



**CONSTITUTION**

**OF**

**THE AUCKLAND UNITED  
SOFTBALL CLUB INCORPORATED**

**ISSUED 25<sup>th</sup> June 2012**

**Revised 6<sup>th</sup> August 2015**



# **AUCKLAND UNITED SOFTBALL CLUB** **INCORPORATED**

## **CONSTITUTION AND RULES**

### **RULE 1: TITLE**

1. The organisation shall be called "Auckland United Softball Club Incorporated" hereinafter called "The Club".
2. The colours shall be red, white and blue in any combination as decided by the Committee for the time being
3. The badge of the Club shall be in such form as the Committee may from time to time determine.

### **RULE 2: HEADQUARTERS**

The Headquarters of the Club shall be in Auckland or at such other place within the area of the Club's administration as the Annual meeting may determine and with the approval of the Softball Association with which the Club is affiliated.

### **RULE 3: INTERPRETATION**

- a. In these rules "Parent Association" shall mean the Softball Association with which the Club is affiliated.
- b. "Club Committee" shall mean the Executive Committee of the Auckland United Softball Club Incorporated, as hereinafter defined.
- c. "Team" shall mean a group of members of the Auckland United Softball Club united together for the purpose of playing softball under the rules of the Parent Association and registered through the Club with that Association and shall include Coach and Manager.

### **RULE 4: OBJECTS**

The objects of the Club shall be:-

- a. To promote, organize, provide or assist in the organization and provision of softball to all within the Suburbs of the Auckland Central Community and elsewhere that includes pupils and students from schools and other educational institutions as well as;
  - i) to provide or assist in the provision of softball equipment
  - ii) to provide or assist in the provision of courses, lectures, demonstrations and coaching of softball

- iii) to promote or provide or assist in the design, promotion or provision of programs or facilities for the purpose of training or assisting teachers, coaches or other persons in the coaching of softball;
- iv) to lay out, manage, equip and maintain or assist in the laying out, management and maintenance of playing fields and other facilities to be used for the teaching and playing of softball by such members as above
- b. To co-operate with any Government Department, Educational or other Authority whose responsibility it is to administer any Act of Parliament or regulations dealing with any of the objects of the Club.
- c. To loan, borrow, raise or secure payment of money in such manner as the Club shall deem fit and in particular, by mortgage, debenture stock, perpetual or otherwise, debentures, charged upon any or all of the Club's undertakings, goodwill, property and securities, and to redeem and pay off all such securities.
- d. To purchase, take on lease, or in exchange, hire or otherwise, any real or personal property and any rights and privileges which the Club deems expedient or necessary.
- e. To enter into any contracts, leases or arrangements with any person, firm, syndicate, corporation or company or any or either of them and to surrender or accept surrender of any contract, agreement, lease or arrangement.
- f. To draw, make, accept, endorse, discount, execute, issue and negotiate cheques, promissory notes, bills of exchange, warrants, debentures or other negotiable instruments.
- g. To employ or engage person/s as employees, consultants or contractors and to pay them fees, salaries or wages if required to support the objectives of the Club; and
- h. to do all such other lawful things as are incidental or conducive to the attainment of the objects of the Club, or any one of them.
- i. Income tax Exception. No addition to or alteration of, the objects, personal benefit clause or the winding up clause shall be made which alters the tax exempt status. 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.

#### **RULE 5: OFFICERS**

- a. The Officers shall consist of a Patron, Chairman, President, Vice President, The Secretary and the Treasurer.
- b. The officers of the Secretary and the Treasurer may be held by one person.
- c. All officers, will be elected by the Annual General Meeting, provided that any office becoming vacant may be filled by the Committee until the Election of Officers at the next Annual General Meeting.

#### **RULE 6: VACATION OF OFFICE**

The office of any of the Officers of the Club shall be vacated if the holder thereof resigns the office in writing or becomes of unsound mind or is unable to attend to the affairs of the Club.

#### **RULE 7: COMMITTEE**

- a. The Committee shall comprise, the Chairman, Secretary, Treasurer or Secretary/Treasurer, and up to eight (8) elected members. Team coaches appointed in accordance with Rule 29.c.(9). shall be permitted to attend and speak at meetings of the Committee, but shall not have power to vote other than is provided in Rule 13.

- b. Club Committee Meetings shall be held regularly each month on a day and time to be decided upon by the Committee. Provided that these meetings are held on a set day each month no notice of such meeting shall be required, but if no regular day in each month is fixed, then seven (7) days' notice must be given by the Secretary to all members of the Committee.

**RULE 8: FINANCIAL YEAR**

The Financial Year shall end on the 30<sup>th</sup> of April in each year.

**RULE 9: ANNUAL GENERAL MEETING**

- a. The Annual General Meeting of the Club shall be held not later than the 31<sup>st</sup> day of July in each year, on a date to be fixed by the Club Committee.
- b. The Secretary of the Club shall give to each member at least 21 (twenty-one) days notice in writing of such meeting, together with the agenda of the business to be conducted at such meeting.
- c. Every notice pertaining to any business of the club required to be given to any Members or other person entitled to any notice or any of them, shall be deemed to have been duly delivered, if posted to the last known place of residence or business, or where the intended recipient has advised an email address to the Secretary, notice may be provided by email.
- d. The business to be considered at the Annual General Meeting shall include the following, but not necessarily in this order:-

Confirmation of Minutes of previous Annual General Meeting  
To receive and adopt the Annual Report and Balance Sheet  
Election of Officers and Committee Members  
To determine the Annual Subscription  
Notices of Motion  
Remits  
General

**RULE 10. ELECTION OF OFFICERS**

- a. Nominations of Officers and Committee Members shall be in writing and in the hands of the Secretary at least 14 (fourteen) days prior to the commencement of the Annual General Meeting and such nominations must have the prior consent of the persons nominated.
- b. Each member may nominate as many persons as there are positions to be filled.
- c. The Club Committee may nominate persons for election as Officers in the same manner and to the same extent as the members.
- d. In the event of there being more persons nominated than there are positions to be filled, the election shall be by ballot.
- e. Single nominations received before AGM are unopposed, Vacant positions are called from the floor of the AGM.

**RULE 11. SPECIAL GENERAL MEETING**

- a. A Special General Meeting of the Club may be called by the Club Committee at its discretion, provided that not less than two thirds of

- the total number of the Committee is present at the Meeting when the decision is made to call a Special General Meeting.
- b. A Special General Meeting of the Club shall be convened by the Club Committee on receipt by the Secretary of a requisition signed by ten financial members and such requisition shall state the nature of the business to be transacted.
  - c. The Club Committee, on receipt of a requisition as set out in Clause 11.b. above, shall convene the Special General Meeting within twenty-one days of receipt of the requisition by the Club Secretary.
  - d. At any Special General Meeting the Club Committee may include in the business any matters which it deems expedient to transact at the meeting.
  - e. No other business than that stated in the Notice calling the Meeting shall be transacted, except with the consent of a three fourths' majority of the voting power present at the Meeting, provided that such business shall not include alterations to these rules.
  - f. The procedure to be adopted for the conduct of a Special General Meeting shall be in accordance with that stipulated for the Annual General Meeting.
  - g. Notice in writing of every Special General Meeting shall be sent to each member of the Club at least fourteen days prior to the day fixed for such meeting and shall state the date of the meeting, the time of commencement, the place of the meeting and the business to be dealt with there at.
  - h. Notice of every Special General Meeting shall be as per Rule 9c.

#### **RULE 12. REPRESENTATION AT ANNUAL AND SPECIAL GENERAL MEETINGS**

- a. Any person registered as a member of the Club shall be eligible to attend Annual and Special General Meetings.
- b. Any Officers, Life Members and financial members shall have the right to speak and vote, provided that this shall not confer any voting power other than that provided for in Rules 13-a and 15-c.

#### **RULE 13. VOTING**

- a. At every meeting members present who have attained the age of eighteen years prior to the date of the meeting shall be entitled to one vote. (Minors under the age of eighteen can be represented by a Parent).
- b. The Chairman shall have a deliberative vote and in the event of an equality of votes, shall also have a casting vote.
- c. Unless otherwise specified, voting shall be by voices or by show of hands.
- d. A ballot shall be taken if an Officer or Member with power to vote requests same.
- e. If a ballot is requested it shall be taken in such manner as the Chairman shall direct.
- f. The declaration of the Chairman that a vote has been carried or lost shall be final, provided that, when a ballot has been taken, the declaration of such ballot only shall be final.
- g. All matters submitted to a vote shall be determined on a majority of votes recorded with the exception of that provided in Rule 11. a. and e.

#### **RULE 14. CHAIRMAN**

- a. The Chairman shall be entitled to take the Chair at General and Special General Meetings and Committee Meetings.
- b. If at any meeting the Chairman is not present within fifteen minutes after the appointed time for the commencement of such meeting or the President is not prepared to act, then the members present shall choose one of their numbers to chair that meeting.

#### **RULE 15. MEMBERSHIP**

- a. No person who is not a member of the Club shall take part in any activity, gathering or meeting organised by the Club other than as a spectator, or may attend as the representative of the Club, any activity, gathering or meeting organised by the Parent Association or other body. This clause shall not apply to a Life Member of the Club.
- b. Any member who aids or abets any person to take part in contravention of Rule 15. a. shall be liable to suspension.
- c. Membership and renewal of membership of the Club shall be upon application to the Secretary or nominated representative in the form prescribed by the Club Committee and payment of the prescribed fee.
- d. Every person upon being accepted as a member of the Club shall be entitled to all the rights and privileges of the Club, except that of voting as provided for in Rule 13.a. and shall impliedly undertake to conform to the Rules of the Club.
- e. The Club Committee may, at its discretion decline to grant or delay the granting of any application – for membership without giving to the applicant any reason for its action or decision.
- f. On the 31st day of October each year, members shall be liable for payment of their current subscription and if such subscription remains unpaid on the 30th day of November each year, shall be deemed to be unfinancial and may not take part in any activities of the Club as set down in Rule 15.a. If any member fails to renew membership by non-payment of the current subscription within three months after it has become due, such member shall forthwith cease to be a member of the Club but such cessation of membership not preclude the recovery of current subscriptions.

#### **RULE 16. SUBSCRIPTIONS**

- a. The Annual subscriptions and "levies" shall be determined by the executive committee and will be in addition to any subscription or levy as determined by the Parent Association.
- b. In the event of no decision being made by the executive committee, the subscription fixed for the proceeding year shall remain in force and shall continue to apply until varied at a subsequent Annual General Meeting.
- c. Membership subscriptions as determined from time to time by the executive committee, shall accompany all membership and renewal of membership applications and all levies shall be paid within such time as determined by the Club Committee.

#### **RULE 17. LIFE MEMBERSHIP**