

## CANTERBURY PROVINCIAL AMATEUR FENCING COUNCIL INCORPORATED

### ***RULES 2008***

#### **NAME**

- 1 The operating name of the Council shall be **FENCING MID SOUTH** (hereinafter referred to as "the Council", Mid South or FenMid).

#### **OBJECTS**

- 2
  - a The Council exists and operates as part of the National Association, Fencing New Zealand, (hereinafter referred to as FeNZ).
  - b The objects of the Council shall be to foster the art and sport of Fencing, with special concern for that part of the South Island north of the Waitaki River. The Council shall control this area on behalf of FeNZ.

#### **AFFILIATED CLUBS**

- 3
  - a Any group of persons interested in the sport of Fencing may apply to become an affiliated club. Application shall be to FeNZ on the form numbered 1 in the Schedule hereto. Upon payment to FeNZ of the set fee the Club will be affiliated and entitled to participate in all the affairs of the Council and FeNZ.
  - b The affiliation of a Club will lapse if it is dissolved or if it ceases to be a group of persons interested in the sport of Fencing.

#### **MEMBERSHIP and ANNUAL FEES**

- 4
  - a Mid South shall consist of Ordinary Members and Honorary Life Members.
  - b A register of all members shall be kept by the Council.
  - c All ordinary members of the Council shall be identified in categories which shall be 'senior' and such other categories as may be decided at the preceding Annual General Meeting.
- 5 All members shall pay an annual levy set by FeNZ and an annual levy set by the Council at the previous Annual General Meeting for the category of membership to which they belong.
- 6
  - a Each member of an affiliated club shall ipso facto be an ordinary member of the Council upon payment to the club of the applicable Mid South and FeNZ fees.
  - b Affiliated clubs will remit to the Council all applicable Mid South and FeNZ fees collected together with categorised membership lists before 15th April each year.
  - c Any person, not being a member of an affiliated club, interested in the sport of Fencing may apply to FeNZ or the Council, in the form numbered 2 in the Schedule hereto, and upon payment of the FeNZ and Mid South senior affiliation fees shall be admitted as an ordinary member of the Council.
- 7 At any time the Council may confer Honorary Life Membership upon any member in recognition of exceptional services rendered to the Council. Such Honorary Life Members, and Honorary Life Members appointed by FeNZ shall be exempt from paying the annual Council fee but have all the privileges of membership.
- 8
  - a Any ordinary member or Honorary Life Member may resign from the Council by giving at least one month's notice in writing to the Council and paying all fees, subscriptions, levies, fines and penalties due.
  - b Any ordinary member or Honorary Life Member shall cease to be a member from the

acceptance by the Council of the member's resignation tendered as aforesaid or upon death.

## **DISCIPLINE**

- 9
  - a Any ordinary member will be suspended from membership for failure to pay annual fees and levies and may be subject to further disciplinary measures.
  - b A member may be expelled by the Council Executive for conduct which, in the absolute discretion of the Council Executive, or as required by FeNZ disciplinary rules and bylaws, is considered not to have been in the best interests of fencing.
  - c Such suspension or expulsion shall not operate to relieve the member from liability for fees and or other monies owing to the Council at that time.
  - d No member so expelled shall have any claim against the Council, or any Council Officer by reason of such expulsion.
  - e Any member resigning from the Council or a Council appointment and any member subject to disciplinary procedures shall within fourteen days following that event return to the Council Secretary all Council records and Council property acquired or entrusted to her/his care.
  - f Failure to return such property within fourteen days shall render a member liable to termination of membership and the Council Secretary may take any action necessary to recover such property.
- 10 The Council shall have the power, subject to these Rules and the Rules of FeNZ, to reinstate any persons who have been disqualified, suspended or otherwise dealt with, within the meaning of the aforesaid Rules, Upon application for reinstatement the Council may require a deposit of the amount set at the previous Annual General Meeting.
- 11 In addition to any powers elsewhere specifically declared in these Rules the Council may impose reasonable fines and forfeitures on any member in respect of any breach of these Rules or of that member's duties and obligations as a fencer and may make provision for the consequences of non-payment of fines, fees or subscriptions.

## **OFFICERS OF THE COUNCIL**

- 12
  - a The officers of the Council shall be a President, Secretary and Treasurer who shall be elected at each Annual General Meeting of the Council and shall hold office until the next Annual General Meeting of the Council, when they shall retire, but be eligible for re election. The term of office shall be from the conclusion of the Annual General Meeting at which they are elected until the conclusion of the next Annual General Meeting.
  - b No person shall be eligible for election unless twenty-one days previous notice in writing be given to the Secretary of the intention of a Club or an Executive Committee member to propose such person (notice of such to be published in the Agenda) or unless the Annual General Meeting unanimously waives such notice.
  - c Before nominations for office are made nominees must signify their acceptance and their confirmation, in writing, is to accompany the nomination. Such nominations are to be proposed and seconded by members of Mid South.
  - d One person shall not hold more than one office at any one time in any one year.
  - e In the case of any casual vacancy in the office of President, Secretary, Treasurer or Auditor, as the case may be, the Executive Committee of the Council may appoint another person to act as President, Secretary, Treasurer or Auditor, as the case may be, until the conclusion of the next Annual General Meeting. Failure to elect or non-acceptance of office shall be deemed to create a casual vacancy.

## **THE PRESIDENT**

- 13 a The President shall be a member of Mid South and shall preside over all meetings of the Council and the Executive. In her/his absence the meeting will elect a Chairperson with President's privilege for the meeting.
- b The President shall be responsible for the establishment of a plan for the efficient and timely conduct and development of the Council's affairs and interests and ensure that information pertaining thereto is circulated regularly, receives consideration by the Executive Committee as appropriate and that decisions reflect the majority opinion.

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#### **THE SECRETARY**

- 14 a The Secretary shall be a member of Mid South and shall carry out general duties, keep such minutes of proceedings at meetings of the Council and the Executive, records of tournaments, records of all correspondence sent and received and other records of the Council as the Council may from time to time direct.
- b In addition to such duties as are identified in the section of these Rules headed General Meetings the Secretary shall, within sixty (60) days of the Annual General Meeting, forward to the Registrar of Incorporated Societies a copy of the Statement of Income and Expenditure and Balance Sheet for the financial year just ended together with advice of any change in the registered address, additions, deletions and changes in the Rules.

#### **THE TREASURER**

- 15 a The Treasurer may be a member of Mid South and shall keep books of accounts showing the income and expenditure of the Council. Such books of the accounts shall provide full details of the Council's financial position and shall be balanced from time to time as required by these Rules or by the Council Executive.
- b The Treasurer shall within sixty days following the end of the financial year provide the Auditor with all books, accounts and other information required to complete an audit and for this purpose the financial year of the Council shall end on the 30th November in each and every year.
- c The Treasurer shall submit the proper, audited statements of account of the Council's financial position to the Annual General Meeting of the Council.
- d The Treasurer shall keep an up to date list of all members of Mid South.

#### **AUDITOR**

- 16 An Auditor shall be appointed at each Annual General Meeting of the Council to hold office from the conclusion of that meeting until the conclusion of the next Annual General Meeting and such Auditor may be a member of the Council.

#### **THE EXECUTIVE COMMITTEE**

- 17 There shall be an Executive Committee of the Council in which shall be vested the management and control of the Council in respect of all matters which are not by these Rules expressly required to be exercised by the Council in General Meeting.
- 18 The Executive Committee shall comprise the President, the Secretary, the Treasurer, the President of each senior Affiliated Club, including Universities, and a representative from each unaffiliated Special Interest Group as the Council shall, at the preceding Annual General Meeting decide to invite.
- 19 a Members of the Executive Committee may, if they so wish for succession planning, each appoint a non voting deputy to attend meetings with them.
- b The Immediate Past President may be invited to join the Committee and act as a consultant

for one year after stepping down from the Presidency.

- c The Executive Committee may appoint Advisors to be responsible for the following functions:- Selection, Tournaments, Equipment, Coaches, Referees, Schools, Grants, Marketing, Webmaster, Safety, Privacy and such other functions deemed to be necessary.
- d Advisors may participate in Executive Committee meetings as members but may vote only on those matters directly related to their particular functions.
- e The Executive Committee shall pay particular attention to the recommendations of the Advisors
- f Members of the Executive Committee may appoint a proxy to respond or attend meetings and vote on their behalf.

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- 20
  - a The Executive Committee shall regularly review Council affairs, either by email or in meetings. The quorum required for deciding an issue by either procedure shall be the response or presence of members entitled in the aggregate to ten (10) votes in accordance with clause 21 of these Rules. At least ten days notice of meeting, or time to respond, shall be given unless this is unanimously waived by the Executive Committee.
  - b Decisions of the Executive Committee will be reported, or minuted, and circulated within fourteen days of the decision or meeting.
- 21 Voting on decisions of the Executive Committee shall be such that each Affiliated Club shall have four (4) votes, each Special Interest Group and Advisor (ref 19 c) shall have two (2) votes and the President, Secretary and Treasurer shall have one (1) vote each. In the case of an equality of votes the President shall have a casting vote in favour of the status quo. No member shall have more than five (5) votes in total including proxy votes, except that a representative of a Special Interest Group shall have no more than two (2) votes in total.

## GENERAL MEETINGS

- 22 The Annual General Meeting of the Council will be held no later than 31st March in each year at a time and place to be decided by the Executive. The business at such meeting shall be confirmation of the minutes of the last Annual General Meeting, Presidents report, the election of Officers of the Council and Auditor, passing of the Accounts, setting the levies for the ensuing year and any other business of which notice shall be given to the Secretary as hereinafter provided.
- 23
  - a A Special General Meeting shall be convened by the Secretary within sixty days at the direction of the President, two Council Officers, FeNZ Management Committee or Registrar of Incorporated Societies or from receipt of a requisition, stating the business for which it is required, signed by five Council members.
  - b If the Secretary fails to convene the Special General Meeting as requested the requisitionists or any five or more Council members may themselves convene a Special General Meeting.
- 24
  - a The Secretary shall at least twenty eight (28) days before any General Meeting send to all Council Officers, Advisors, Affiliated Clubs, and where the meeting is called on the requisition of members, to those members notice of such meeting, stating the time and place where it will be held and the reasons for which it is being held.
  - b Any Ordinary Member, Honorary Life Member or Affiliated Club may within seven days of the date of such notice send to the Secretary notices of motion or notice of matters which that member wishes to be placed on the agenda for such General Meeting.

- c The Secretary shall then at least fourteen days before the said meeting send the agenda to all Affiliated Clubs and any members who have either requisitioned the meeting or have requested matters to be placed on the agenda.
  - d No business other than business of a formal nature shall be brought forward to any meeting unless notice thereof shall have been duly given as herein provided without the unanimous consent of the meeting.
  - e The Secretary shall within twenty eight (28) days circulate minutes of the meeting.
- 25 a Voting at General Meetings shall be only by members affiliated to the Council and shall be counted on the basis that each Affiliated Club may appoint four members, each Special Interest Group may appoint two members and that these members and the President, Secretary and Treasurer shall each have one vote. In the case of equality of voting the President shall have (in addition to her/his deliberative vote) a casting vote, which shall be exercised in favour of the status quo. No member may have more than five (5) votes in total including proxy votes.
- b The quorum at a General Meeting shall be such number of persons who together have an aggregate of twelve (12) votes.

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- 25 c At any General Meeting, unless a poll is demanded at the time or immediately after the vote is taken on the voices, a declaration by the Chairman that a resolution has been carried, or carried by a particular majority, or lost, or not carried by a particular majority, shall be conclusive.
- d Any member of the Council or representative of a Special Interest Group entitled to attend and vote at a General Meeting of the Council may appoint another member of the Council or another representative of the Special Interest Group, as the case may be, to attend and vote and such proxy shall also have the same right as the person for whom he or she holds the proxy to speak at the meeting and any adjournment thereof.
- e A proxy shall be properly appointed if notice of this appointment is given to the Secretary in the form numbered 3 in the Schedule hereto at least 24 hours before the meeting concerned.
- 26 Voting at Special General Meetings may be by post or email provided that no Affiliated Club objects to this procedure. Votes must be received by the Secretary no later than three days after the date set for the meeting. Such votes are to be individually signed by each of the delegates appointed by each Affiliated Club or Special Interest Group and the President/Officer of each Affiliated Club or Special Interest Group is to certify the names of the delegates.
- 27 If at any meeting of the Council a ballot is requested it shall be conducted as a secret ballot under the supervision of two scrutineers elected by the meeting. The result of the ballot will be reported to the Chair who will declare the result and the ballot papers will then be destroyed.

#### **FENCING COMPETITIONS AND CHAMPIONSHIPS**

- 28 a The Council shall control all Provincial, South Island and National competitions held within the area north of the Waitaki River.
- b The Council shall endeavour to maintain the safe and proper conduct of all fencing practice, instruction and competition within that area.

- c The Council shall authorise the selection of Mid South representative fencing teams of specified grades for specified fencing matches or tournaments.

#### **ALTERATION OF RULES**

- 29 a The Council may from time to time by resolution in General Meeting add to, amend or rescind these Rules.
- b A majority of 75% of those present and voting at a General Meeting is required to approve such resolution.
- c No alteration, remission or substitution of this Constitution shall become valid until accepted by the Registrar of Incorporated Societies

#### **COMMON SEAL**

- 30 a There shall be a Common Seal of the Council having thereon the words "Canterbury Provincial Amateur Fencing Council (Incorporated)".
- b The Common Seal shall not be affixed to any instrument except by authority of a resolution of the Executive Committee and in the presence of the Secretary and two other members of the Executive Committee each of whom shall sign every instrument to which the Common Seal is affixed.

#### **PROPERTY**

- 31 a The income and property of the Council, from whatever source derived, shall be applied and controlled in such manner as may be determined by the Council subject to the provisions of Rule 33 hereof.
- b The Council may, subject to Executive Committee approval, buy or sell equipment on behalf of members and clubs and for the Council's own purposes.
- c No loan to or from the Council shall be negotiated or entered into without the prior approval of the Council in General Meeting.

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#### **BANK ACCOUNTS**

- 32 Banking account or accounts shall be opened in the name of the Council into which shall be deposited all monies received on account of the Council and all operations therein shall be by the President or Treasurer and one other member of the Executive Committee but in the endorsement of cheques or other negotiable instruments received, of whatsoever nature, the President or Treasurer may act alone.

#### **PAYMENTS TO MEMBERS**

- 33 No portion of the funds of the Council shall be paid or transferred directly or indirectly in any manner whatsoever to members of the Council except by way of reimbursement of expenses or by way of grants to any members for any special work undertaken or performed by them in furtherance of the objects or operations of the Council or by way of grant to a fencer to enable her/him to compete in or attend any fencing competition or championship, all of which must have prior approval by the Council.

#### **WINDING UP**

- 34 The members present at a General Meeting of the Council convened for that purpose may resolve that the Council be wound up as from the date to be named in such resolution and may also direct the method of disposition of the funds and property of the Council after the winding up thereof in such manner as shall provide for the payment of all costs, debts and liabilities and thereafter any residual funds and property as such meeting shall direct. Notice of such resolution shall be sent to the Registrar of Incorporated Societies.

**REGISTERED OFFICE**

- 35      The Registered Office of the Council shall be at such place or places as the Council for the time being shall direct.