



# NEW ZEALAND BLOKART ASSOCIATION INCORPORATED

## CONSTITUTION

2009

### 1. Name

The name of the Association is the New Zealand Blokart Association Incorporated.

### 2. Objectives

- (a) To act as the national body for the administration, promotion, and development of the recreational and competitive use of the Blokart.
- (b) To promote and control Blokart activities in competitions.
- (c) Establish and promote international, national and regional Blokart competitions and events.
- (d) Publish and enforce the rules for New Zealand Blokart competitions.
- (e) To develop the sport of Blokart Racing through guest speakers, social functions, public displays and events, promotions and advertising.
- (f) To encourage the formation of regional clubs and provide a framework for such clubs to liaise with each other.
- (g) To liaise to the International Blokart Racing Association on behalf of the clubs in New Zealand.

### 3. Membership

#### 3.1. The Membership

The membership shall comprise:

- (a) Incorporated Clubs and Clubs whose principal objective is the drawing together of individuals interested in the recreation and competitive use of the Blokart.
- (b) Members independent of a Club, where no local Club exists or the member does not reside in New Zealand.

#### 3.2. Application

Incorporated Clubs, Clubs and individual members shall apply to the Committee of the Association for membership. The Committee may accept or decline membership in the interests of meeting the

Association's objectives and current membership needs. On acceptance of the application, the current membership fee for the current year, or part thereof, shall be paid.

Clubs Incorporated or not, shall be, by resolution of the Committee, members of the Association until Termination of their Membership.

### **3.3. Membership of Clubs**

Any Club, incorporated or not, that is a current member of the Association, is to be considered a branch of the New Zealand Blokart Association.

### **3.4. Requirements of Member Clubs**

Incorporated Clubs and Clubs not yet incorporated shall submit a copy of its constitution and or objectives to the Association for approval prior to acceptance of membership. The Association may assist a club in the development of its constitution.

Incorporated Clubs and Clubs not yet incorporated shall provide an updated list of its members that belong to the Association, at least 7 days prior to the Associations AGM, a SGM or upon request.

### **3.5. Termination of Membership**

- (a) Any member, Incorporated Club, or Club may resign membership at any time by notice in writing delivered personally or posted to the Secretary of the Association and on such delivery it, he, or she shall cease to be a member of the Association, but no such resignation shall relieve the member from payment of any subscriptions then due by it, him or her to the Association.
- (b) Any member Incorporated Club, or Club infringing any by-law or regulation or misconducting itself, himself or herself, or who shall bring the recreation/sport of Blokart Sailing into disrepute shall be answerable to the Committee of the Association who may at their discretion either fine such a member in any sum or may suspend such member, or may require such member to cease to be a member of the Association.
- (c) Any member, Incorporated Club or Club who fails to pay its, his or her subscriptions, within one month of the due date shall cease to be a member by resolution of the Committee.

## **4. Sports Anti-Doping Rules**

### **4.1. Applicable Anti-Doping Rules**

The Sports Anti-Doping Rules made by Drug Free Sport New Zealand (DFS) under the provisions of the Sports Anti-Doping Act 2006, and as amended from time to time by DFS, will become New Zealand Blokart Associations' Anti-Doping Rules from 1/9/2009 and will replace all other anti-doping rules of the New Zealand Blokart Association and its member Clubs.

#### **4.2. Anti-Doping Requirements of Members**

That as a condition of membership, all members of the New Zealand Blokart Association and its member Clubs, are required to comply with the Sports Anti-Doping Rules. Non-compliance shall be regarded as a breach of section 3.5 (b).

### **5. Subscriptions**

#### **5.1. Annual Subscription**

The annual subscription shall be determined at the Annual General Meeting for each ensuing year.

#### **5.2. Payment**

Individual Members shall pay their membership fee on acceptance of their membership and thereafter within thirty days of the beginning of the next financial year.

Incorporated Clubs and Clubs are required to pay a Club subscription, if any, on acceptance of their membership and thereafter within thirty days of the beginning of the next financial year.

Incorporated Clubs and Clubs collecting Association fees on behalf of their members, shall forward the appropriate payment and updated membership list to the Secretary within 90 days of a new member joining and thereafter within 90 days of the beginning of the next financial year.

#### **5.3. Failure to Pay**

Any member or Incorporated Club, or Club, failing to pay his, her or its subscription within one month from the date payment was due, may be struck off the register of members by resolution of the Committee.

### **6. Management**

#### **6.1. The Committee**

The affairs of the Association shall be managed by a Committee comprising the President, a Secretary and a Treasurer and up to twelve other members to be elected annually at the Annual General Meeting of members.

#### **6.2. Eligibility and Nominations**

- (a) Any member other than a paid employee of the Association shall be eligible for election to the Committee except that no member who, at the time of nomination, has been under any financial liability to the Association for a period of at least one month, shall be eligible for election.
- (b) Written nominations for the Committee, in the form prescribed by the Committee, shall be lodged with the Secretary not less than 48 hours prior to the date of the annual general meeting.

- (c) Every retiring member of the Committee shall be eligible for re-election and be deemed to be nominated, unless he or she has previously signified to the Secretary in writing a desire not to seek re-election.
- (d) If in any year the number of members nominated for the Committee is not more than fifteen, the persons so nominated shall, at the annual general meeting, be declared the elected members of the Committee for the ensuing year.
- (e) If in any year the number of members nominated for the Committee exceeds fifteen, the candidates to be elected to the Committee shall be determined by a ballot held at the annual general meeting.
- (f) If in any year the number of written nominations for the Committee is less than fifteen, the Chairperson shall invite nominations for the remaining positions on the Committee and, if an election is necessary, a ballot shall be held.
- (g) Any vacancies on the Committee following an election under Rule 5.2(f) shall be filled by the Committee.

### **6.3. Vacancies on Committee**

Any vacancy occurring on the Committee between one Annual General meeting of the Association and the next may be filled by the Committee. A person appointed to fill such vacancy shall retire at the next annual general meeting and be deemed to be renominated in terms of Rule 5.2(c).

### **6.4. Sub-Committees**

- (a) The Committee may appoint sub-Committees from among its members (or from among other members of the Association who are not members of the Committee) and:
  - (i) may fix the quorum;
  - (ii) may delegate any of its powers to such sub-Committees; and
  - (iii) may make rules for regulating the proceedings of the sub-Committees.
- (b) The role of a sub-Committee shall be to undertake special projects, eg, the organisation of Association competitions, on behalf of the Committee to which it shall report.
- (c) The President shall be an ex-officio member of all sub-Committees. A member of the Committee shall be chairperson of a sub-Committee.
- (d) Each sub-Committee shall have the right to co-opt, as it thinks fit, such member or members of the Association not exceeding three to be a member or members of such sub-Committee. A co-opted member shall have the same rights as an ordinary member of a sub-Committee.

## **7. Officers and their Elections**

### **7.1. Officers**

The officers of the Association shall comprise a President, a Secretary and a Treasurer.

### **7.2. Election of Officers**

The Officers shall be elected annually at the annual general meeting, on the recommendation of the Committee, but no person may hold the office of President for more than three years in succession.

Following the election of the officers, the Executive positions shall be filled, before the election of general members.

## **8. The Committee**

### **8.1. Meetings**

- (a) The Committee shall meet monthly except that meetings need not be held in the months of January and December.
- (b) The day and time of each monthly meeting shall be determined by the Committee which may meet, adjourn and otherwise regulate its meetings as it thinks fit.
- (c) At any meeting of the Committee the President, if present, shall preside. In the absence of the President from any meeting, the members present shall elect one of their number to chair the meeting.
- (d) Each member of the Committee present shall be entitled to exercise one vote. Questions arising at any meeting shall be decided by a majority of votes. The chairperson of the meeting shall have a deliberative vote and, in the event of an equality of votes, a casting vote also.
- (e) A quorum shall be the greater of five members, or half of the Committee members, rounded up, attending at the beginning of, and throughout the meeting.
- (f) Any Committee member who fails to attend three consecutive meetings without good excuse shall be deemed to have resigned from the Committee.
- (g) A Quorum may be that of an electronic link, and not necessarily in person.

### **8.2. Powers of Committee**

Without prejudice to the general powers conferred by the Rules, the Committee:

- (a) shall be responsible for the management of the affairs of the Association including the control and investment of the Association's funds.

- (b) may make by-laws and regulations for the internal conduct of the Association and engage such staff as may be necessary for the conduct of the Association.
- (c) may make and give receipts, releases and other discharges for moneys payable to the Association and for the claims and demands of the Association.
- (d) shall make provision for the opening and operation of such bank account or accounts as may be deemed necessary for the purposes of the Association.
- (e) may invest and deal with any money of the Association upon such security and in such manner as it thinks fit, and it may from time to time vary such investments.
- (f) may borrow or otherwise raise money in such manner as it thinks fit and to secure repayment by the issue of debentures or by mortgages or charges upon the whole or part of the property or assets of the Association (whether present or future) and to purchase, redeem or pay off any such securities.
- (g) shall keep minutes of all meetings of the Committee and sub-Committees and of all general meetings of members.
- (h) shall ensure that proper books of account are kept by the Treasurer who shall present a monthly financial statement to the Committee and an annual statement of income and expenditure, together with a balance sheet to the members at the annual general meeting.
- (i) shall exercise all the rights, powers and duties which under these Rules are required to be performed by the Committee.

## **9. Meetings of Members**

### **9.1. Business**

An annual general meeting of the members of the Association shall be held in the month of August each year. The business of the annual general meeting shall be to receive and consider:

- (a) the report of the Committee on the affairs of the Association for the past financial year;
- (b) the accounts made up to the previous thirty first day of March, such accounts to be signed by the Association's auditor;
- (c) the election of the Officers in accordance with Rules 5.2 and 6.2;
- (d) the election of the Committee comprising up to fifteen members in accordance with Rule 5.2.
- (e) the appointment of an auditor who shall audit the previous years' accounts, if required by a resolution of the members.

### **9.2. Motions and Special Meetings**

- (a) A member wishing to bring any motion before the annual general meeting shall give written notice to the Secretary of the Association not less than 28 days preceding the date of the meeting and no motion shall come before the meeting unless notice thereof has been so given. No other business shall be considered unless the same is specified in the notice convening

the meeting, except it be deemed a matter of extreme urgency by a majority of the members assembled or be expressly authorised by the Rules.

- (b) A special, or extraordinary, general meeting of members may be called by the Committee at any time or shall be called at the written request of five per cent of the financial members of the Association. Such a meeting shall have the same powers as an annual general meeting.

### **9.3. Notice**

Notice of a general meeting shall be given to members in writing at least fourteen days before the date of such meeting. Such notice shall specify the date, time and place of such meeting, the type of meeting and the business to be discussed at the meeting.

### **9.4. Procedure**

- (a) Fifteen members present personally or via Electronic link at a general meeting of members shall form a quorum. There must be a quorum present at the start of, and throughout the meeting.
- (b) The President shall be chairperson of a general meeting. In the absence of the President the meeting shall elect a chairperson for that meeting.
- (c) Voting shall be on the voices unless a show of hands or a poll is called for. The chairperson shall have a second or casting vote in addition to his or her deliberative vote.
- (d) Resolutions passed at any general meeting shall be conclusive and binding on all members of the Association whether present at the meeting or not.

## **10. Finance**

### **10.1. Money on Account**

All moneys received on account of the Association shall be paid into the account of the Association with its bankers and shall be acknowledged by an officer or a paid employee of the Association.

### **10.2. Cheques**

All cheques drawn upon the bankers of the Association shall be signed in such manner and by such persons as the Committee shall from time to time determine.

### **10.3. Endorsement**

Cheques or other negotiable instruments paid or payable to the Association's bankers for collection requiring the endorsement of the Association may be endorsed by such person or persons as the Committee shall from time to time appoint.

### **10.4. Account Books**

The Treasurer shall keep, or cause to be kept, a proper account of the income and expenditure of the Association, and of the matters in respect of which such income and expenditure arises and takes place

respectively and of the property, credits and liabilities of the Association, in books to be provided for that purpose, and shall produce the account books, properly written up, when required by the Committee.

**10.5. Financial Year**

The financial year of the Association shall be from the first day of April in one year to the thirty-first day of March in the next year.

**10.6. Audit**

If required by resolution of the members in 8.1(e) the accounts of the Association made up to the thirty first day of March preceding shall be duly audited by the auditor of the Association, and an abstract of the accounts shall be issued to every member in writing. The remuneration of the auditor shall be determined by the Committee which shall have power to fill any casual vacancy in the office of auditor.

**10.7. Filing Requirements**

The Secretary shall file with the Registrar of Incorporated Societies within seven days after the annual general meeting, the financial statements required to be filed under Section 23 of the Incorporated Societies Act 1908.

**10.8. Personal Benefits**

Any income, benefit or advantage shall be applied to the objectives of the Association. No member of the Association or any person associated with a member shall participate in or materially influence any decision made by the Association 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 shall be reasonable and relative to that which would be paid in an arms length transaction (being open market value).

And the provisions and effect of this clause shall not be removed from this document and shall be included and implied to any document replacing this document.

## **11. Alteration of Rules**

**11.1. Alteration**

The rules of the Association may be altered, added to or rescinded at any general meeting provided that notice in writing setting out such alteration, addition or rescission has been posted to members with the notice of the meeting not less than fourteen days prior to the meeting.

**11.2. Filing requirements**

The Secretary shall within seven days register any such alteration, addition or rescission with the Registrar of Incorporated Societies.



### **11.3. Disallowed Alterations**

No addition to or alteration shall be approved if it affects the objects, personal benefit clause or the winding up clause.

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.

## **12. By-laws**

### **12.1. Making by-laws**

The Committee shall have power to make, alter or rescind by-laws not inconsistent with these Rules for the conduct and behaviour of members or any other matter related to the affairs of the Association. By-laws shall take effect and become binding on all members fourteen days after notice of the by-laws has been given in writing to all members, unless within that time written notice of objection signed by ten members is received by the Secretary, in which case such notice shall be deemed to be a requisition for the purpose of convening a special general meeting of members pursuant to Rule 8.2(b).

### **12.2. Inspection**

A copy of the rules and by-laws and regulations for the conduct of the Association shall always be open to inspection by members.

## **13. Winding Up**

The Association may at any time be wound up by the resolution of a majority of the financial members present at any general meeting of the Association. Notice of the passing of such resolution shall be given by the Committee to the Registrar of Incorporated Societies. In the event of such winding up the property of the Association shall, subject to the payment of its debts and liabilities and the costs and expenses of the winding up be transferred to any other organisation within New Zealand area having similar objects to the Association for the general purposes of that Association. The Association will comply with Section 24 of the Incorporated Societies Act 1908.

## **14. Indemnity**

### **14.1. Indemnity**

The members of the Committee, Auditor and Secretary and other officers shall be indemnified by the Association for all losses and expenses incurred by them in or about the discharge of their respective duties except such as shall result from their own respective wilful default.

### **14.2. Limitation of liability**

No member of the Committee, Auditor, Secretary or other officer shall be liable for the acts or defaults of any other member of the Committee, Auditor, Secretary or other officer, or for any loss or

expense happening to the Association, unless the same happen from his or her own wilful default.

## **15. Interpretation**

The following words and expressions used in these Rules have the meanings set out below unless such meanings are excluded by or are repugnant to the context or subject matter, that is to say:

"The Association" shall mean the New Zealand Blokart Association Incorporated.

New Zealand may be abbreviated to NZ.

"Club" shall refer to incorporated societies and or un-incorporated Clubs or groups of people.

"The President" shall mean the President for the time being of the Association and shall include an acting President.

"Month" shall mean calendar month.

Words importing only the singular number shall include the plural number and vice versa.

"The Committee" shall mean the Committee of the Association as elected in accordance with these Rules.

"In writing", "printed" and "written" shall include handwriting, printing, facsimile and other modes of representing or reproducing words in a visible form.

Words importing persons shall include corporations.

## 16. Signatures

**Signed:**

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**Name of Member:**

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**Position held:**

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**Signed:**

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**Name of Member:**

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**Position held:**

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**Signed:**

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**Name of Member:**

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**Position held:**

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