

THE CHRISTCHURCH SQUASH RACKETS CLUB INCORPORATED

CONSTITUTION AND RULES

***FINAL DRAFT
REVIEWED NOVEMBER 2017***



CHRISTCHURCH SQUASH CLUB

CONSTITUTION AND RULES OF THE CHRISTCHURCH SQUASH RACKETS CLUB INCORPORATED

(Presented for adoption at the AGM 6 December 2017)

1. NAME & OFFICE

- 1.1** The name of the Club shall be 'The Christchurch Squash Rackets Club Incorporated'.
- 1.2** The Club shall be a Member of Squash Canterbury Incorporated.
- 1.3** The Club shall be affiliated to New Zealand Squash Incorporated.
- 1.4** The registered office of the Club shall be located at '182 Chester Street' or such other place in Christchurch as the Management Committee may, from time to time, determine.

2. OBJECTS

The objects of the Club shall be to:

- 2.1** Foster and advance the game of squash within Canterbury;
- 2.2** establish, maintain and conduct a squash club and generally afford to its members the accommodation, advantages, privileges and conveniences of the Club;
- 2.3** arrange and manage games and contests amongst its members;
- 2.4** provide facilities for, promote, organize regulate, hold and conduct tournaments, competitions, matches, games and other events, and give, provide or contribute towards trophies and awards therefore;
- 2.5** conduct such social activities as the Management Committee may, from time to time approve;
- 2.6** regulate the conduct of players and the public and take steps to punish or discipline any person who may offer insult to an umpire or to any officer or person employed by the Club;
- 2.7** purchase, lease or in exchange, hire or otherwise acquire any real or personal property and any rights and privileges which the Club may consider necessary or convenient;
- 2.8** enter into any contracts, agreements, leases or arrangements with any person, firm, syndicate, corporation or company that may seem conducive to the Club's objects and to surrender or accept surrender of any such contracts, agreements, leases or other arrangements;
- 2.9** borrow or raise such sums of money in such a manner and for such purposes as the members at a General Meeting may consider proper or expedient in accomplishing the objects and well-being of the Club;
- 2.10** use the funds of the Club for, and do all things as may be incidental or conducive to, the attainment of the foregoing objects or any of them;
- 2.11** invest, lend and deal with the moneys of the Club not immediately required for carrying out its objects upon such securities and in such a manner as may from time to time be determined upon;
- 2.12** construct, maintain and alter any buildings, playing areas or works necessary or convenient for all or any of the objects aforesaid;

- 2.13** appoint, remove or suspend any secretaries, treasurers, officers or general members of the Management Committee, clerks, agents or employees and to direct and control them and pay their remuneration;
- 2.14** grant the use of the premises, facilities and equipment of the Club, upon conditions, and to such users as the Management Committee may think fit, and to formulate conditions regulating the activities of such users;
- 2.15** apply for, obtain and from time to time renew a Club License for the Club pursuant to the provisions of the Sale of Liquor Act 1989 or any other License or Charter available to the Club, and thereafter manage the licensed premises subject to the provisions of the said Club License and/or any other License or Charter from time to time obtained by the Club and do all things necessary and incidental to the management of the said License or Charter, and;
- 2.16** do all such other things as in the opinion of the Club may be incidental or conducive to the attainment of any of the foregoing objects or the exercise of any of the foregoing powers.

3. MEMBERSHIP

3.1 Eligibility

- (a) Any person playing or interested in supporting the game of squash under the rules of the game as recognised by the Club shall be eligible for membership of the Club.
- (b) Any joining fee, as determined by members at an AGM or Special General Meeting, shall be paid before admission to membership.
- (c) Every person applying for membership of the Club undertakes to comply with these rules and any refusal or neglect to do so shall render such person liable to expulsion by resolution carried by a majority of the Management Committee.
- (d) Every member of the Club shall be bound by every act of the Club and the Management Committee duly done within these rules.
- (e) Any member expelled under these rules shall forfeit all right and claim upon the Club and its property.

3.2 Classes of Membership

- (a) The membership of the Club shall consist of such numbers in each of the classes thereof as the Management Committee shall, from time to time, determine.
- (b) The committee has the power to establish other classes of membership with appropriate conditions and charges.
- (c) The main classes of membership of the Club upon the adoption of this constitution are as follows:

(i) Full Member

- (a) A Full Member may be within one of the classes of membership as determined in rule 3.2(a).
- (b) A Full Member shall be entitled to all the playing and other privileges and advantages of full membership of the Club.

(ii) Junior Member

A Junior Member is any member who is under 19 years of age as at 30 September each year. Junior Members may have restrictions on booking courts at peak times. Junior memberships can participate in social and competitive competitions. Junior Members do not have any voting rights.

(iii) Corporate Member

Corporate Members are a membership class that is linked with a corporate organisation as opposed to individual members. Members on the payroll of the corporate organisation or those with an official declared role in the organisation are entitled to use the privileges afforded by this membership and are herein called Corporate Beneficiaries. Corporate Membership provides access to courts and facilities for Corporate Beneficiaries but limits the number of Corporate Beneficiaries for a particular Corporate Membership who can access squash courts and facilities at one time. Privileges are also limited as to specific days and hours that Corporate Beneficiaries; these are detailed in the Corporate Membership contract. As such Corporate Beneficiaries are not considered Full Members and are not eligible to play in member only competitions and events. Corporate membership does not afford voting rights.

(iv) Social Member

Any person not desirous of enjoying full membership status but wishing to enjoy an ongoing association with the Club shall apply in writing to the Management Committee for Social Membership status with the Club. Social Members shall be entitled only to participate in social activities and shall have no squash playing privileges.

(v) Life Member

Any Full Member who has rendered outstanding services to the Club may be elected as a Life Member. Every proposal for a Life Membership shall first be considered by the Management Committee and if approved by it, submitted to a ballot at an AGM. A seventy-five percent majority of those Full Members present and entitled to vote thereon shall be necessary to effect such an election. A Life Member shall not be liable for payment of any annual subscription or levy. Unless and until otherwise determined there shall be no more than five living Life Members at any one time.

3.3 Termination of Membership

- (a) Notice of resignation from the Club shall be given in writing to the Secretary. Resignation will not be accepted by the Management Committee until all moneys due to the Club by the member have been paid.
- (b) All resignations shall be made to the Secretary prior to the AGM each year. In the absence of such notice members will be liable for the current year's subscription unless reasons satisfactory to the Management Committee are given.
- (c) If any member shall default in payment of the subscription and other (if any) levy or moneys due to the Club for a period of one month after written notice requiring payment

of the same, the Management Committee shall have the power to determine the status of membership and to report the member concerned to Squash Canterbury Incorporated as a defaulter but such member shall not thereby be relieved from liability to pay such moneys.

3.4 Expulsion or Suspension from Membership

- (a) If the conduct of any member shall be reported as objectionable the Management Committee shall, on receiving a written complaint, or may on its own initiative, take the matter into consideration and notify the member of the complaint.
- (b) If, after the member concerned has been heard (if she or he so desires), her or his conduct shall be deemed by the Management Committee to be contrary to this constitution and rules, or inconsistent with the character, welfare or interests of the Club, the Management Committee shall have the power, by a majority decision, to expel or otherwise deal with the offending member, or to suspend her or him for so long as the Management Committee shall think fit. In the event of expulsion or suspension Squash Canterbury Incorporated shall be notified immediately.
- (c) Right of Appeal. If such member shall feel aggrieved by the decision of the Management Committee, she or he may within seven days after being notified thereof, appeal by notice in writing to the Secretary of Squash Canterbury Incorporated, who will consider the appeal in accordance with their constitutional judicial process.

3.5 Register of Members

- (a) The Management Committee shall keep and maintain a Register of Members in which shall be entered the full name, address, class of membership and date of entry to membership.
- (b) The Management Committee, in collecting personal information for the Register of Members, shall seek the consent of the individual concerned and at all times comply with the Privacy Act 1993.

4 FEES

4.1 Subscriptions

To enable the subscription notices to be sent out before the current year expires, the Management Committee can authorise a subscription increase for each class of membership of up to twenty percent (20%) per year, payable by members of the Club by the beginning of each financial year, or by a monthly payment schedule set out by the Club. The increase and reasons will then be discussed at the next AGM.

4.2 Levies

The Club shall be empowered to impose any levy or charge on any member, from time to time, as determined by the AGM or Special General Meeting. Any levy shall be paid by the beginning of the financial year.

5 MANAGEMENT OF THE CLUB

5.1 Management Committee

- (a) The management of the affairs and business of the Club shall be vested in the Management Committee, consisting of the Officers of the Club (the President, the Vice President, the Secretary, the Treasurer and the Club Captain) and other general members who shall bring the total number of the Management Committee to not fewer than twelve and not more than twenty.
- (b) An elected office shall be declared vacant if the holder:
 - i) Ceases to be a member of the Club; or
 - ii) Resigns the office; or
 - iii) Dies; or
 - iv) Without being excused by the Management Committee, is absent from three consecutive meetings of the Management Committee; or
 - v) Is removed from the office by resolution of the Full Members present and voting at a Special General Meeting convened for that purpose.
- (c) The Management Committee shall have the power to fill any casual vacancy occurring thereon with the appointee holding office for the balance of the term of office.

5.2 Election of the Management Committee

- (a) A notice calling for nominations for the Officers and Management Committee General Members shall be notified to members 28 days prior to the AGM.
- (b) Nominations must be received by the Secretary, in writing, at least seven days prior to the AGM. All nominations must be proposed and seconded by financial members.
- (c) In the event of no nominations being received by the due date, they will be called for at the AGM.
- (d) The Officers and Management Committee General Members shall be elected by a majority vote at each AGM, notwithstanding;
- (e) Any contested election of an office bearer position shall be decided by a secret ballot.
- (f) The term of office for Officers and General Members is for the period from the closure of the AGM to the time of closure of the next AGM.
- (g) The Club shall have the power to remove from office any officer of the Club by resolution passed by a majority of sixty six percent of votes cast at a General Meeting of which due notice has been given of the intention to propose such resolution.

5.3 Powers of the Management Committee

- (a) Without prejudice to the general powers conferred upon it by this constitution, the Management Committee shall have the power to do all acts and things which it may consider expedient for accomplishing the objects and carrying on the affairs of the Club.
- (b) The quorum for meetings of the Management Committee shall be five members, whether Officers or General Members. No proxies shall be allowed.
- (c) Decisions shall be by majority vote. The President shall have a further casting vote which shall have due regard to the status quo.

- (d) Should any case arise which is not provided for by these rules, the Management Committee shall determine the case in such a manner as it shall consider just and it may, if it thinks fit to do so, report the case with its decision to a General Meeting of the Club for confirmation.
- (e) The Management Committee shall have the power to fill any vacancy from time to time in respect of office bearers and general members.
- (f) The Management Committee shall have the power to elect from its members, sub-committees as it may deem necessary from time to time to assist in carrying out its duties.
- (g) The Management Committee shall have power to enlist by co- option for any special purposes the services of any person or persons whether members or not.
- (h) The Management Committee shall have the power to appoint an auditor should the auditor elected at the AGM be unavailable to act, provided that the person is not a member of the Management Committee.
- (i) A minimum of ten Management Committee meetings are to be held annually and are to be held at such time and place as the majority may determine. The President of the Club or any three General Members may at any time convene a meeting of the Management Committee upon giving three days notice in writing to the Management Committee members.
- (j) Minutes of all resolutions of the Management Committee shall be retained as a permanent record.
- (k) The Management Committee shall have the power to employ staff and/or engage contractors for services rendered.

6 GENERAL MEETINGS

6.1 Annual General Meeting (AGM)

- (a) The AGM shall be held during the months of November or December in each year on a date to be determined by the Management Committee.
- (b) Notice of the AGM shall be given to all members at least fourteen clear days before the date set down for the meeting.
- (c) As part of this notice, any Constitutional Remits, Notices of Motion, or Items for General Business must be requested from members. Any such Constitutional Remits, Notices of Motion, or Items for General Business must be notified to the Secretary (in writing) at least seven days prior to the AGM in order to be considered at the AGM. No other such items will be considered.
- (d) The Secretary shall not less than seven days prior to the AGM, forward or make available to each member a copy of the Annual Report, Financial Report and any Rule or Policy Remits.
- (e) The business to be considered at the AGM shall be:
 - i) Confirmation of the minutes of the previous AGM.
 - ii) Adoption of the Annual Report and Statement of Accounts.
 - iv) Election of the Officers of the Club.
 - iv) Appoint an Auditor.
 - v) Confirmation of membership fees.
 - vi) Vote on Constitutional Remits, or Notices of Motion

- which due notice has been given.
- vii) Discuss and/or vote on any Items of General Business which due notice has been given.
- viii) The disposal of any other matter consistent with the rules and which has been introduced at the meeting
- ix) A Patron may be appointed at any AGM.

6.2 Special General Meeting (SGM)

- (a) An SGM of the Club shall be convened by the Secretary at any time upon the initiative and order of the:
 - i) Management Committee, or
 - ii) On receipt of a requisition in writing signed by at least twenty five members. The requisition must be received by the Secretary at least thirty days prior to the SGM and shall state the purpose for which such a meeting is called and any motion to be moved at the meeting.
- (b) Only the business for which the SGM has been convened shall be dealt with.
- (c) Notice in writing of the SGM shall be sent to each member at least fourteen days prior to the day appointed for such meeting and shall state the time and date of the meeting and the business to be dealt with thereat.
- (d) The procedure to be adopted for the conduct of an SGM shall be in accordance with that stipulated for the AGM.

6.3 Quorum

- (a) At any General Meeting of the Club ten percent (10%) of members present or by proxy shall constitute a quorum.
- (b) No business shall be transacted at any General Meeting of the Club unless the requisite quorum is present within thirty minutes of the time appointed for the commencement of the meeting.
- (c) If in the case of a Special General Meeting that has been convened as provided in Clause 6.2a hereof the requisite quorum is not present within the thirty minutes specified, the meeting shall lapse; in the case of any other General Meeting it shall be adjourned to the same day in the next week at the same time and place and if at such adjourned meeting a quorum is not present, those members who are present shall be deemed to constitute a quorum and shall transact the business for which such meeting was called and every resolution passed at such meeting shall be as effective and binding as if the quorum provided for in sub-section(a)hereof had been present.

6.4 Procedure

- (a) The President or Vice President shall preside at all General Meetings, but if an any such meeting either shall not be present within fifteen minutes after the time appointed, the members shall choose one of the Management Committee to chair the meeting.
- (b) The chair of any General Meeting may, with the consent of the meeting, adjourn the General Meeting from time to time and from place to place, but no business shall be transacted at any such adjourned meeting other than the business unfinished at the meeting from which the adjournment took place.
- (c) Members may at any General Meeting of the Club vote in

person or by proxy provided that:

- i) the proxy is a Full Member of the Club, and
 - ii) the proxy form shall have been signed by the member and handed to the Secretary twenty-four hours prior to the General Meeting at which the proxy is to act. The proxy shall have all the power of the person whom she or he is appointed to represent.
- (d) At all General Meetings every financial Full Member personally present or present by proxy shall on each question have one vote and in the case of an equality in votes the chair shall have a further casting vote which, if exercised, shall be cast, except for elections where there shall be a re-ballot, with regard to the status quo.
- (e) Each resolution, except for contested elections of office bearers (clause 5.2(e)), put to the meeting shall be decided in the first instance by a show of hands unless the chair or any two members request that the vote is by secret ballot in which case a secret ballot shall be held.
- (f) The chair shall declare the result of the voting. An entry to that effect shall be made in the minutes of the proceedings and duly confirmed as hereinafter provided. Such evidence shall be conclusive of the terms of any resolution of a General Meeting and of it being passed or rejected.
- (g) The minutes of each General Meeting shall be provisionally confirmed at the ensuing meeting of the Management Committee and finally confirmed at the next AGM.
- (h) Rule remits adopted at the General Meeting shall not be valid unless accepted by the Registrar under the Incorporated Societies Act 1908.

7 FINANCE

- 7.1** The financial year shall be 1 October to 30 September each year.
- 7.2** The Statement of Accounts and Balance Sheet shall be audited and shall be presented to members at the AGM.
- 7.3** All accounts shall be submitted to the Management Committee for approval prior to being paid.
- 7.4** The funds of the Club will be lodged with a bank appointed by the Management Committee.
- 7.5** Three trustees, one of whom shall be the Treasurer, shall be authorised by the Management Committee to operate the accounts. Two signatories, one being the Treasurer, shall be required to operate the accounts.
- 7.6** Funds of the Club not immediately required by the Club may be invested in a bank, fund, securities or real estate, but no investment shall be made until the same has been approved by the Management Committee.
- 7.7** Financial records including a record of income and expenditure and assets and liabilities, and compliant with current accounting practices, shall be kept and be made available to the Club auditor at all times.
- 7.8** No fixed asset or land belonging to the Club shall be sold, nor any further land or other fixed assets be purchased, nor shall any substantial extensions to existing buildings be made, nor any other

capital expenditure made if the cost thereof exceeds thirty thousand dollars (\$30,000) without the members approval given in a General Meeting. Any such authority may be specific or general in its terms or may authorise the Management Committee to act in the particular matter at its discretion.

7.9 The Management Committee shall review the Club insurance policy annually.

7.10 No member of the Club or any person associated with a member shall participate or materially influence any decision made by the organisation in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever. Any such income paid shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value). The provisions and effect of this clause shall not be removed from this document, and shall be included and implied into any document replacing this document.

8 COMMON SEAL

The common seal of the Club shall bear the registered name of the Club and shall be kept in the custody of the Secretary who shall affix it to such documents as the Management Committee may from time to time direct, in the presence of the President or two members of the Management Committee, who shall with the Secretary add their signature(s) and such attestation shall be conclusive evidence of the authority to affix the said seal.

9 RULES OF THE GAME

9.1 The rules of the game as recognised by the Club shall be those adopted from time to time by New Zealand Squash Incorporated.

9.2 Every member of the Club shall be deemed to have subscribed to and shall be bound by the rules of New Zealand Squash Incorporated.

9.3 The rules may be added to, repealed or amended by resolution at any General Meeting provided that notice has been given in accordance with this constitution and rules.

10 INDEMNITY OF OFFICERS

The Management Committee members and all other officers or servants of the Club shall be indemnified by the Club from and against all losses and expenses incurred by them in the discharge of their respective duties, except as a result of their own willful act, neglect or default.

11 PRIVACY ACT 1993

It is a condition of membership of the Club that each member

consents pursuant to the Privacy Act 1993 to personal information in the form of his/her name and residential address, office held (if necessary), email address, and telephone number being included in a membership list for the Club's membership records.

12 MATTERS NOT PROVIDED FOR

If any matter shall arise which, in the opinion of the Management Committee, is not provided for in this constitution then the same may be determined by the Management Committee in such a manner as it deems fit, and every such determination shall be binding upon members unless and until set aside by resolution of a General Meeting.

13 DISSOLUTION

Upon the winding up of the Club in accordance with section 24 of the Incorporated Societies Act 1908, its assets (if any) shall be realised in such a manner as the Management Committee may decide. If, after the satisfaction of all debts and liabilities, there remains any property whatsoever, the same shall not be paid or distributed among the members of the Club but shall be given or transferred to some other organisation or body having object similar to the objects of the Club, or to some other charitable organisation or purpose, within New Zealand, as determined by a Special General Meeting convened for that purpose.

14 ALTERATION OF RULES

No addition to or alteration of the non-profit aims, personal benefit clause or winding up clause shall be approved without the approval of the Inland Revenue.

The provisions and effect of this clause shall not be removed from this document and shall be included and implied in any document replacing this document.

Constitutional Changes – Commentary (does not form part of the constitution)

- 3.1(b) add "Special General Meeting".
- 3.2(c) add "main". This allows the main membership classes to be stated but also allows the Management Committee to add other membership classes without them having to be added to the constitution every time this occurs.
- 3.2(c)(ii) Junior Member. Clause added to explain membership category. Note, that to remove confusion, they do not have voting rights. The info on ISquash is confusing as you could have a junior with voting rights if they were 18 years old. I have suggested remove all junior voting rights to avoid doubt.
- 3.2(c)(iii) Corporate Member. Clause added to explain category.
- 3.2(c)(v) add "Living"
- 3.4(c) add Right of Appeal clause. Right of Appeal to parent body rather than back to Club – for transparency of process and independent review.
- 4.1 add motion approved at recent SGM for subscription increases. Also add "or by a monthly payment schedule set out by the Club".
- 5.2(a) Change clause from "shall be displayed in the club rooms" to allow multiple notification channels.
- 5.2(d) Change clause to allow "show of hands" vote to expedite process notwithstanding 5.2(e).
- 5.3(k) added – self explanatory.
- 6.1(c) added to have a better process for consideration of these items, and prevent un-notified items being tabled and passed at the AGM without the membership being able to give them due consideration.

Note previous 6.1 (c) and (d) are now 6.1 (d) and (e).
- 6.1(e)(vi) required to be added per 6.1 (c).
and (vii)
- 6.2(a) correction of typo. Previously had 6.2(a)(ii) only ,when 6.2(a)(i) should also be included.
- 7.10 added as per instruction from IRD to retain tax exempt status.
- 11 add "email address" – self explanatory.