



**RULES OF
THE MERCURY BAY CLUB
INCORPORATED**

A Brief History of the Mercury Bay Club Inc.

During early 1972 it became obvious to the Mercury Bay R.S.A. that it did not have the numbers or the finance to either build or support an application for a club charter.

As the 1972 population was 980 consideration was then turned towards establishing a Community Club.

At a public meeting held on the 18th October 1972 a Provisional Community Club was established, and the committee elected to carry on investigations. Those elected were Alan Clague, Chairman; Jack Maxwell, Secretary, Vic Crocombe, L. Hall, N Mitchell, Tony Boyce, Jack Thompson, Derek Boardman, Fred Young.

On the 31st July, the Inaugural Meeting of the Mercury Bay Club was held. Those eligible to attend and vote were all financial Members of the Provisional Club and the Foundation Membership of the Mercury Club.

At this stage all the R.S.A. members were given the opportunity to become foundation members.

The Foundation and Establishment Committee elected were Alan Clague, President; Reg Newcombe; Vice President, Annette Newcombe; Treasurer, Jack Maxwell; Hon Secretary, Committee; Vic Crocombe, Graham Patchett, Cres Anderson, Heaton Balsom, Jack Thompson, Ash Cummings, Jack O'Sullivan, Cushla Willis, Max Leadley.

The Club was Incorporated in November 1974. Jack Maxwell was appointed the Project Manager. The cost of the complex was \$184,000. \$45,000 had been subscribed by the way of Members Loans.

*Membership granted by the L.C.C. was 650 (272 were Lady members)
The Club opened on 22nd June 1976.*

In order to preserve the relationship between the Mercury Bay Club Inc. and the Mercury Bay R.S.A. the following resolutions were passed and recorded accordingly

(Continued on inside back cover)

Mission Statement

In acknowledging the Mercury Bay Club is a commercial enterprise and part of the competitive hospitality industry, The Mercury Bay Club will provide best industry service quality, customer focus, products and facilities based on the needs and expectations of our members.

The Club will continue to prosper and develop through, and ongoing competitive analysis of our industry and the community guided by sound strategy, operational excellence, financial acumen, integrative management / staff relations and ethics.

RULES OF THE MERCURY BY CLUB INCORPORATED**THESE RULES RESCIND ALL PREVIOUS RULES
AS APPROVED BY AGM 26th JUNE 2005****1. NAME**

The name of the Club shall be the MERCURY BAY CLUB, (INCORPORATED).

Hereafter referred to as "The Club."

2. REGISTERED OFFICE

The registered office of the Club shall be at the corner of Campbell Street and Cook Drive Whitianga, or such other place as the committee shall from time to time appoint.

3. OBJECTS

a. The objects for which the Club is established are: - To conduct, administer and maintain a Chartered Club for its members and for such persons as are authorized from time to time in accordance with the terms of any charter 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 friendship and fellowship.

4. MEMBERSHIP

Membership of the Club shall consist of Ordinary Members, Junior Members, Life Members and Honorary Members and shall comprise:

a. Ordinary Members

Ordinary Members may be conferred on persons who have attained the age prescribed in Section 155(1) of the Sale of Liquor Act 1989 or any amendment thereto.

b. Junior Members

Persons of fifteen (15) years of age or more at the time of application form and their membership is subject to the following conditions:

- (i) No voting rights at club meetings.
- (ii) No right to hold office in the Club.
- (iii) No right to nominate membership.
- (iv) No right to sign in visitors.
- (v) No right to purchase alcohol on Club premises.
- (vi) No access to gaming machines in accordance with the Gaming Act 2003.
- (vii) On attaining legal drinking age ordinary membership will apply.

c. Honorary Membership

The committee may confer honorary membership on any person in recognition of any notable service or circumstances. Honorary membership shall apply only until the date of the Clubs next Annual General Meeting but may be renewed by the committee for the following year if they so resolve. An honorary member shall not vote or hold office in the Club. Honorary members shall not be required to pay the annual subscription.

d. Life Members

- (i) The Club in Annual General Meeting, upon recommendation by the committee may grant Life Membership to any member for meritorious service rendered to or on behalf of the Club.

- (ii) Notice of intention to recommend shall be posted on the Club's notice board for fourteen (14) clear days prior to the Annual General Meeting.
 - (iii) The number of Life Members shall not at any time exceed two (2) percent of the total membership of the Club.
 - (iv) Life Members from the time of their election shall not be required to pay any annual subscription to the Club and shall have all rights and privileges of ordinary members.
- e. Members shall be entitled to rights and privileges as follows:
- (i) Entry to the premises during such hours may be defined by the committee
(see rule 23 & 24).
 - (ii) The right to hold office in accordance with the rules of the Club.
 - (iii) An equal voice in all business of the club.

5. **ADMISSION OF ORDINARY and JUNIOR MEMBERS**

- a. Each candidate for the Ordinary and Junior Membership shall use the prescribed form. The form shall be accompanied by prescribed subscription. The names of applicants shall be posted on the Club notice board for at least fourteen (14) days prior to consideration by the committee.

- b. Any members may lodge in writing, an objection to any application for Ordinary Membership. The objection is to be taken into account by the Committee when considering the application
- c. In the case of an application for Ordinary Membership being declined, the Committee shall not consider any further application(s) from that person for a period of two (2) years following the declination.
- d. No applicant whose application for Ordinary Membership is declined may appeal the decision in terms of the Rules of the Club.

6. **TERMINATION OF MEMBERSHIP**

- a. By Resignation. Members may resign their membership by letter addressed to the Secretary of the Club to that effect and by paying all subscriptions owing at the date of such letter of resignation.
- b. By Expulsion. Members who misconduct themselves or offences under these Rules render themselves liable to expulsion on the majority decision of the Disciplinary Committee.

7. **SUBSCRIPTION**

- a. All subscription shall be paid yearly in advance. The annual subscription shall be such sum as shall from time to time be determined by members in Annual General Meeting or Extraordinary General meeting.
- b. The subscription year of the Club shall commence on the **1st day of July**, in each year and subscriptions shall become payable on that date.
- c. **Leave of Absence.** A member whose attendance at the Club for a year or more is likely to be prevented by circumstances may

apply to the Committee for **Leave of Absence** and, if agreed no Annual Subscription shall be due for the period concerned. The Committee may resolve to restore Ordinary Membership on Payment of an Annual Subscription.

8. **ARREARS**

Any member whose subscription or dues are in arrears for one month shall be struck off the register of members. A member incapacitated through illness, accident or distress may, on notice in writing to the secretary, have his or her subscription suspended or remitted.

9. **GOVERNMENT**

a. The general business, management and control of the Club shall be conducted by a Committee comprising:

- (i) A President.
- (ii) Two (2) Vice Presidents.
- (iii) A treasurer.
- (iv) Seven (7) Committee Members, six (6) of whom shall be appointed as provided for in rule 9 c (i & ii). The seventh (7th) Committee Member, who must also be a financial or Life Member of the Mercury Bay Club Inc, shall be the appointee of the Mercury Bay Returned And Services Association and shall be accredited the status of an elected member and shall hold office until replaced by Association. Attendances at meetings to be published in the Annual Report.

b. The term of office of President shall be two years but shall be eligible for re-election.

The term of office of Vice Presidents (2), will be for two (2) years with one of the Vice Presidents elected standing down each year by rotation but being eligible for re-election.

For the positions of Committee, the term of office shall be two (2) years, with half of the Committee standing down each year by rotation but being eligible for re-election.

Persons appointed by committee to fill a vacancy on committee during the year must stand for election at the next AGM.

The term of office of the Treasurer shall be two years (2 years) but being eligible for re-election.

- c. The Committee shall be elected in the following manner: -
- (i) Nomination of the Committee shall be made in writing on a form provided for the purpose to be deposited with the Secretary at least fourteen (14) clear days prior to the Annual General Meeting. The nominee, proposer and seconder shall, at the date of nomination, have been financial members of the Club for at least one full year. If any is not, then the nomination shall be void.
 - (ii) The election of Committee shall be by secret ballot commencing seven (7) clear days prior to and closing at the commencement of the Annual General Meeting. Voting papers shall be available at the Clubrooms to financial members of the Club, between the hours of 11.00 am and 7.00 pm on the days preceding the Annual General Meeting.
 - (iii) An extraordinary vacancy for the office of President, Vice President or Treasurer shall be filled by the Committee from its members, and where a vacancy occurs in the office of Committee the unsuccessful candidate who polled the highest number of votes at the last election shall be invited to fill such vacancy and shall hold office only until the next annual election.
 - (iv) Employees of the Club shall not be eligible for nomination for the Executive or Committee. Employers' spouses' partners who from time to time may be elected to the committee must debar themselves from all debates concerning staff performance or behaviour and may not sit on any Committee considering staff employment or remuneration.

- (v) No person shall be eligible for any of the positions of President or Vice President without having served as an elected Committee member for at least twelve (12) months.
- (vi) The immediate past President shall if he/she wishes be an additional ordinary member of the Committee for the twelve (12) months following his/her vacating the office of President. He/she shall have no voting right.
- (vii) A member of the Committee shall vacate office if he or she.
 - a. Is absent from three (3) consecutive meetings of the Committee without leave of the Committee.
 - b. Gives notice in writing to the Committee resigning his or her office.
 - c. By notice in writing from the Committee is called upon to resign for any reason which the Committee deems expedient or necessary.

10. **PRESIDENT AND VICE PRESIDENTS**

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

11. **TREASURER**

- a. The Treasurer shall: -
 - (i) Ensure that all monies received by the Club are paid into the Bank for credit of the Club and
 - (ii) Prepare a detailed report of the previous month's receipts and payments for each monthly Committee meeting and present it to that meeting and

- (iii) Ensure that all taxes, levies, duties, and other payments required by statute are made before the due date and
 - (iv) Ensure that all taxation and other financial returns required by statute are accurately completed and lodged by the due date and
 - (v) Prepare the Club's financial statements and present them to the Annual General Meeting each year.
- b.** The Treasurer shall immediately bring to the attention of the Committee, any financial irregularity or suspicion of financial irregularity, or concern regarding the financial performance of The Club.

12. AUDITOR

- a.** The Club's accounts shall be audited annually by a Chartered Accountant appointed by the members in Annual General Meeting, who shall;
- (i) Be a member of the Institute of Chartered Accountants of New Zealand and
 - (ii) Not be a Committee Member or hold any other office in the Club.
- b.** The Auditor shall have the right to attend any meeting of the Club at which the Club's financial affairs are under discussion but shall not be entitled to exercise a vote on any question.
- c.** The Auditor shall be paid such fees as may be determined by the Committee from time to time.
- d.** The Auditor shall have the power to call for the production of all the books, papers, and documents (including electronic documents relating to the affairs of the Club. The financial statements shall be audited by him or her and if correct, certified

under his or her hand before they are submitted to the Annual General Meeting.

13. GENERAL MANAGER

- a. The Committee may appoint a General Manager who shall be responsible for;
 - (i) The day-to-day maintenance, cleanliness, and service of The Club.
 - (ii) The engagement and dismissal of such employees as may be essential to provide adequate and efficient maintenance of the assets and control of the Club.
 - (iii) Ensuring that the Club's day membership register is kept up to date.
 - (iv) Ensuring that the Club has a visitors' book available for the visitors and visiting members of affiliated Clubs to sign and;
 - (v) Carrying out such other duties as are conducive to his or her office and that the Committee shall decide from time to time.
- b. The General Manger's remuneration shall be determined by the Committee.
- c. The General Manager shall have the right to attend all Committee Meetings but shall not have a vote.

14. SECRETARY

- a. The Committee shall in conjunction with the General Manager appoint a Secretary whose duties shall be to;
 - (i) Attend to the accounting and clerical duties of the Club.

- (ii) Take minutes of Committee and General Meetings; and
 - (iii) Generally conform to such regulations as shall time to time be made by the Committee.
- b.** The Secretary's remuneration shall be determined by the Committee in conjunction with the General Manager.
- c.** Noting in the Rules 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 General manager, (Secretary / General Manager).

15. ANNUAL GENERAL MEETING

- a.** The Annual General Meeting of the Club shall be held no later than 30th June each year at such time and place as shall be fixed by the Committee, for the purpose of:
- (i) Receiving and adopting the Annual Report of the Committee.
 - (ii) Receiving and adopting the Financial Statements of the Club.
 - (iii) Considering, and if necessary, taking action on, any motion relating to the Annual Report or Financial Statements.
 - (iv) Considering, and if necessary, taking action on, any other motion of which due notice pursuant to Rule 17.f (ii) has been given.
 - (v) Election of Committee Members.
 - (vi) Election of Disciplinary Committee Member.
 - (vii) Election of Board of Appeal.

- (viii) Election of Auditor.
 - (ix) General Business.
- b.** At least fourteen (14) days before the Annual General Meeting the following shall be given by notice on the Club's notice board and either by an advertisement in public newspaper circulating in the district of the Club or by notice circulated to each member.
- (i) Notice of Annual General Meeting.
 - (ii) The Committee's Annual Report.
 - (iii) The Financial Statement: and
 - (iii) Notice of any other business to be transacted at the Meeting.
- c.**
- (i) One month prior to the Annual General Meeting the Secretary to contact the Scrutineers appointed at the previous Annual General Meeting to ensure of their availability and as to what dates they will be required for their duties.
 - (ii) Five weeks prior to the Clubs Annual General meeting nomination forms for the Executive committee to be prepared/updated and made available to Office staff so that people seeking nomination can uplift these from a central point at the Club, complete them and deposited with the Secretary at least 14 clear days (fourteen clear days) prior to the Annual General Meeting. The nominee, proposer and seconder shall, at the date of nomination, have been financial members of the club for at least one full year. If any is not, then the nomination shall be void.
 - (iii) Three weeks prior to the Annual general Meeting nominations for Executive Close.

- (iv) Three weeks prior to the Annual General Meeting voting papers required can be prepared and printed.
- (v) Not less than two weeks prior the Annual General Meeting, the Annual report, including the financial report is to be downloaded onto the Clubs website.
- (vi) Not less than two weeks prior to the Annual General Meeting, the Annual report, including the financial report a suitable notation is to be made in the Clubs weekly newsletter that copies are available from the office of the Mercury Bay Club Inc.
- (vii) The day of the Annual General meeting two members or committee members are to be available at the main entrance front desk to check that members attending that membership cards are valid and current against a full membership list.
- (vii) At the opening of the Annual General Meeting all entrance doors to the Club are to be locked until the Annual General Meeting is finished.

16. EXTRAORDINARY GENERAL MEETING

- a. The Committee shall convene an Extraordinary General Meeting if at any time: -
 - (i) The Committee considers such a Meeting necessary or desirable: or
 - (ii) The Secretary receives a written requisition to do so signed by not less than fifty (50) Financial Members stating the purpose of the Meeting requisitioned, in which case the meeting must be convened for that purpose only.
- b. Seven (7) days' notice specifying the time and place of an Extraordinary General Meeting, its purpose and an agenda shall be given by notice on the Club's notice board and either by an

advertisement in a public newspaper circulating in the district of the Club or by notice circulated to each member.

17. CONDUCT OF GENERAL MEETINGS

- a. At all General Meetings, the Chairman shall be
 - (i) The President: or
 - (ii) In his or her absence, one of the Vice Presidents: or
 - (iii) In the absence of both the President and the Vice Presidents, a Committee Member elected by the meeting.
- b. The quorum for the General Meeting shall be fifty (50) Financial Members.
- c. A general meeting shall be adjourned if:
 - (i) A quorum is not present within half an hour after the time fixed for the meeting: or
 - (ii) A quorum is present and the meeting elects to adjourn.
- d. If a meeting is adjourned, the Committee shall: -
 - (i) Fix a new date not more than fourteen (14) days later: and
 - (ii) Give at least three (3) days' notice of the adjourned meeting by advertisement in a public newspaper circulating in the district of the Club and by notice on the Club's notice board.
- e. If a quorum is not present at an adjourned meeting, the meeting shall lapse. If a quorum is not present for an Extraordinary General Meeting, the agenda as displayed on the notice board shall automatically revert to the Committee to adjudicate on.
- f. **Resolutions**

- (i) A member may without notice ask any questions or move resolution relative to the Annual Report or Balance Sheet.
- (ii) Any member intending to move a resolution bearing on any other matter must give notice of the proposed motion seconded by another member, to the Secretary at least twenty one (21) days before the meeting and such notice of motion shall be forwarded to each member with notice of the meeting.

g. Procedure:

The following rules of debate shall apply: -

- (i) Each member may speak only once to each motion or amendment, except the mover, who may reply.
 - (ii) Unless the Chairperson otherwise determines the mover of any resolution or substantial amendment to a resolution shall be allowed five (5) minutes in which to introduce his proposition and ten (10) minutes for reply, or vice versa, and any other speaker will be allowed five (5) minutes.
 - (iii) The Chairman shall decide whether any amendment proposed to a resolution is a substantial amendment or not.
 - (iv) If discussion of 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.
 - (v) 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.
- h.** Except as otherwise provided by these rules, all questions shall be decided by simple majority vote.

i. All resolutions passed at any meeting shall be conclusive and binding on all members whether present or not, provided that the meeting was held in substantial conformity with the rules.

j. **Voting**

At any General Meeting: -

(i) Each member shall be entitled to be present and give one vote on all questions:

(ii) Voting shall be on show of hands in the first instance

(iii) A declaration by the Chairman as to the result shall be conclusive unless a motion that the vote shall be taken by a secret ballot is passed by a majority of members present: - and

(iv) The Chairman shall have a deliberate vote and a casting vote in the event of equal votes being cast.

18. **COMMITTEE MEETINGS.**

a. The Committee shall meet regularly and at least once each month at a time and place determined by the Committee, or a requisition in writing to the Secretary, setting out the purpose for which the Meeting is required and signed by three (3) members of the Committee. A Committee Meeting must be held within seven (7) days of the Secretary receiving requisition under this clause.

b. At all Committee Meetings, the Chairman shall be: -

(i) The President: or

(ii) In his or her absence, one of the Vice Presidents: or

- (iii) In the absence of both the President and the Vice Presidents: a Committee Member elected by the meeting.
- c. The quorum for a Committee Meeting shall be not less than seven (7) of its members.
- d. Any Committee Meeting shall be adjourned if:
 - (i) A quorum is not present within half an hour after the time fixed for the Meeting: or
 - (ii) A quorum is present and the meeting elects to adjourn.
- e. If a Committee Meeting is adjourned, the Committee shall:
 - (i) Fix a new date not more than fourteen (14) days later: and
 - (ii) Give at least three (3) days' notice of the adjourned Meeting to each Committee Member.
- f. If quorum is not present at an adjourned meeting, the meeting shall lapse.
- g. Except as otherwise provided by these Rules, all questions raised at a Committee Meeting shall be decided by a simple majority of votes cast.
- h. The Chairperson shall have a deliberate vote and a casting vote in the event of equal votes being cast.

19. ACCOUNTS

- a. The Committee shall ensure true accounts are kept of

- (i) All sums of money received and expended by the Club and the matters in respect of which such receipt and expenditure takes place; and
 - (ii) All assets, credits and liabilities of the Club including any charges and securities of any description affecting any property of the Club; and
 - (iii) All remuneration and entitlements relating to employees of the Club.
- b.** The books of accounts shall be kept at the office of the Club or other such place as the Committee may determine and shall be open to the inspection of Financial Members at all reasonable times.
- c.** All monies received shall be forthwith paid into a bank approved by the Committee after being entered in the books of the Club as having been received.
- d.** All payments shall be reported to the Committee for confirmation at the meeting next following payment. Payment of all monies on behalf of the club shall be made by cheque signed by or electronic transaction authorised by two (2) Committee members, one being the Treasurer and the other being of the Secretary, the President, the Vice Presidents, or other person approved by the Committee as an authorized signatory of the Club.
- e.** The Club shall make returns by section 23 Incorporated Societies Act 1908 and shall comply with all the relevant requirements of that Act.

20. SEAL

- a.** The Club shall have a Common Seal which shall be kept in the custody and control of the Secretary or the Clubs Solicitor.

- b.** Any document to be executed by the Club shall be available for inspection to every member of the Club at all reasonable times and shall be executed with the following attestation pursuant to resolution of the Committee.

“The Common Seal of the Mercury Bay Club (Incorporated) was hereunto affixed by the Secretary in the presence of two members of the Committee.”

21. POWERS

- a.** The Club has the power to do the following in the pursuance of its objects, such to any limitation imposed by these Rules.
- b.** To fund its activities by subscriptions or payments from members, fees, or other income.
- c.** To borrow, raise, or secure the payment of money in such manner as the Club shall think fit, with or without security.
- d.** To purchase, sell, lease, exchange, maintain, improve, hire, dispose of, manage, invest, lend, mortgage, charge, girt or otherwise deal with any real or personal property.
- e.** To invest, lend, and deal with any monies of the Club not required for immediate use in such government or local body securities or on bank deposits as the Committee may think fit.
- f.** To employ and remunerate staff.
- g.** To undertake legal action.
- h.** To form and disband Adjuncts.

- i. To enter into any contract, make any arrangements or undertake any activity for the financial or other benefit of the Club.
- j. To make regulations and required bylaws for the conduct of the Club and discipline required of members which shall be consistent with the provisions of the Incorporated Societies Act 1908, the Sale of Liquor Act 1989, or these Rules.
- k. To conduct any other functions outlined in these Rules.
- l. To use any rights or privileges that the Club may deem necessary or convenient for carrying out its powers, or furthering its objects under these Rules; and
- m. To do anything incidental or conducive to the attainment of any of the objects of the Club.

22. **LIABILITY**

The Committee shall not be held responsible for acts, defaults, or omissions on the part of casual or permanent employees or contractors to the Club. The Club shall at all times indemnify and keep indemnified each of the persons referred to below from and against all claims, demands, actions, proceedings, costs, damages, losses and expenditure incurred by each such person for or in respect of all things done or omitted by such persons in the exercise or attempted exercise of such persons rights or duties (whether expressed or implied by these rules, or by any bylaw made pursuant to these rules or by the law.) Or in the purported exercise of any such rights, or duties. PROVIDED that such person does or omits such things in good faith and in reasonably held opinion that such person is entitled to do or omit such things.

The indemnity shall extend to things done or omitted in the past. The indemnity shall not exceed to criminal liability. The persons here before referred to are:

- (i) All members of the Committee.
- (ii) All Members of The Club who are acting with the express AUTHORITY OF THE COMMITTEE.

23. CLUB HOURS

Hours shall be set at the discretion of the Committee.

24. VISITORS

- a. Any member may invite any person as a visitor to the Club in accordance with the following: -
- b. By entering Club Premises, a visitor agrees to abide by these Rules.
- c. All visitors shall enter their name and address in and sign the Club's visitor's book each time they visit the Club.
- d. The Member accompanying a visitor shall also sign the Club's visitor's book and will at all times be responsible for the conduct of the visitor.
- e. No visitors shall be sold or supplied liquor on Club premises unless the visitor is present on the invitation of a Member and is in the company of that member and the liquor is supplied for consumption on the premises. (Off sales available to affiliated members).
- f. No person, be they a member of an affiliated club or otherwise and permanently residing in the Mercury Bay ward defined are of the Thames Coromandel District Council, shall become regular or frequent visitor. Such persons shall be allowed to visit the Club, other than for the purpose of using the dining facilities, on no more than four (4) occasions before they shall be requested to make

an application to join the Mercury Bay Club as an ordinary member, under the conditions of Rule number five (5).

25. **MEMBERS of AFFILIATED CLUBS visiting the club:**

- a. Are deemed to agree to abide by these Rules.
- b. Shall enter their name and the name of their Club in and sign the Club's visitor book each time they visit the Club, and
- c. Have the same rights as members to be sold or supplied liquor on Club premises provided, they have produced sufficient evidence to an officer of the Club or member of its staff that they are a member of an affiliated Club otherwise, may become a regular or frequent visitor.

26. **GROUNDS FOR IMMEDIATE SUSPENSION**

- a. If a member
 - (i) Is convicted of any Crime (as defined in the Crimes Act 1961) **after** election to the Club, he or she must inform the Secretary of the conviction and any penalty imposed, and the Secretary shall report the fact to the Committee at or before its next meeting.
 - (ii) Instigates or is involved in any act of physical violence or fighting on the Club property.
NB If any member is found guilty of using violence against any person in the Club premises or on Club property a minimum five (5) year ban from the Club may be imposed.
 - (iii) Wilfully or recklessly damages any property of the Club.

- (iv) Persists in drunkenness, swearing, obscene language or other disorderly conduct in Club Premises after being cautioned by a Committee Member or Duty Manager.
- (v) Persists in creating a disturbance at any meeting or other Club event, after being cautioned by a committee member or Duty Manager.
- (vi) Contravenes any exclusion order or agreement that is in force, which restricts the members from participating in gambling activities.
- (vii) Smokes in the Club, except in the designated smoking area.
- (viii) Commits theft from the Club or from any person in Club premises.
- (ix) Has a prohibition order against his or her name.
- (x) Commits any offence that is likely to prejudice any charter or licence held by the Club.
- (xi) By any act or statement brings the Club into disrepute.
- (xii) By any act or statement causes any complaint to be made to the Committee or against the Club in terms of the Human Rights Act 1993 or the Employment Relations Act 2000.
- (xiii) Breaches the rules of the Club.

b. Procedure of immediate suspension

- (i) Members of the Committee shall at all times render every assistance to the staff of the Club to maintain order and prevent infringement of the rules, regulations and bylaws, or the terms of any Charter which from time to time may be granted therefore;
- (ii) Any Committee Member or any Manager on duty pursuant to section 115 Sale of Liquor Act 1989 may immediately suspend a member who contravenes the acts set out in **Rule 26:a (ii) thru (xiii)**.
- (iii) A suspended member shall be totally excluded from the Clubs premises and Club activities from the time of committal of the alleged offence/s until such time as the Disciplinary Committee deals with the infringement.
- (iv) The Disciplinary Committee shall comprise of;
 - a. President.
 - b. At least one (1) Vice President.
 - c. Two (2) members of the Committee.
 - d. One (1) ordinary financial member elected at the Annual General Meeting who holds no other office in the Club.
 - e. A minutes Secretary shall be appointed by the Committee.
- (v) The Disciplinary Committee shall meet to consider the suspension in accordance with rule 27:b (ii) thru (v).

27. GROUND FOR SUSPENSION AND EXPULSION

- a.** A member shall be liable to be suspended or expelled from the Club if he or she;
 - (i) Is found by the Disciplinary Committee to have committed any of the acts set out in rule 26:a.
 - (ii) Refuses to replace or make good any damages.
 - (iii) In the opinion of the Disciplinary Committee brings the Club into disrepute.
 - (iv) Breaches these rules.

- b. Procedure for suspension and expulsion**
 - (i) Any member may notify the Secretary in writing if he or she believes a member may be liable to suspension or expulsion pursuant of Rule 26:a.
 - (ii) Within three (3) days of receipt of such notice, or of a member being immediately suspended pursuant of Rule 26:a the Secretary shall call a Disciplinary Committee Meeting to consider the notice or suspension.
 - (iii) Such a meeting shall be held within two (2) weeks of receipt of the notice, or of the suspension.
 - (iv) The Disciplinary Committee must give the member concerned at least seven (7) days written notice of the meeting, informing him or her of;
 - a.** The nature of the complaint and
 - b.** How the complaint will be heard.
 - c.** His or her right to appear and be heard at that meeting and
 - d.** His or her right to have another person appear with them at the hearing.
 - e.** The procedure of the meeting.

- (v) After the member concerned has had the opportunity to be heard and if the complaint is found to be proven, the Disciplinary Committee may elect to;
 - a. Fine him or her, (if in the opinion of the Disciplinary Committee a fine would be a more appropriate measure of discipline, the Disciplinary Committee may levy a fine in excess of twenty five (25) dollars for each offence, but not exceeding one hundred (100) dollars for each offence). Failure to pay the fine imposed within fourteen (14) days will lead to suspension or expulsion.
 - b. Suspend him or her for a determined period, or until a particular event. A suspended member shall not be totally excluded from the Clubs premises / property and Club activities until the expiry of the suspension.
 - c. Expel him or her.
- (vi) The decision of the Disciplinary Committee shall be reported to and entered in the minutes of the next Committee Meeting.
- (vii) Any member fined, suspended, or expelled shall have the right to appeal his or her sentence under Rule 28:d:(i)
 - c. A suspended or expelled member shall not be relieved from payment of any subscription, levy, or other payment due or payable at the time of suspension or expulsion.
 - d. No subscriptions, levies, or other payment already received by the Club as at the date of suspension or expulsion shall be refunded.

- e. A member expelled on the grounds of criminal conviction shall not be eligible for re-election to membership unless a period of twelve (12) months has passed since the date of expulsion, and a sixty 60% majority of members at a General Meeting vote in favour.
- f. A member who has been suspended under this Rule is ineligible to stand for election for any position on the Committee, for a period of two years from the last Day of that suspension.

28. **BOARD of APPEAL**

- a. A board of appeal consisting of five (5) members shall be elected at each Annual General Meeting.
Committee members shall not be eligible for membership of the Board of Appeal.
- b. The Board of Appeal shall elect a Chairman from its members.
- c. No member may appeal **against the fine, suspension or expulsion of another member.**
- d. The Board of Appeal shall hear and decide any appeal lodged by any member against the decision of the Disciplinary Committee in accordance with the following;
 - (i) Any member being fined, suspended, or expelled who wishes to appeal their sentences must give, notice in writing to the Secretary within seven (7) days of the date of suspension or expulsion, stating the grounds for their appeal.
 - (ii) The Secretary shall call a meeting of the Board of Appeal within seven (7) days of receiving such notice and the Disciplinary Committee shall supply the Board of Appeal with all evidence on which it based its decision.

- (iii) The Secretary must give the member concerned at least three (3) days written notice of that meeting, informing him or her of;
 - a. How the appeal will be heard
 - b. His or her right to appear and be heard at that meeting and
 - c. His or her right to have another person appear with them at the hearing.
 - d. The procedure of the meeting.

- (iv) The Board of Appeal shall re-hear the case and **may allow new evidence to be introduced**. Its decision shall be by majority and **that decision shall be final**.

- (v) A written decision on its ruling shall be lodged with the Club Secretary and tabled at the next meeting of the Committee.

29. CLAIMS to CLUB PROPERTY

No expelled or retiring or forfeiting member/s shall have any claim upon the Committee, any Sub Committee, or the Club, either collectively or individually or to any property of the Club.

30. DISPUTES

Except as otherwise provided in these Rules, every dispute in relation to these Rules between a member or a person claiming through a member and the Club or Committee member shall be decided by the Committee and the decision shall be binding and conclusive on all parties without appeal.

31. LIQUIDATION

The Club may be voluntary liquidated as provided by Section 24 of the Incorporated Societies Act, 1908 and its amendments, and all monies or assets after due settlement of all just debts. And

the affairs of the Club shall be handed over to some charitable institution to be determined upon the next Committee meeting.

32. INTERPRETATION

In these Rules and all Bylaws made hereunder, the decision of the Committee shall be final and binding.

33. REVISION of RULES

These Rules may be altered, added to, repealed, 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.

34. GENERAL

All matters provided for in these Rules shall, at all times, be dealt with in accordance with the following "guiding principles."

- a. That it be accepted that the Club is established primarily for the benefit and convenience of its members.
- b. That the admission of non-members should at all times be subordinated to the comfort, well-being, and satisfaction of the Club members.
- c. 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.
- d. That at all times the provision of the Clubs charter as lid down by the Licensing Authority is to be maintained and upheld.

35. BY LAWS

The members in General Meeting shall have power to make Regulations and Bylaws dealing with all matters within the jurisdiction of the Club and not provided for in these Rules. Such Regulations and Bylaws shall not be inconsistent or repugnant to the provision of the Incorporated Societies Act, 1908 and its amendments, or of these Rules.

- a.** Under Rule 32 the Committee may make By Laws (not inconsistent with sale of Liquor Act 1989) for the regulation and management of the club or any part of its business.
- b.** The following By-Laws may be adopted at the time of formation of the Club but do not form a part of the Rules and may be added to by the members of the Club without reference to the Registrar of Incorporated Societies.
- c.**
 - (i) No unlicensed or unlawful gambling or gaming shall be permitted in the Club.
 - (ii) No petition, except for the purpose of convening an Extraordinary General Meeting as provided in Rule 16: a:(ii) shall be allowed to circulate, or signatures sought on Club premises.
 - (iii) No raffle shall be allowed on Club premises or goods exhibited for that purpose except with the authority of the Committee.
 - (iv) No business cards or notice shall be displayed on the premises without the sanction of the Committee, nor shall any member give the address of the Club in an advertisement or use the Club address for business purpose.

- (v) Neither the Committee nor other members shall interfere in day-to-day operations of the Club or staff employment matters. Any such interference will not be tolerated. The President is exempt from this rule.
- (vi) Arguments with or unpleasantness towards the staff will not be tolerated and will be investigated, possibly resulting in suspension or expulsion.
- (vii) No member shall give any gratuity to any employee of the Club.

36. ADJUNCTS

- a. An Adjunct may be formed within the Club for sporting or special interest groups.
- b. Any assets of the Adjunct are the assets of the Club. All monies received for Adjuncts shall be paid into that Adjunct's bank account referred to in clause 36. d:(i)
- c. All accounting, taxation, financial reporting, and legal compliance responsibilities of the Adjunct shall rest with the Club.
- d. Adjuncts shall use the Club's accounting services in the following manner;
 - (i) Adjuncts must have a separate bank account to the Club, which shall be on the Club's base bank account number.
 - (ii) The Secretary or Treasurer of the Club and the Secretary or such designated person of the Adjunct shall be joint signatories of the Adjuncts account.
 - (iii) All payments on behalf of an Adjunct shall be made by cheque on the Adjunct's account.

- e. The Committee of the Adjunct shall not do, or omit to do, anything that is likely to prejudice or shall not be in the best interests of the Club.
- f. Members of an Adjunct involved in any activity of or related to the Adjunct shall indemnify the Club and its representatives from any problem, direct or indirect loss or damage, claim or proceedings (including in negligence) caused or contributed to by that activity.

37. HOUSE RULES

- a. Membership cards should be carried at all times.
- b. Members should study the visitor Rules as displayed in the foyer and as set out in the Rules and Bylaws.
- c. Offensive language and behaviour: Members are liable to suspension or expulsion.
- d. Members are requested to return empties to the bar.
- e. Furniture and Equipment: Your consideration and care are necessary.
- f. Members are expected to conduct themselves, both inside and within the confines of the Club property, in a manner that will not prejudice the good name of the Club.
- g. Should the Manager, in his wisdom, think you need a little help with your car keys, please give them to him. He/she will look after your best interests.
- h. Dining Bistro bar open for lunches and dinners. Restaurant opened from 5-30pm till late. Bookings essential.
- i. Members or visitors improperly dressed or untidily dressed shall be excluded from the Club premises. From 4-

30pm to 7-30pm a reasonable relaxation of dress standards will be allowed in the Club. Having been by the Committee, the Manager, or the Managers Relief shall be the judge of standards of dress.

- j.** When the Manager or the Mangers Relief considers the accommodation is fully taxed a notice shall read: "SORRY NO VISITORS" or similar wording.
- k.** Vehicle parking shall be strictly confined within the designated areas. Staff parking area shall be kept free for staff at all times. Vehicle speed shall not exceed 8KPH.
- l.** Family dining shall be permitted in accordance with the requirement of the Licensing Control Commission at the time and under conditions to be set by the Committee and prominently in the Club premises.

MEMBERS CERTIFICATE

We hereby certify that the foregoing Rules have been approved,
passed and confirmed at Annual General Meeting of the Mercury Bay
Club Incorporated held on 26th June 2011


_____ President

R A Madden
Membership Number 1297


_____ Vice President

J Burrow
Membership Number 794


_____ Treasurer / Secretary

M W Leabourn
Membership Number 983

Resolution of Extraordinary General Meeting 24th November 1975

This General Meeting of Members, coinciding in the time with the winding of preliminaries and the first steps being taken in the practical establishment of the Club, acknowledges the role of Mercury Bay R.S.A. in helping provide this facility for the people of the Bay District, and recognises that but for the financial accommodation provided by the Mercury Bay R.S.A., The project could not at this time and in this manner have been made to prosper. This General Meeting recommends to future Administrations and Members of the Club that they give their best considerations in furthering the activities and aspirations of the Mercury Bay R.S.A. in so far as the Law and Rules of the Club will allow.

The Annual General Meeting of the Club held in July 1978 passed the following resolution in confirmation:

This General Meeting of Members reaffirms the sentiments expressed in the resolution of the 24th November 1975 in regard to the Club's association with the Mercury Bay R.S.A. and approves of the arrangements now in operation in providing facilities for R.S.A. activities.

Mercury Bay Club's Crest (as shown on the front cover of this Rule book) depicts Captain Cooks ship Endeavour at anchor in Mercury Bay. The Transit of Mercury was observed form the Purangi River mouth. Incorporated in the Crest is the Club's Motto "Friendship and Fellowship."