any hearing, the Disciplinary Committee will request that the Manager, or his/her representative, endeavour to obtain any witness statements as appropriate to the complaint. In all cases the witness statement(s) will be provided to the respondent prior to the hearing and will be tabled at any mediation or hearing.

18.6. Witnesses may or may not be called to, or requested to attend, any mediation or hearing in person as deemed appropriate.

18.7. The Disciplinary Committee may, where they deem appropriate, use Restorative Justice or Mediation in the first instance before taking the complaint to a Disciplinary Hearing. This will be at the discretion of the Disciplinary Committee.

18.8. The respondent will be notified of the complaint against them in the Advice of Complaint Form (Appendix 2) as soon as practically possible considering potential sensitive issues and difficulties that may arise from the complaint.



a) Notification will be via email sent to the email address in the Clubs' register of members or, in the event the respondent does not have an email address in the Clubs' register of members, to their mailing address in the Clubs' register of members.

18.9. At the time of notification, the respondent will be given a minimum of 7 days' notice of the date and time of the mediation meeting or hearing. The respondent may request a different date and/or time however any request to change is at the discretion of the Disciplinary Committee.

a) In the event that the respondent does not attend, the meeting or hearing will be heard in their absence.

18.10. The respondent shall be supplied with any statements relating to the complaint that are obtained after receipt of the complaint which have not previously been provided to the respondent.

a) Any video, photographic or audio evidence compiled by the Club will not be permitted to be copied or taken off the Club premises by either party. The respondent may request a viewing of such evidence (along with any support person or legal representative) at a time agreed upon with the Manager or his/her representative.

18.11. The respondent is entitled to be represented at the hearing by legal counsel who holds a current practicing certificate. In addition, they may bring one (1) support person of their choice to the meeting. Any support person attending will not be permitted to cross-examine any witnesses or make submissions on their behalf.

18.23. The Disciplinary Committee may bring a Club legal representative to any meetings or hearing.

18.13. The Disciplinary meeting or hearing will be audio recorded for accuracy which will be saved on the Club computer servers for a minimum of 12 months where possible but may be kept for a longer period. A copy will not be provided to any party.

a) Neither the Complainant nor Respondent will be permitted to record proceedings. A transcript of the meeting may be requested and will be supplied to either party within fourteen (14) days.

18.14. At any time during the hearing the Disciplinary Committee may adjourn or halt proceedings to obtain any legal or other advice, information, witness statement/s or for any other reason it sees fit. The proceedings will be recommenced at a time set by the Disciplinary Committee.

18.15. At the conclusion of any meeting or hearing the Disciplinary Committee may take up to seven (7) days to deliberate and reach a decision. Once a decision has been made the Disciplinary Committee will notify both the complainant and the respondent of their

decision in writing and the reasons for the decision within three (3) working days. Notification will be sent as per Rule 18.8(a).

a) The respondent will have three (3) days to respond to the decision of the Disciplinary Committee.

I. In the event of the Disciplinary Committee finding a complaint proved they will convene at any time, but no more than seven (7) days, after the period described in 18.15(a) to determine the imposition of any sanction or penalty if any. This does not preclude the Disciplinary Committee imposing a sanction or penalty immediately after finding the complaint proved. The respondent will be notified of the sanction or penalty, and the reasons for the sanction or penalty, within two (2) working days of the decision.

18.17. The respondent will have seven (7) days to notify the Club of any wish to appeal the decision. The notification must be in writing either in hard copy mailed to the Kamo Club or sent via email to the Manager at [manager@kamoclub.co.nz](mailto:manager@kamoclub.co.nz)

a) The respondent will have up to a further seven (7) days to notify the grounds for their appeal on the Appeal Form (Appendix 3).

b) If in the opinion of the Manager the sanction, penalty or order made by the Disciplinary Committee is manifestly inadequate or inappropriate, the Manager may file an appeal within seven (7) days of receiving the Disciplinary Committee's decision. A copy of the appeal must be served within a further seven (7) days of the respondent.

18.18. On receipt of an appeal notice an Appeals Committee will be convened as per Rule 10.4. The Appeals Committee can not include any of the members of the original Disciplinary Committee.

18.19. The Appeals Committee will be given all information, statements, recordings, video, transcripts, and any other evidence as gathered during the Disciplinary proceedings. They may at their discretion obtain new information, witness statements or advice they deem necessary.

18.20. The Appeals Committee will set a date as per Rule 10.10. and will inform the respondent as per Rule 18.8(a) and the process will follow the same process as the Disciplinary Committee.

18.21. The Appeals Committee decision will be final, and no further appeal will be permitted.

18.22. The Disciplinary Committee or Appeals Committee have the power to issue a warning or caution, impose a good behaviour bond, suspend, or cancel Club Membership, expel the Member, ban the Member from rejoining the Club for any length of time, or apply penalties, sanctions or orders they see fit.

18.23. At all times during the process the privacy of all parties must be respected by all parties.

18.24. All hearings will be private. No members of the public or members shall be entitled to attend. Representatives of the media are not entitled to attend.

18.25. The Disciplinary Committee or Appeals Committee may or may not disseminate to the Club Members any penalty, sanction or order given in any manner as it sees fit.

18.26. These rules apply to all Kamo Club members within the Club and its' grounds and to Kamo Club members when they are representing the Club in any official capacity outside the Club Premises.

18.27. In the matter of complaints involving members of any Club Adjuncts, the Club has the power to delegate disciplinary matters that are minor in nature to the Adjunct.

### **IMMEDIATE SUSPENSION**

19.0. After Consultation with the Club President, the Club Manager may serve a trespass notice to any member who breaches current relevant legislation in relation to the Sale & Supply of Alcohol and Class 4 Gambling. Such trespass notice must be conveyed to all committee members at earliest notice.

### **ANNUAL GENERAL MEETING**

**20.0** The Annual General Meeting of the Club shall be held not later than the second Sunday in August in each year, at such time and place as shall be fixed by the Board. At least fourteen (14) days' notice of such Annual General Meeting stating the nature of the business to be brought before the meeting shall be given by notice posted on the Club's notice board, Kamo Club website, and emailed in a specific newsletter. Copies of the AGM booklet will be available from the Kamo Club Office seven (7) clear days prior to the date of the meeting.

### **SPECIAL GENERAL MEETING**

**21.0** The President shall call a Special General Meeting of members at any time within twenty-one (21) days upon request by resolution of the Board or upon receipt of a requisition signed by not less than ten percent (10%) of financial members and stating the purpose for which the meeting is desired. Similar notice shall be given to members as for an A.G.M. together with the purpose of the meeting being called.

**21.1** At a Special General meeting no business, other than that for which the meeting was called, shall be dealt with.

## **BOARD MEETINGS**

**22.0** The Board shall meet regularly and at least once in each calendar month at a time and place to be determined by the Board.

## **CONDUCT OF GENERAL MEETINGS**

**23.0** At the Annual General Meeting the first business shall be the discussion and adoption of the Annual Report and Balance Sheet. The adoption of the Report and Balance Sheet having been moved and seconded, any member may without notice ask any question or move any resolution relative to the Reports or Balance Sheet.

**23.1** Any member intending to move a resolution bearing on upon the management of the Club during the past financial year or regarding any other matter, must unless by resolution can be founded on the Report or Balance Sheet, file notice of motion, by handing same to the Club Manager, twenty- one (21) days before the meeting and such notice of motion shall be forwarded to each member with the notice of meeting.

**23.2** The usual rules of debate shall be followed, each member speaking once only to each motion or amendment except the mover who may reply. The mover of any resolution or substantial amendment shall have been allowed five (5) minutes in which to introduce the proposition and then ten (10) minutes for reply, or vice versa. Any other speaker will be allowed five (5) minutes. The chairperson shall decide whether any amendment proposed is a substantial amendment or not. If freer discussion on any subject is desired, any member may move that the meeting go into committee on that subject and such motion shall be immediately put and decided by a show of hands. In committee no member shall speak for more than five (5) minutes at a time. When in committee any member may move that the ordinary meeting shall be resumed, and such motion shall be immediately put and decided by a show of hands.

**23.3** Any General Meeting may be adjourned to a time not exceeding fourteen (14) days thereafter. In the event of there being no quorum within half an hour of the time fixed for a General Meeting, the meeting shall stand adjourned for not more than fourteen (14) days, the new date to be fixed by the Board who shall give at least three (3) days notice of the meeting by advertisement and notice on the notice board. In the event of there being no quorum the meeting shall lapse.

## **VOTING**

**24.0** At any General and/or Special Meetings of members every full member shall be entitled to be present and, to file one vote on every question, provided however that in case of equality of votes the chairperson of the meeting shall have a second or casting vote.

Voting shall be on the voice in the first instance, provided however that the chairperson may, and on the application of three members shall call for a show of hands. On a motion passed by a majority of those present the vote shall be taken by secret ballot. Rule 10.1 (14) applies.

**24.1** A voter may vote for one or more candidates on the voting paper up to the full number of candidates required to be elected. Every voting paper, on which the number of votes made exceeds the number of candidates required to be elected, shall be rejected as informal.

**24.2** Recount of Votes: Where a candidate for any office has a reason to believe that the declaration of the number of votes cast or the number of votes received by the candidate is incorrect, the candidate may apply to the President of that meeting for a recount of votes. If on recount, the declaration is incorrect the ballot shall be null, and void and a further ballot shall take place forthwith.

### **QUORUM**

**25.0** The Quorum for: -

- (1) a meeting of the Board shall be not less than six (6) of its members.
- (2) a General Meeting of the Club shall be no less than one hundred and twenty (120) of the members.

### **ACCOUNTS**

**26.0** The Board shall cause to be kept true accounts:

- (1) Of all sums of money received and expended by the Club and details in respect of how such receipt and expenditure has taken place.
- (2) Of all assets, credits and liabilities of the Club including any charges and / or securities affecting any property of the Club.
- (3) The financial year of the club shall begin on the first day of June in each year and shall end on the thirty first day of May in each year.
- (4) The books of account shall be kept at the office of the Club or such place as the Board may determine and shall be open to the inspection of any active member at reasonable times. All monies received shall be forthwith paid into a bank approved by the Board after being entered in the books of the Club as having been received.
- (5) All payments shall be reported to the Board for confirmation at the meeting next following pay out, and payment of all monies on behalf of the Club shall be made by cheque signed by the Treasurer and authorised signatories as appointed by the Board.

(6) At every Annual Meeting of the Club the Board shall present a statement of the income and expenditure and a balance sheet containing a summary of the assets and liabilities of the Club made up to the date of the end of the Club's financial year. Every such statement shall be accompanied by a report from the Board as to the state of the Club.

(7) The Club shall make returns required by Section 23 of the Incorporated Societies Act 1908, or by such other statutory provision for the time being in force and shall comply with all the requirements of such Statutes and Regulations.

#### **SEAL**

**27.0** The Club shall have a Common Seal which shall be kept in the custody of and under the control of the Club Manager or the Club's solicitor and the documents to be executed by the Club of whatsoever nature shall be available to every member of the Club and shall be executed with the following attestation clause pursuant to a resolution of the Board. "The Common Seal of The Kamo Club (Incorporated) was hereunto affixed by the Club Manager in the presence of the Club President."

#### **SPECIAL EXPENDITURE**

**28.0** Any delegates other than paid servants of the Club, elected or selected to represent the Club at the annual conference or any other club business shall be reimbursed, at an amount decided by each Annual General Meeting following the election.

#### **BORROWING MONEY**

**29.0** The club shall have power to borrow or raise or give security for money by the issue of or upon bonds, debenture, debenture stock, bills or exchange promissory notes or other obligations or securities of the Club by mortgage or charge upon all or any of the property of the Club or without security and upon terms as to priority or otherwise as the Club shall think fit.

**29.1** Indemnity: The Board, and each one, of them shall be fully indemnified by and out of the funds of the Club against any loss, damage, expense, or liability incurred by reason of or connection with any legal proceedings instituted against them or any of them for any act done, omitted, or suffered in relation to the performance or professed performance of any of their duties.

#### **CLUB HOURS**

**30.0** Club hours of opening shall be at the discretion of the Committee and subject to the Sale of Liquor Act 2012 and its amendments.

## **GUESTS AND VISITORS**

**31.0** The Club, under its Club Licence or Off Licence, must ensure that alcohol is only sold or supplied to Members, Authorised Customers or Authorised Visitors for consumption on (Club Licence) or off (Off Licence) the Club's premises.

**31.1** Any Member may invite any person as an Authorised Customer (hereon referred to as a guest) to the Club in accordance with the following:

(a) By entering Club premises, a guest agrees to abide by these Rules.

(b) All guests shall enter their name and address in the Club's signing in register each time they visit the Club.

(c) The Member accompanying a guest shall also sign the Club's signing in register and will always be responsible for the conduct of the guest.

(d) No guests shall be sold or supplied alcohol on Club premises unless the guest is present on the invitation of a Member and is in the company of the Member and the alcohol is supplied for consumption on the premises.

**31.2** Authorised Visitor (hereon referred to as a visitor) who is a member of an affiliated Club New Zealand club or Whangarei RSA, visiting the Club:

(a) is deemed to agree to abide by these Rules.

(b) has the same rights as Members to be sold or supplied alcohol for consumption on or off Club premises, provided he/she has produced sufficient evidence to an officer of the Club or member of its staff that he/she is a member of an affiliated club. Exception is under rule (31.3). Any member inviting a guest, or a visitor is responsible to see they are suitably attired and for their orderly conduct.

**31.3** No member from an affiliated club (visitor) will be allowed entry if they have been refused election as a member to the Club.

**31.4** No member shall introduce as a guest or visitor to the Club premises, or part thereof:

(a) Any person who has been expelled from any Associated Club.

(b) Any member who has been suspended and whose suspension remains current.

(c) Any person who has been refused election as a member.

(d) Any person who has been requested by the Board to resign from membership of the Club.

**31.5** Spouses and/or partners of any member may, at the discretion of the Board, and

having signed the appropriate visitor's book, be admitted to the Club on a regular or frequent basis.

### **OFFENCES**

**32.0** Members who have been convicted of any criminal offence after election to the Club which in the opinion of a majority of the Board involves conduct unbecoming to the character of a member or is prejudicial to the interests of the club shall immediately be liable for suspension from the club but can be re-elected after a period of 12 months from the date of suspension provided that the majority of the Board then in office vote in favour of such re-election

### **CLAIMS TO CLUB PROPERTY**

**33.0** No expelled or retiring or forfeiting member shall have any claims upon the Board or the club.

either collectively or individually or to any property of the Club.

### **DISPUTES**

**34.0** Every dispute under these rules, between a member or person claiming through a member, and the Club or an officer of the Club, shall be decided by the Board and the decision shall be binding and conclusive on all parties without appeal.

### **BY LAWS**

**35.0** The members in General Meeting shall have power to make Regulations and By-laws dealing with all matter within the jurisdiction of the Club and not provide for in these Rules.

**35.1** Such Regulations or By-laws shall not be inconsistent with or opposed to the provision of the Incorporated Societies Act, 1908 and its amendments or of these Rules.

### **INTERPRETATION**

**36.0** In such interpretation of these Rules, the decision of the Board shall be final. If such decision by the Board is held in dispute the Club's solicitor shall act as referee and the solicitor's decision will be final and binding.

### **REVISION OF RULES**

**37.0** These Rules may be altered added to or rescinded by a resolution passed by a majority of the members for the time being entitled to be present and to vote at any General Meeting of which notice specifying the intention to propose the resolution has been duly given according to the Rules.

### **DISSOLUTION**

**38.0** In the event that the Club be voluntarily dissolved by Section 24 of the Incorporated Societies Act 1908 and its amendments or in the event of winding up, then all moneys or



assets left after payment of all debts and liabilities and costs of dissolution or winding up shall be distributed to a charitable organisation or organisations and in particular no moneys or assets of the Club shall on such dissolution or winding up be distributed to any member or members of the Club. The charitable organisation or organisations to receive such moneys or assets shall be decided upon by the Board of the Club then in office at the time of dissolution or winding up. Notwithstanding the power of the Club to revise the Rules there shall be no power for this Rule 40.0 to be amend in any way as may permit the distribution of moneys or assets to any member or members of the Club.

### **GAMING MACHINES**

**39.0** Gaming Machines in the club will be operated in accordance with the Gaming and Lotteries Act 1977 and any subsequent amendments.

### **GENERAL**

**40.0** All matters provided for in these Rules shall, always, be dealt with in accordance with the following “guiding principles”.

(1) That it be accepted that the Club is established primarily for the benefit and convenience of its members.

(2) That the admission of non-members should always be sub- ordinate to the comfort, well-being, and satisfaction of the Club members.

(3) That the admission of visitors 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.

(4) That always, the provision of the club’s charter as laid down by the Liquor Licensing Authority is to be maintained and upheld.

### **ACCESS TO INFORMATION**

41.0. Members have the right to request information held by the club, including but not limited to copies of financial reports and minutes of confirmed general and/or Board meetings. Requests to access information must be made in writing and must specify the information sought in sufficient detail to enable it to be identified.

41.1. The club will, within a reasonable time after receiving a request:

- a) Provide the information; or
- b) Agree to provide the information within a specified period; or
- c) Refuse to provide the information, specifying the reasons for the refusal.

41.2. The club may refuse to provide the information if:

- a) Withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons; or
- b) The disclosure of the information would, or would be likely to, prejudice the commercial position of the club or of any of its members; or
- c) The disclosure of the information would, or would be likely to, prejudice the commercial position of any other person, whether that person supplied the information to the society; or
- d) The information is not relevant to the operation or affairs of the society; or
- e) The request for the information is frivolous or vexatious

#### **BY-LAWS**

**B1.0** Under Rule 35.0 the Club may make By-laws (not inconsistent with the Incorporated Societies Act 1908 and not inconsistent with the Sale and Supply of Alcohol Act 2012) for regulations and management of the club or any part of its business.

**B2.0** The following By-laws do not form part of the rules and may be added to, changed, or deleted by the members of the club in terms of Rule 35.0 without reference to the Registrar of Incorporated Societies.

**B2.1** No member shall give any gratuity to any employee of the Club.

**B2.2** Any member removing a book, newspaper or any other article which is the property of the Club from the premises without the consent of the Board or wilfully breaking tearing or damaging any property of the club and refusing to replace or make good the same shall be liable to suspension or expulsion.

**B2.3** Drunkenness, swearing, obscene language and other disorderly conduct shall not be permitted in the Club's premises and Members so conducting themselves may be suspended by a member of the Board or an Officer of the Club who shall thereupon as soon as practice- call refer the matter for consideration by the Disciplinary Committee.

**B2.4** Suspension by a Member of the Board or an Officer of the Club shall mean total exclusion from the Club's premises and all Club activities from the time of suspension until such time as the matter has been considered by the Disciplinary Committee which may thereafter cancel the suspension or exercise any of its powers whether by way of expulsion or suspension in accordance with Rule 18).

**B2.5** If in the opinion of the Disciplinary Committee a fine would be a more appropriate measurer of discipline the Disciplinary Committee may levy such as an alternative. In no

case, however, shall the Disciplinary Committee have the authority to impose a fine more than \$100.00 for each offence.

**B2.6** Full details of any disciplinary action taken against a member or a visitor, will be entered into the minutes of the next Board Meeting.

**B2.7** No raffle shall be allowed on the Club's premises or goods exhibited for that purpose except with the authority of the Board.

**B2.8** No unlicensed or unlawful gambling or gaming shall be permitted in the Club.

**B2.9** No petition, except for the purpose of convening a Special General Meeting as provided for in Rule 21.0 shall be allowed to circulate or signatures sought on the premises of the Club.

**B2.10** No business cards or notices shall be posted or hung on the premises without the sanction of the Board, nor shall any member give the address of the Club in an advertisement or conduct any business in the club or use the club address for business purposes.

**B2.11** The Rules, Regulations and By-laws shall apply equally to each member of the Club.

**B2.12** The Board may in special cases and on special occasions admit visitors who are not members of affiliated clubs.

**B2.13** All liquor shall be supplied for cash only and shall be supplied in accordance with the Sale and Supply of Alcohol Act 2012 and its Amendments.

**B2.14** No liquor shall be consumed in the Club after the hours prescribed by the Sale and Supply of Alcohol Act 2012 and its amendments, and all glassware shall be cleared within 15 minutes of the closing of the bar. Any member infringing this By-law shall be liable for disciplinary action.

**B2.15** No member or visitor shall bring liquor, for consumption, onto the Club's premises.

**B2.16** No liquor, other than purchases made from the "off-sales" bar shall be removed from the club premises.

**B2.17** Liquor purchases from the Club's "off-sales" facility shall not be consumed on the Club's premises.

**B2.18** No member shall be allowed to store liquor on Club premises.

**B2.19** No member shall purchase liquor for a person who has previously been refused service by a Steward.

**B2.20** No member shall cause to be published or broadcast in any form of media any matter in connection with the Club without first obtaining the permission of the President or Board.

**B2.21** Courtesy Coach: The Courtesy Coach shall be used for the conveyance of members and their guests from their bona fide homes to the Club's premises and return, or otherwise as directed by the Board. Any breach of this By-law will result in the offending member being denied the use of the courtesy coach.

**B2.22** No domestic animal shall be allowed on the premises without prior approval from the Board.

**B2.23** All personal property left in the Club is left so at the owner's risk.

**B2.24** Members and Guests are not permitted to use the front approaches of the Club as a dedicated smoking area. i.e. (Smoking area has been provided at the rear of the Club off the lounge and snooker rooms)

**B2.25** Members and Guests are not permitted to use the front approaches of the Club for the consumption of alcohol. i.e. (A licensed outdoor area has been provided at the rear of the Club off the lounge and snooker rooms and is currently limited to that area enclosed by the security fence)

**B2.26** Any member of a Club section must be a financial member of the Club. Exemptions to this rule are:

- Kamo Club staff members.
- Current section life members.
- Anybody under 18 years of age

President D Steele

This Completes the Document

Appendixes

Appendix 1 - Complaint Form.

Appendix 2 - Advice of Complaint.

Appendix 3 - Appeal Form.



**Kamo Club**  
**Complaint Form**

|   |  |
|---|--|
| <b>Name of Complainant:</b>   |  |
| <b>Member No./Position</b>  |  |
| <b>Contact Details:</b>   |  |
| <b>Name of Person Complained about:</b>   |  |
| <b>Complaint Details:</b><br><br><p style="text-align: right;"><b>Date:</b></p> <p style="text-align: right;"><b>Time:</b></p> <p style="text-align: right;"><b>Location:</b></p> |  |
| <b>Nature of complaint</b><br>(Use additional pages if necessary)   |  |
| <b>Witnesses to complainant</b> (if any):   |  |
| <b>Describe remedy sought</b> (although<br>this may not be determinative)   |  |
| <b>Signature of Complainant</b>   |  |

[Insert Name]

[Address Line 1]

[Address Line 2]

[Address Line 3] [Post Code]

[Insert Date]

To:

*(Member)*

Re: Advice of Complaint

The General Manager has received (or made) a complaint regarding your behaviour/conduct on [insert date] at [insert location].

The Kamo Club Board has determined a Disciplinary Committee shall hear and determine the complaint.

The members of the Disciplinary Committee are:

You are asked to attend before the Disciplinary Committee as follows:

Details are:

Venue:

Date:

Time:

You are entitled to bring legal representation or a support person with you.

You will be asked whether you accept or deny the allegation.

If you accept the substance of the complaint, you will be invited to make submissions on what penalty, sanction, or orders if any, the Disciplinary Committee should impose on you.

If you deny the substance of the complaint the Disciplinary Committee will decide whether to hear the complaint or adjourn the hearing (if it is necessary for witnesses to be called).

If the complaint is found proven you will be invited to make submissions on what penalty, sanction or orders if any, the Disciplinary Committee does impose on you.

Kind Regards

**Kamo Club**  
**Appeal Form**

|                                     |  |
|-------------------------------------|--|
| <b>Name of Appellant:</b>           |  |
| <b>Member No./Position:</b>         |  |
| <b>Contact Details:</b>             |  |
| <b>Reason for Appeal:</b>           |  |
| <b>Specific Grounds for Appeal:</b> |  |
| <b>Appellants Signature:</b>        |  |

