

The Incorporated Societies Act 1908
Application for
**INCORPORATION OF A
SOCIETY**
(Section 7(a))

Document Number

(for office use only)

Please note that the information in this form should be either typewritten or printed or neatly handwritten in block capitals.

When completing this form, please refer to notes overleaf

Name of
Proposed
Society

Auckland Mountainbike Club ~~Inc.~~
Incorporated

Name Reservation
Number

Proposed
Address of
Registered
Office

1 B Kenneth Avenue
Sandringham
Auckland.

Postal Address
to which
Communications
from the
Registrar may
be sent

1 B Kenneth Avenue
Sandringham
Auckland

We, the several persons whose names are subscribed hereto, being members of the above-mentioned society, hereby make application for incorporation of the society under the rules accompanying this application, in accordance with the Incorporated Societies Act 1908.

Presented by

Account No

Postal Address

Telephone

Facsimile

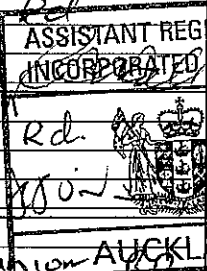
APPLICATION FOR INCORPORATION

Name of Proposed Society SECRETARY ~~CATHERINE DENISE POLLARD~~

AUCKLAND MOUNTAINBIKE CLUB INCORPORATED

APPLICANTS: The following person are the applicants of the proposed society

APPLICANT	WITNESS*
1 Full Name <u>Kim Julie-Anne Pitcher</u> Residential Address <u>1/143 Balmain Rd, Birkenhead, Auckland</u> Occupation <u>Legal Secretary</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place West Harbour, Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
2 Full Name <u>James Walters</u> Residential Address <u>62 Woodward Rd, Mt Albert Auckland</u> Occupation <u>Sales Mgr</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place West Harbour, Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
3 Full Name <u>BERNARD JOHN POLLARD</u> Residential Address <u>14 AMERY PL WEST HARBOUR WAITAKERE CITY</u> Occupation <u>DENTAL SURGEON</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
4 Full Name <u>CRAIG ANDREW DONALD MUNRO</u> Residential Address <u>35 CALIPSO WAY, THE PALMS CLENFIELD</u> Occupation <u>HEAVY TRANSPORT ENGINEER</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
5 Full Name <u>FAY MARGARET REED</u> Residential Address <u>323A HUIA RD, THIRAUKI</u> Occupation <u>TELEPHONIST</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
6 Full Name <u>Brent Lindsey Reed</u> Residential Address <u>323A HUIA RD</u> Occupation <u>Security Consultant</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
7 Full Name <u>Murray Roberts</u> Residential Address <u>9/11 Alcock St Mt Wellington, Auckland</u> Occupation <u>Manager</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
8 Full Name <u>Rosie E Wall</u> Residential Address <u>864 Mt Eden Rd</u> Occupation <u>Photographer</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
9 Full Name <u>Kerry Janet ONC</u> Residential Address <u>864 Mt. Eden Rd, 3 Kings</u> Occupation <u>Computer Consultant</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
10 Full Name <u>Bill Reed</u> Residential Address <u>F2/1572 Dominion Mt. Roskill</u> Occupation <u>Builder</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
11 Full Name <u>Rep Hooper</u> Residential Address <u>183 Mt Eden Rd</u> Occupation <u>Printer</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
12 Full Name <u>Colin Bobcke</u> Residential Address <u>13 POOLEY ST PAKURANGA</u> Occupation <u>STUDENT</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
13 Full Name <u>ANTHONY JOHN HUTCHESON</u> Residential Address <u>320 A PAREMORERE RD ALBANY, AUCKLAND</u> Occupation <u>SALES MANAGER</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
14 Full Name <u>GERALD IAN BOBCKE</u> Residential Address <u>3 ENDIMUN PLACE BUCKLANDS BEACH</u> Occupation <u>CUSTOMS CONSULTANT</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>
15 Full Name <u>JILLIAN MARGARET CLENDON</u> Residential Address <u>1-B KENNETH AVE SANDRINGHAM, AUCKLAND</u> Occupation <u>REGISTERED NURSE</u> Signature <u>[Signature]</u>	Full Name <u>Catherine Denise Pollard</u> Residential Address <u>14 Amery Place, West Harbour Waitakere City</u> Occupation <u>Training Consultant</u> Signature <u>[Signature]</u>



Dated this 29th day of July 19 97

*A person who is an applicant cannot be witness to other applicants.

NRN

The Incorporated Societies Act 1908
Declaration of
ADOPTION, ALTERATION
OF RULES
(Section 7 (b) and 21)



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(for office use only)

Please note that the information in this form should be either typewritten, printed, or neatly handwritten in block capitals.
When completing this form, please refer to notes overleaf

Society Name

AUCKLAND MOUNTAINBIKE
CLUB INCORPORATED

Society Number

860090

I, CATHERINE DENISE POLLARD
of 14 AMERY PLACE, WEST HARBOUR, AUCKLAND

do solemnly and sincerely declare as follows:

- 1 That I am* a member of/~~the Solicitor to~~ the abovenamed Society.
- 2 That annexed hereto and marked with the letter "A" is/are:-
 - *(a) the rules, signed or sealed, which have been adopted by the society, a majority of whose members have consented to the application for incorporation; or
 - *~~(b) the alteration of rules of the society which alteration has been made in accordance with the rules of the society.~~
- 3 That the rules comply with section 6 of the Incorporated Societies Act 1908.

And I make the solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declaration Act 1957.

Declared at Auckland)
this 29th)
day of July)
19 97 before me)

Ashley Dalton Sharp
Solicitor

A Solicitor, Justice of the Peace or other person authorised to take a Statutory Declaration.

Presented by

[Empty box for Presented by]

Postal Address

Account No

[Empty box for Account No]

Telephone

[Empty box for Telephone]

Facsimile

[Empty box for Facsimile]

*Delete whichever is not applicable

"A"

Constitution and Rules of
Auckland Mountainbike Club Incorporated

1 Name

The name of the Club shall be Auckland Mountainbike Club Incorporated.

2 Objectives

The objectives of the Club shall be:

- a) To promote and represent the interests of all mountain bikers in Auckland
- b) To encourage mountain biking as a recreational and competitive sport
- c) To promote the Off Road Code:
 - * Yield the right of way to other non-motorised recreationalists
 - * 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 a standards approved helmet when riding
 - * Support land access organisations
- d) To promote the understanding, appreciation, maintenance and rejuvenation of the natural environment of New Zealand
- e) To organise and administer events for recreational and competitive mountain bikers in Auckland
- f) To liaise with the National body, The New Zealand Mountain Bike Association Inc
- g) To raise funds to promote all or any of the objectives of the Club
- h) To build, maintain, purchase or lease facilities to aid in the resolution of the Clubs objectives

3 Interpretation

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

"Club" shall mean the Auckland Mountainbike Club

"Committee" shall mean the committee set up under Rule 6 hereof

4 Membership

All applications for membership shall be made in writing to the Club Secretary, and must be accompanied by the current subscription fee as advertised on the application form. Such application is deemed an acknowledgment of the Rules and Objectives of the Club, and is 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, as accurately as practicably, and with the date on which that person became a member. The membership register of the Club shall be prima facie evidence of membership to the Club.

The Secretary may give any member who fails to pay his/her subscription within two months of the due date, a notice in writing requiring him/her to pay the subscription within fourteen (14) days. If the member fails to pay the subscription upon this notice, the Secretary shall strike his/her name from the membership register, and that member shall 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 Registered Office



The registered office of the Club shall be at such a place as the committee shall from time to time determine.

"This is the document marked "A" referred to in the annexed declaration of Catherine Denise Pollard made at Auckland this 29th day of July 1997 before me."

Signed:

[Handwritten signature]
Solicitor.

6 Management

The management of the affairs of the Club shall be invested in the President and an executive of up to twelve (12) members (including the President) referred to hereon as the Committee. These shall be elected at the Annual General Meeting of the Club.

Any member of the Committee whom fails to attend three consecutive meetings of the Committee without having just cause been shown to the satisfaction of the committee shall cease to be a member of the Committee upon a majority vote from the Committee. The removed member shall be informed of the Committee's decision in writing, signed by the Club President.

The Committee may appoint any financial member of the club to fill any vacancy among it's members, or to fill any office (President, Secretary, or Treasurer) of the Club that may become vacant. Such appointments shall hold good until the next AGM.

Any member of the Committee may be expelled from his/her position upon a majority vote of the Committee for any actions unbecoming their position(s) on the Committee. The vacancy may be filled by any financial member of the Club as appointed by the Committee. The expelled Committee member has the right to appeal as per Clause 16.

In the case of a resignation, the Committee shall be given notice of such in writing by the member. The Committee shall accept the resignation, effective immediately. A verbal notice of resignation will be accepted if three or more Committee members witness it. A verbal resignation will also be effective immediately. The Committee may appoint any financial member of the Club to fill the vacancy.

7 Officers

The Officers of the Club shall be the President, the Secretary and the Treasurer. In addition, the AGM of the Club may appoint any such other officers as they determine and shall prescribe the duties of such officers.

The President, Secretary and the Treasurer shall be ex-officio members of the Committee. All Officers shall be members of the Club.

At no time shall one person hold more than one of the officers positions.

8 Election of Officers and Committee

No member whose subscription is in arrears or who is otherwise unfinancial may be elected to any office in the Club.

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 AGM, then the person proposing him/her must provide evidence satisfactory to the Chair of the meeting, that such candidate is willing to accept office.

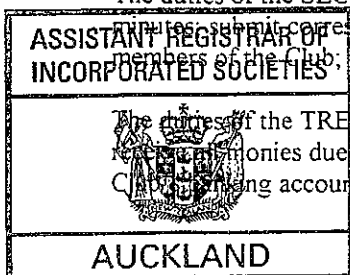
Nominations can be submitted to the Club Secretary prior to the meeting, or taken from the floor. Where the number of candidates is greater than the number of offices to be filled, a ballot shall be held. Where the number of candidates are equal to or less than the number of offices to be filled, then those candidates that are nominated will be automatically elected, unless an objection is raised.

Refer also Clause 20, Voting.

9 Duties of Officers

The duties of the SECRETARY shall be; to call and attend all general meetings and all Committee meetings; to take minutes; to receive and reply to correspondence and reply thereto according to the directions of the meeting; to keep a register of the members of the Club; to keep all records and generally to perform all clerical work of the Club.

The duties of the TREASURER shall be; to 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 bank account; to sign all cheques for disbursements in conjunction with the Club President; to make



payments 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 deal 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 may think necessary or expedient in the furtherance of the objectives or purposes of the Club. The approval to incur any liability on behalf of the Club must be ratified by the members at a General Meeting.

11 Chairperson

At all General Meetings of members of the Club, and committee meetings, the President shall preside. If he/she should be absent the meeting will elect a Chairperson.

At all General Meetings of the members and at all meetings of the committee, the Chairperson shall have a deliberate vote, and in the event of an equal ballot, a deciding vote.

The Chairpersons ruling shall be final on 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, whom shall subscribe their names and offices thereto as witnessed.

13 Financial Year

The financial year of the Club shall conclude on the 30th day of June, and commence on the 1st day of July each year.

14 Resignation

Any member of the Club wishing to leave it shall forward his/her 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 by any action likely to bring the Club or the sport of mountain biking into disrepute, makes it undesirable that he/she should continue to be a member of the Club, then the Club may, by a two thirds majority resolve to cancel the membership.

A Special General Meeting to suspend or expel a member can be called by the committee, or by requisition signed by three or more financial members of the Club. The requisition shall be addressed to Secretary of the Club.

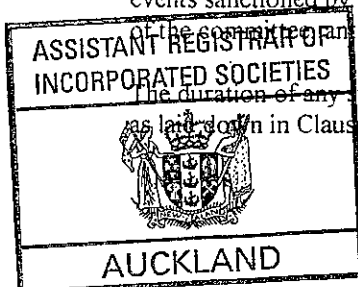
On receipt of such a requisition, the Club Secretary shall forthwith take the necessary to steps to convene a meeting.

At least fourteen (14) days notice in writing of the meeting shall be given to the member concerned, outlining the reasons for considering his/her expulsion. A registered letter shall be deemed to be receipt of the notice.

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 17.

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 AGM, subject to appeal to the committee as laid down in Clause 16.



Should the accused member also be a member of the National Body, then all records of the offence, and the minutes of the Special General Meeting shall be forwarded onto the Secretary of the National Body, upon which the National Bodies Committee shall act.

16 Appeals

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

Such an 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.

Should the determination of the appeal remain in the favour of the first determination, then the decision from the first determination shall stand. There shall be no second right of appeal.

Should the determination of the appeal decide in the favour of the appeal, then that member shall be then recognised as a full member of the Club, and the issue will be deemed consummated.

17 Annual General Meeting

The Annual General Meeting of the members of the Club shall be held each calender year, within eighteen (18) months of the previous AGM.

Forty-two (42) days notice shall be given by the Secretary of the Club to the members, via post to each member or by advertisement in a daily newspaper.

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 Chairperson.

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 of the Club. The requisition shall be addressed to the Secretary and shall set out specifically the business for which the SGM is required.

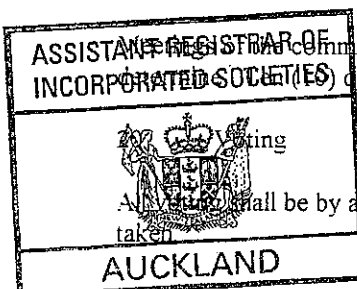
Upon receipt of such a requisition the Secretary shall forthwith take the necessary steps to convene the meeting. The notice of which to the members shall be the same as that prescribed in Clause 17.

At a SGM, only the business set out in the notice convening the meeting shall be considered.

19 Meeting of Committee

The committee may be called by the Secretary at any time or on such dates as the committee shall determine. Seven (7) days notice shall be given.

All votes shall be by a show of voices except where the vote is challenged, upon which a show of hands shall be taken.



In all contested offices at the AGM, the voting shall be by a secret ballot.

21 Quorum

At all AGM and SGM of members of the Club, the quorum shall be 10% of current members or 50 members only, whichever is the smaller, entitled to attend such meetings.

If after the expiration of such time deemed applicable by the Chairperson, the meeting shall be adjourned should the required quorum not be reached. Notice of a new date and meeting shall be given by the Secretary.

If at the resumed meeting there is still no quorum present, then those at the meeting shall constitute the quorum.

A quorum for a committee meeting shall be 7 of the 12 elected, or 60%, which ever is the smaller.

22 Regulations

The members of the Club at a General Meeting, or the committee of the Club at any time, may make regulations for the conduct of the Club as they shall determine, but they shall not conflict with these rules.

Any regulation made by committee shall hold good until the ensuring AGM of members, when it must be confirmed or lapsed.

23 Alteration of Rules

Neither these rules nor the regulations made thereunder shall be altered or repealed, nor any new rule or regulation introduced except at the Annual General Meeting or at a Special General Meeting called for that purpose.

Notice of any alteration or deletion of these rules, shall be given to each member seven (7) days prior the date of the meeting.

No alteration of Rule 26, Winding Up, shall be allowed if said alteration would give pecuniary gain to any member of the Club, or shall any new rule or amendment be allowed if the new or amended rule is in conflict to Rule 25, Pecuniary Gain.

24 Judgement of the National Body

If any rule or regulation made hereunder, is not included or catered for by the Clubs constitution, then the National Bodies constitution and regulations shall take precedence. If any dispute of point is still not covered under the National Body then a Special General Meeting shall be called to resolve the point, notice of which shall be given as per described in Clause 17.

25 Pecuniary Gain

Should any member of the Club stand to derive and pecuniary gain from any matter under discussion, either by committee or by the Club, he/she shall declare his /her 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.

26 Winding Up

In the event of the Dissolution of the Club, or the Club through any cause ceasing to exist, the funds and property thereof after the discharge of any and all liabilities shall be handed to the New Zealand Mountain Biking Association or its governing national body at the time, to be disposed of as the NZMBA shall determine.

In no event shall the surplus assets of the Club be divided among the members thereof.

The Club may be wound up voluntarily if the Club, at a general meeting of its members, passes a resolution requiring it to do so, 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.

