

## **CONSTITUTION AND RULES**

**Of**

### **The Gravity Canterbury Down Hill & Free Ride Club (Inc)**

#### **1. Name**

The name of the Club shall be the Gravity Canterbury Down Hill & Free Ride Club (Inc), also known as Gravity Canterbury.

#### **2. Objects**

The objects of the Club shall be:

- 2.1 To promote the mainly amateur sport of down hill and free ride mountain biking in the Canterbury region.
- 2.2 To encourage and conduct mountain bike riding as a recreation activity that contributes to the health and wellbeing of the general public, and in particular youth.
- 2.3 To promote community/youth education and adherence of the following Off Road Code:
  - Use caution when overtaking, and make your presence known well in advance.
  - Maintain control of your speed at all times.
  - Stay on designated trails only.
  - Do not disturb stock or wildlife.
  - Leave no trace, respect public and private property.
  - Always wear an (standards) approved helmet when riding.
  - Support land access organisations.
- 2.4 To promote the understanding, appreciation, maintenance, (and) rejuvenation of the natural environment of New Zealand.
- 2.5 To organise, administer, and sanction events for competitive and fun mountain bikers.
- 2.6 To liaise with kindred bodies.
- 2.7 To raise funds to promote all or any of the objects of the club.
- 2.8 To provide and encourage skills' development and education in down hill mountain biking and track building for all riders, particularly amongst youth.

#### **3. Interpretation**

In these rules, and in any regulation made thereunder, unless regard to the context, the singular shall import the plural and the plural shall import the singular and likewise the male shall include the female.

“Club” shall mean the Gravity Canterbury.

“Committee” shall mean the Committee set up under Rule 7 hereof.

“Branch” shall mean the sub-group of members under Rule 5 hereof.

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#### **4. Membership**

All applications for membership shall be made in writing to the Club Secretary and must be signed by the applicant, and must be accompanied by the current subscription fee. Such application is deemed an acknowledgment of the Rules and Objects of the Club, and an agreement to be bound by them.

The Secretary shall keep a register of members which shall record the full names and addresses of all members with the date on which that person became a member. The membership register of the Club shall be prima facie evidence of membership of the Club.

The Secretary may give to any member who fails to pay his subscription within three months of the due date a notice in writing requiring him to pay the subscription within 14 days. If the member fails to pay the subscription within such further period, the Committee may by resolution remove his name from the register of members and that member shall be forthwith cease to be a member of the Club (without however being released from any existing liabilities to the Club whether in respect of subscription fees or levies or otherwise).

#### **5. Headquarters**

The headquarters of the Club shall be at such place as the Committee shall from time to time determine.

#### **6. Management**

The management of the affairs of the Club shall be invested in the president and an executive of up to 15 members. These shall be elected at the Annual General Meeting of the Club. Preferably up to three members of the executive shall be representative of secondary-school aged riders.

Any member of the committee who fails to attend three consecutive meetings of the committee without cause having been shown to the satisfaction of the committee shall cease to be a member of the committee.

The committee may appoint any financial member of the club to fill any vacancy among its members, or to fill any office of the Club that may become vacant. Such appointments shall hold good until the next AGM.

#### **7. Officers**

The officers of the Club shall be:  
The President, the Secretary, the Treasurer.

In addition, the AGM shall appoint such other officers as they determine and shall prescribe the duties of such officers.

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The President, The Secretary and The Treasurer shall be ex-officio members of the committee. The Secretary and Treasurer do not have to be financial members of the Club, and if they are not they shall not have voting rights on the committee.

## **8. Election of Officers**

No members whose subscription is in arrears or who is otherwise unfinancial may be elected to any office in the club, except to those of Treasurer or Club Secretary.

A candidate for office in the club must be proposed by one member and seconded by another. If the candidate is not present at the meeting, then the person proposing him/her must produce evidence satisfactory to the chairman that such candidate is willing to accept office.

Nominations can be submitted to the Secretary prior to the meeting, or taken from the floor. Where the number of candidates is greater than the number of offices to be filled, a ballot shall be held.

## **9. Duties of Officers**

- a) The duties of the Secretary shall be: to call and attend all general meetings and all committee meetings; to take minutes; submit correspondence and reply thereto according to the direction of the meeting; to keep a register of the members of the Club and the addresses of the same; to keep all records and generally to perform all the clerical work of the Club.
- b) The duties of the Treasurer shall be: attend all general meetings of the Club and all committee meetings; to receive all monies due to the Club and issue a receipt for all monies received and to place the same to the credit of the Club's banking account; to sign all cheques for disbursements in conjunction with the Club President; to make payment as required on behalf of the Club; to keep proper books of the account; to prepare and submit to members of the Club at the AGM a duly audited statement of the financial affairs of the Club.

## **10. Committee Empowerment**

The elected committee shall control, manage or expend the funds of the Club, and shall invest or otherwise with such funds not currently required, or borrow or raise such sums of money, and to incur such liability on behalf of the Club as it think necessary or expedient in the furtherance of the objects of purposes of the Club. The approval to incur any liability on behalf of the Club must be ratified by members at a General meeting.

## **11. Chairman**

At all general meetings of members of the Club and committee meetings the President shall preside. If he should be absent the meeting will elect a Chairman. At all general meetings of the members and at all meeting of the committee the Chairman shall have a deliberate vote, and in the event of equality of voting a casting vote in addition.

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The Chairman's ruling shall be final in any point of order.

## **12. 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. It shall, after a resolution of the committee in that behalf, be affixed to any instrument, deed or document in the presence of two members of the committee, one of whom shall be the President, who shall subscribe their name and offices thereto as witnessed.

## **13. Financial Year**

The financial year of the Club shall conclude on the 31<sup>st</sup> day of March and commence on the 1<sup>st</sup> day of April of each year.

## **14. Resignation**

Any member of the Club wishing to leave it shall forward his resignation to the secretary in writing.

## **15. Expulsion**

When any member of the Club, through flagrant breaches of the rules and regulations of the Club or branch thereof, or by any action likely to bring the Club or the sport of mountain biking into disrepute, makes it undesirable that he should continue to be a member of the Club, the Club or appropriate branch thereof, may by a two-thirds majority resolve to cancel his membership.

A Special General Meeting of the appropriate branch to suspend or expel a member can be called by the committee of the Club or by requisition signed by three or more financial members of the branch. The requisition shall be addressed to the branch secretary. On receipt of such a requisition the secretary shall forthwith take the necessary steps to convene the meeting. At least 14 days notice in writing of the meeting shall be given to the members concerned, outlining the reasons for considering his expulsion. A registered letter shall be deemed to be receipt. The notice to members of such a meeting shall be the same as that prescribed for the Annual General Meeting of the Club in Clause 18.

The branch secretary shall forthwith notify the committee of the receipt of such as requisition. Pending the hearing and determination of the charge the committee shall suspend the member from participation in events sanctioned by the Club. Written notice shall be given to the member concerned, confirming the final decision of the committee and their status with the Club.

The duration of any suspension of membership shall be decided on by the branch AGM, subject to appeal to the committee as laid down in Clause 17.

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## **16. Appeals**

Any member for the Club may appeal to the committee against any decision of any officer or sub-committee of the Club.

Such appeal shall be in writing addressed to the secretary of the Club and shall set forth specifically the decision appealed against and the grounds of such appeal.

The secretary shall arrange for the hearing and determination of the appeal by the committee at the earliest convenient date. Both the person appealing and the official or officials appealed against shall have the right to appear before the Committee prior to the determination of the Appeal.

There shall be no appeal on the question of fact.

## **17. Annual General Meeting**

The Annual General Meeting of the members of the Club shall be held each calendar year within eighteen months of the previous Annual General Meeting.

Forty-two days notice of the meeting shall be given by the secretary. The notice must be given by post to each member or by advertisement in a daily newspaper circulating in the district concerned.

Business shall be:

- a) To receive the Annual Report and Financial Statement.
- b) To elect officers.
- c) To consider motions of which notice has been given.
- d) To transact general business.

The order in which the business is transacted shall be determined by the Chairman.

## **18. Special General Meeting**

A Special General Meeting of members may be called at any time by the Committee or by requisition signed by not less than 15% of financial members. The requisition shall be addressed to the Secretary and shall set out specifically the business for which the Special General Meeting is required. Upon receipt of such a requisition the Secretary shall forthwith take the necessary steps to convene the meeting. The notice to members of a Special General Meeting shall be the same as that prescribed for the Annual General Meeting.

At a Special General Meeting only the business set out in the notice convening the meeting shall be considered, provided that the meeting, by unanimous vote, permit the consideration of additional business.

## **19. Meeting of Committee**

Meetings of the Committee may be called by the Secretary at any time or on such dates as the Committee determine. 14 days notice will be given. At all meetings of the Committee the order of business shall be:

- a) Apologies for absence.
- b) Confirmation of Minutes.
- c) Business arising out of Minutes.
- d) Correspondence.
- e) Accounts for Payment and Financial Report.
- f) General Business.
- g) Next Meeting.

## **20. Voting**

At all meetings of the Committee and at all General Meetings of members voting shall be on the voices, save where a vote is challenge, when a show of hands shall be taken.

In all contested offices at the Annual General Meeting the voting shall be by secret ballot.

## **21. Quorum**

At all General and Special General meetings of members of the Club the quorum shall be 20% of the members entitled to attend such meetings. If after the expiration of such time as the Chairman shall decide from the time appointed for the commencement of the meeting there is no quorum present, the Chairman shall adjourn the meeting to a date and time to be determined by the meeting. Notice of the new date and time shall be given by the secretary in the manner prescribed for notice of a General meeting. If at the resumed meeting there is still no quorum present then those present constitute a quorum and shall be entitled to transact the business of the meeting.

A quorum for a committee meeting shall be 60% of those elected to the committee.

## **22. Regulations**

The members of the Club in General Meeting or the Committee of the Club at any time may make such regulations for the conduct of the Club as they shall determine but such regulations may not conflict with these rules. Any regulation made by the Committee shall hold good until the ensuing Annual General Meeting to members, when it must be confirmed or lapse. Pending the confirmation by a General meeting of a regulation made by the Committee, a regulation so made may be repealed by the Committee notwithstanding the provisions of Rule 23 hereof.

## **23. Alteration of Rules**

Neither these rules nor the regulations made thereunder shall be altered or repealed, not any rule or regulation (as provided in 22) introduced except at the Annual General Meeting or at a Special general Meeting called for that purpose. Notice of any

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proposed alteration, repeal or introduction of a new rule or regulation shall be give to each member at least seven (7) days before the date of the meeting.

#### **24. Pecuniary Gain**

No member of the organisation or any person associated with a member shall participate in 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 open market transaction. The provisions and effect of this clause shall not be removed from this document, and shall be included and implied in to any document replacing this document.

Should any member of the Club stand to derive any pecuniary gain from any matter under discussion either by the committee or by the Club he shall declare his pecuniary interest in the matter and abstain from voting on the matter and can be asked to leave the meeting for the period of the discussion.

#### **25. Winding Up**

If upon the winding up or dissolution of the organisation there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the organisation but shall be given or transferred to some other charitable organisation or charitable body having objects similar to the objects of the first organisation, or to some other charitable organisation or purpose, within New Zealand.

In no event shall the surplus assets of the Club be divided among the members thereof, nor shall the members of the Club have any beneficial interest therein.

The Club may be wound up voluntarily if the Club, at a General meeting of its members passes a resolution requiring the Club so to be wound up, and the resolution is confirmed at a subsequent general meeting called for that purpose and held not earlier than 30 days after the date on which the resolution so to be confirmed was passed.