



Constitution of the Jaguar Driver's Club (Auckland) Incorporated

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CONTENTS

Rule		Page
	Definitions	3
1	Club name.....	4
2	Registered office.....	4
3	Objects.....	4
4	Powers.....	4
5	Membership.....	5
6	Becoming a member – Consent.....	5
6A	Becoming a member – Requirements.....	5
7	Resignations.....	6
8A	Disputes resolution	6
8B	Expulsion of members.....	6
9	Observance and interpretation.....	6
10	Entrance fees.....	6
11	Subscriptions.....	7
12	Management.....	7
13	Patron.....	7
14	President.....	7
15	Immediate Past President.....	7
16	Vice President.....	7
17	Committee.....	8
17A	Qualifications of officers.....	8
17B	Officer duties.....	8
17C	Disqualification/Removal.....	9
18	Sub-committees.....	9
19	Committee attendance.....	10
20	Secretary.....	10
21	Treasurer.....	10
22	Finance & Reporting.....	10
22A	Reserve account	11
23	Annual General Meetings.....	11
24	Special General Meetings.....	12
25	Meetings of committees.....	12
26	Notice of meeting.....	12
27	Proceedings at Annual General Meeting.....	12
28	Quorums.....	13
29	Voting.....	13
30	Chairing of meetings.....	14
31	Right to be present.....	14
32	Inconsistencies with the Act.....	14
33	Member’s data.....	14
34	Common Seal.....	15
35	Alteration to rules.....	15
36	Winding up.....	15
37	Surplus assets.....	15
38	Trustees.....	16

FIRST SCHEDULE Dispute resolution procedures..... 17
SECOND SCHEDULE Template for restricted handling of member data 20

Definitions

“Act” means the Incorporated Societies Act 2022 and amendments.

“Rules” means the rules contained in this constitution which rescind and replace all previous Rules.

“Club” means the **Jaguar Driver’s Club (Auckland) Incorporated**.

“Officer” means a natural person who is either a member of the **committee**, or a natural person occupying a position in the club that allows them to exercise significant influence over the management or administration of the club, including any chairperson or treasurer.

“Jaguar Car” means

- (1) all cars including recreational vehicles (RV’s) of the marque Jaguar, SS, SS Jaguar powered by internal combustion and/or alternative energy sources; and
- (2) any vehicle powered by a Jaguar engine.

“Notices” For the purpose of the Rules and Regulations any notice required to be given to any member hereunder shall be deemed to be properly given if posted or emailed to such member at their last known postal or email address recorded in the club register.

CLUB NAME

Rule 1

The name of the club is Jaguar Driver's Club (Auckland) Incorporated being a duly incorporated society under the Act hereinafter referred to as "the club".

REGISTERED OFFICE

Rule 2

The registered office of the club shall be at such a place in Auckland as may be from time to time determined by the committee.

OBJECTS

Rule 3

The objects of the club are:

1. To promote owning, driving, maintaining and the restoring of Jaguar Cars.
2. To foster in any way the interest of motoring and amateur motor sport generally.
3. To promote amateur motor competitions in accordance with the requirements of the such body or bodies as may for the time being have control of motor sport.
4. To arrange tours, lectures, discussions, social and other meetings and gatherings.
5. To affiliate or enter into any agreement, arrangement or engagement with any kindred association, charitable organisation, society, or body for the purpose of furthering the objects of the club or any of them.

POWERS

Rule 4

The club shall have the power to do all acts and things necessary for furtherance of its objects and in particular may exercise the following powers and ancillary objects:

1. Open bank accounts including investment accounts.
2. Raise income by way of membership levies, grants, donations, sponsorship, sale of goods and services, fundraising activities, and investment income.
3. Incur revenue and capital expenditure necessary for the operation of the club including the acquisition of land and buildings.
4. Take out insurance cover to protect the club's assets and officers.
5. Borrow funds and grant securities over the club's assets.
6. Enter into leases or hire purchase agreements.
7. Lend money, make gifts, donations, or grants.
8. Employ staff.

MEMBERSHIP

Rule 5

The membership of the club shall consist of

1. General Member
2. Associate Member
3. Life Member
4. Honorary Member

1. **GENERAL MEMBER** - Any member of the public aged 16 years and above shall be eligible for nomination for membership if they have an interest in Jaguar cars. The spouse or partner of the general members shall have equal voting and participation rights in the club.
2. **ASSOCIATE MEMBER** – Any person under the age of 16 shall be eligible for associate membership. Associate members shall not pay a subscription, nor shall they have voting rights or receive a club magazine. They shall have full participation rights.
3. **LIFE MEMBER** - Shall consist of club members who, over a period of years, have given outstanding service in various capacities in the club. Such members are not required to pay an annual subscription. They shall be proposed by the president of the club, seconded and elected by majority vote at the Annual General Meeting
4. **HONORARY MEMBER** - Shall be any person not being a financial member of the club who performs a service and does not receive any financial remuneration. Honorary membership shall cease once they no longer provide that service. They shall be elected by the committee.

BECOMING A MEMBER - CONSENT

Rule 6

Every applicant for membership must **consent** in writing to becoming a **member**.

On club's Application for Membership form there is a place/field where the applicant must 'click/sign' to say he/she willingly consents to becoming a member of the club. There will also be a question asking if the applicant consents to having his/her non-physical address contact details available through **the club** to other **members**, by indicating 'Yes' or 'No'.

BECOMING A MEMBER - REQUIREMENTS

Rule 6A

Membership shall be open to all persons subscribing to the objects of the club and who have an interest in Jaguar Cars. Refer Rule 3 – Objects and Rule 5 Membership. Each applicant wishing to join the club must complete the prescribed form of application and **consent** for membership. This completed form must be forwarded via the club's website and the applicant must pay the prescribed fees into the club's bank account.

The membership officer shall provide a list of new membership applications (where the applicant has paid the appropriate fees) to the committee at its next meeting. Such new member applicants shall be accepted subject to the approval of the committee.

RESIGNATIONS

Rule 7

Any member wishing to resign their membership shall give notice in writing of such intention to the secretary on or before the day set down for the Annual General Meeting otherwise they shall be liable to pay their subscription for the ensuing year. After giving such notice they shall cease to enjoy any of the privileges of membership but shall remain liable for payment of all monies due from them to the club which may be recovered by due process of law.

DISPUTES RESOLUTION

Rule 8A

Disputes shall be resolved in accordance with the First Schedule of these rules.

EXPULSION OF MEMBERS

Rule 8B

The membership of any member may be terminated for good reason by the committee, provided that due process is followed consistent with the First Schedule and that the member concerned shall have the right to be heard by the committee, accompanied by a support person or representative, before a final decision is made.

If the committee shall resolve by majority vote of three-quarters of the members present at such meeting that any member be guilty of any such conduct or activities then the committee by a like majority shall be empowered to admonish, fine, suspend or expel such member or excise any one or more of the above powers together. Annual dues for any period of suspension shall be payable and any fines imposed may be recovered by due process of law.

OBSERVANCE AND INTERPRETATION

Rule 9

Every member binds themselves to abide by the Rules of the club and by any alterations thereto made in conformity with these Rules and also accept as final and binding the decisions of the committee in all cases of dispute or disagreement as to the interpretation of the Rules.

ENTRANCE FEES

Rule 10

An entrance fee may be levied against all applicants for membership. The amount thereof may be revised if required by the committee and ratified by the club by simple majority vote at a general meeting. If agreed, such fee shall be paid in full with each application for membership.

SUBSCRIPTIONS

Rule 11

The subscription shall be fixed at each Annual General Meeting for the following financial year. Any member who has not paid their subscription for the current financial year before September 30th shall be issued with no less than 2 reminder emails by the committee during October. Should the member concerned not respond or pay their overdue subscription by the 7th November, they will cease to be a member of the club but shall remain liable for any moneys they may owe the club.

MANAGEMENT

Rule 12

The authority and responsibility for the transaction of the business of the club shall be vested in the committee.

PATRON

Rule 13

A well-recognised exponent of the Jaguar marque may be invited to be the club's honorary Patron following agreement by unanimous vote of the committee as needed from time to time. The Patron may not necessarily reside in New Zealand and need not be a member of the club.

PRESIDENT

Rule 14

The president of the club shall be elected at the Annual General Meeting of the Club. Subject to termination of office by resignation in writing, the president shall remain in office for a maximum of 2 successive years or until his or her successor is appointed at the next Annual General Meeting following their appointment. The retiring president shall be eligible for re-election after a period not less than 2 years following the date they resigned.

IMMEDIATE PAST PRESIDENT

Rule 15

There shall be an immediate past president of the club who shall be the retiring president and who may continue to be a member of the committee.

VICE PRESIDENT

Rule 16

The vice president of the club shall be elected at the Annual General Meeting of the club. Subject to termination of office by resignation in writing, the vice president shall remain in

office for a maximum of 2 successive years or until his or her successor is appointed at the next Annual General Meeting following their appointment. The retiring vice president shall be eligible for re-election after a period not less than 2 years following the date of their resignation.

COMMITTEE

Rule 17

All committee members are **“officers”** of the club. The committee will consist of at least **6 officers**.

The committee may consist of the president, the immediate past president, the vice president. In addition there shall be at least three (3) members elected at the Annual General Meeting. The members of the committee shall hold office until the election of their successors at the next Annual General Meeting of the club.

QUALIFICATIONS OF OFFICERS

Rule 17A

Every committee member and other officers must be a natural person who:-

1. has consented in writing to be a committee member or other officer of the club, and
2. certifies that they are not disqualified from being elected or appointed or otherwise holding office as a committee member or other officer of the club.

OFFICERS DUTIES

Rule 17B

Officers' duties

At all times each officer:

1. shall act in good faith and in what he or she believes to be the best interests of the club;
2. must exercise all powers for a proper purpose;
3. must not act, or agree to the club acting, in a manner that contravenes the Act or this constitution;
4. when exercising powers or performing duties as an officer, must exercise the care and diligence that a reasonable person with the same responsibilities would exercise in the same circumstances considering, but without limitation:
 - i. the nature of the club;
 - ii. the nature of the decision; and
 - iii. the position of the officer and the nature of the responsibilities undertaken by him or her;
5. must not agree to the activities of the club being carried out in a manner likely to create a substantial risk of serious loss to the club or to the club's creditors, or cause or allow the activities of the club to be carried out in a manner likely to create a substantial risk of serious loss to the club or to the club's creditors; and

6. must not agree to the club incurring an obligation unless he or she believes at that time on reasonable grounds that the club will be able to perform the obligation when it is required to do so.

DISQUALIFICATION/REMOVAL

Rule 17C

A person will be disqualified from holding office of a committee Member or other officer if he or she:

- a) is under 18 years of age;
- b) is an undischarged bankrupt;
- c) is prohibited from being a director or promoter of, or being concerned or taking part in, the management of an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993, or any other similar legislation;
- d) is disqualified from being a member of the governing body of a charitable entity under the Charities Act 2005;
- e) has been convicted of any of the following, and has been sentenced for the offence, within the last 7 years
 - i) an offence under subpart 6 of Part 4 of the Act;
 - ii) a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961);
 - iii) an offence under section 143B of the Tax Administration Act 1994;
 - iv) an offence, in a country other than New Zealand, that is substantially similar to an offence specified in subparagraphs (1) to (3) of the Act;
 - v) a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere;
- f) is subject to:
 - i) a banning order under subpart 7 of Part 4 of the Act; or
 - ii) an order under section 108 of the Credit Contracts and Consumer Finance Act 2003; or
 - iii) a forfeiture order under the Criminal Proceeds (Recovery) Act 2009; or
 - iv) a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act;
- g) is subject to an order that is substantially similar to an order referred to in paragraph (6) under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the regulations (if any) of the Act.

SUB-COMMITTEES

Rule 18

The committee shall have the power to appoint a sub-committee to meet on its behalf in respect to any matter which is specifically referred to such sub-committee.

COMMITTEE ATTENDANCE

Rule 19

Any member of the committee or a sub committee, who fails to regularly attend meetings of such committee in any financial year without providing an apology ahead of the committee's meeting shall cease to be a member of such committee unless the club committee shall resolve to the contrary.

SECRETARY

Rule 20

The committee shall appoint a secretary who shall be a committee member and shall attend in person or by deputy all meetings of the committee and take minutes of the proceedings and conduct all correspondence on behalf of the club.

TREASURER

Rule 21

The committee shall appoint a treasurer who shall be a committee member and may also be the secretary but who if not the secretary shall be entitled to attend in person or by deputy all meetings of the club and all meetings of the committee. The treasurer shall bank all moneys received in the name of the club and no disbursements shall be made there from except in accordance with the provisions of Rule 22. The treasurer shall when required by the committee present it, the club, or any other sub committee of the club such statement of financial affairs of the club as shall from time to time be required as aforesaid.

FINANCE & REPORTING

Rule 22

1. The balance date of the club shall be 31 July or at another date as set by the committee.
2. The committee must ensure that there are kept at all times accounting records that—
 - a. correctly record the transactions of the club; and
 - b. allow the club to produce financial statements that comply with the requirements of this Act; and
 - c. would enable the financial statements to be readily and properly audited (if required under any legislation or the club's constitution).
3. The committee must establish and maintain a satisfactory system of control of the society's accounting records.
4. The accounting records must be kept for the current accounting period and for the last 7 completed accounting periods of the society.
5. Annual financial statements shall be compiled for presentation at the Annual General meeting.
6. The financial statements for an accounting period shall comply with the Act, and must—
 - a. contain the following minimum information:
 - (i) the income and expenditure, or receipts and payments, of the club during the accounting period; and

- (ii) the assets and liabilities of the club at the close of the accounting period; and
 - (iii) all mortgages, charges, and other security interests of any description affecting any of the property of the society at the close of the accounting period; and
- b. otherwise comply with requirements prescribed by the regulations.
- 7. All expenditure shall be approved by the committee.
- 8. Committee members seeking re-imburement for expenditure made on behalf of the club shall complete an expense claim form as prescribed by the Treasurer. The reimbursement will then require the approval of the committee.
- 9. Any bank account operated by the club must require two authorised signatories in order to make payments.
- 10. All payments made by members to the club shall be via electronic bank transfer made via the internet or via the member's bank branch to the club's bank account. Cheques will not be accepted.
- 11. Unless otherwise required by legislation these Rules do not require the annual financial statements to be audited.

RESERVE ACCOUNT – To protect accumulated funds of the club

Rule 22A

1. The committee shall invest surplus accumulated funds into a term deposit account/(s) or similar financial instrument/(s), hereinafter referred to as the "Reserve Fund"
2. The interest earned from the Reserve Fund may be transferred to the current account for operational use by the committee.
3. The committee may from time to time transfer up to 10% of the balance of the Reserve Fund to the current account where necessary for cash flow reasons, provided that any amounts transferred are restored to the Reserve Fund by the end of the financial year.
4. The committee may commit up to 10% of the Reserve Fund in any one year on a specific project or projects, provided that a full meeting of the committee approves the expenditure commitment with at least a two thirds majority. In the event that the committee wishes to commit more than 10% of the Reserve Fund, the committee will require the support of the membership via the A.G.M. or a Special Meeting.
5. No part of the club's income or reserves is to be used or to be available for the personal use of any member or an associate person of any member.

ANNUAL GENERAL MEETINGS

Rule 23

The Annual General Meeting of the club shall be held within 6 months of the club's financial year end. The date, time, and place to be fixed by the committee.

SPECIAL GENERAL MEETINGS

Rule 24

A Special General Meeting may be convened by the committee or by a minimum of any 10 financial members of the club, who may by notice in writing, which must state the objects and business of the Special General Meeting, direct the committee to call such a meeting; which

is to be called no later than 30 days after the date of the next scheduled committee meeting and no other business may be transacted.

MEETING OF COMMITTEES

Rule 25

Committees shall meet whenever summoned by the Secretary who shall give at least five clear days notice to all persons entitled to attend and vote at such meeting. The committee shall meet at intervals of not more than two months to transact any outstanding business which it is empowered to transact.

NOTICE OF MEETING

Rule 26

At least fourteen days notice of all General Meetings shall be given but non receipt of such notice by any member shall not invalidate proceedings. The notice of the Annual General Meeting (AGM) shall inform the members of the names of the officers of the club who are not seeking re-election and those who are seeking re-election and shall call upon all financial members of the club to provide nominations for the officers of the club at least 7 days before the AGM. Such nominations shall include identified seconders and the nominee signifying their consent to nomination, and all such parties to the nomination shall be financial members of the club. Such nomination(s) may be submitted either in writing by post or email from the relevant members' email addresses registered with the club.

Rule 26A

Members at any Annual General Meeting have the right to propose nomination for the positions of officers of the club. Should any member so nominated not be present at the meeting their prior consent in writing to the nomination shall have been obtained and must be handed to the Secretary at the time of nomination.

Rule 26B

At each Annual General Meeting members may elect to appoint an auditor to conduct an audit or review of the financial statements for the ensuing year. If the members elect to appoint an auditor it will be the responsibility of the committee to make that appointment. All costs arising from the conduct of the audit shall be borne by the club.

PROCEEDINGS AT ANNUAL GENERAL MEETING

Rule 27

The Annual General Meeting shall transact the following business.

1. Call for Apologies.
2. Approval of minutes of the previous General Meeting.
3. Business arising from the Minutes. Provided however, that the meeting may agree to hold over such business until a discussion of General Business.
4. Presidents Report.
5. Treasurers Report.

6. Auditors Report (if applicable).
7. Election of officers as provided above.
8. Fixing of subscriptions for the following year.
9. Discussion and voting on any notice of motion received either prior to or at the meeting.
10. General Business.

QUORUMS

Rule 28

At General Meetings of the club ten members personally present shall form a quorum. At meetings of the committee four members personally present shall form a quorum.

Rule 28a

If, within half an hour from the time appointed for any General Meeting a quorum is not present, the meeting, if convened at the request of members shall be dissolved. In any other case it shall stand adjourned to a date to be agreed by the committee.

Rule 28b

If, a committee decision relating to a specific expenditure is required outside the time when a planned committee meeting is due, a consensus reached between four committee members via telephone, email communications or face to face impromptu meeting shall be considered a quorum, providing decisions reached are confirmed in writing to all participants.

VOTING

Rule 29

Each member as defined under Rule 5 personally present and eligible to vote at any meeting shall be entitled to exercise one vote. The chairman shall in the event of equality of voting have a casting vote. A poll shall be held if any member present so demands.

Rule 29a

Any financial member entitled to be present and vote at any General Meeting may appoint a proxy to be present and vote in their stead, and the proxy appointed to attend and vote shall have the same rights as a member, provided that a proxy shall not be entitled to vote except on a poll. Any proxy must be appointed in writing and such notice must be handed to the secretary at the commencement of the meeting or emailed to the secretary at least 24 hours beforehand. A member shall not be entitled to appoint more than one proxy to attend on the same occasion, but may appoint alternative proxies for the same occasion, in the event one of them is unable to attend.

Rule 29b

No member present may exercise a proxy vote for more than one other member, except that the Chairman may act on written and signed directions from any number of absentees. A member appointing a proxy must give specific instructions as to the casting of their vote.

Rule 29c

In any election for the position of president of the club where more than two nominations have been received, a primary election shall be held. The two candidates with the greatest number of votes in such a primary will then go forward to the final vote.

CHAIRING OF MEETINGS

Rule 30

At any general or committee meeting of the club the president shall take the chair. In his or her absence, or if he or she is not present within 15 minutes after the time appointed for the meeting, or if he or she is present but unwilling to act, the vice president will take the chair. In the absence of both president and vice president as provided above or if they are present and unwilling to act, the members present will elect a chairperson from among their number.

RIGHT TO BE PRESENT

Rule 31

No one may take part in any meeting of the club unless specifically invited by the committee or unless they have been duly elected as a member of the club and paid all moneys due by them to the club. Note this does not preclude any prospective member from attending, but they will not be permitted to vote.

INCONSISTENCIES WITH THE ACT

Rule 32

Should there be any inconsistencies between these Rules and the Act, then the Act shall prevail.

MEMBERS' DATA

Rule 33

The club takes the privacy and security of its members' data very seriously.

Members' data shall be maintained by the club and held secure in the club's electronic membership database.

The president, membership officer & treasurer will be able to access and amend data held on the membership database. Other committee members shall only be able to access the database to read, but not amend membership details.

All committee members shall make a formal undertaking to restrict their handling and disclosure of Members' Data using the template attached in the Second schedule hereto: *"Committee Member Undertaking for restricted handling and disclosure of Member Data"*

All members shall provide as a minimum their

- postal address including post code,
- a current email address
- a telephone number (mobile and or land-line)

COMMON SEAL

Rule 34

The Common Seal of the club shall be held in custody of the secretary and shall not be affixed to any document unless authorised by resolution of the committee and shall only be affixed in the presence of two members of the committee.

ALTERATIONS TO RULES

Rule 35

Any alteration may be made to these Rules at the General Meeting of the club PROVIDED that seven days clear notice of the proposed alteration is given to all members entitled to receive such notice and that the resolution proposing such alteration is carried by two-thirds majority of those personally present and voting at such meeting provided that no addition or alteration, or recession to the Rules shall be approved if it affects the personal benefit Rule 22a or the winding-up Rule 36. Notice of such alterations shall be signed on behalf of the committee or by five members of the club.

WINDING UP

Rule 36

If any General Meeting shall resolve that the club shall be wound up a further General Meeting shall be called not earlier thereafter than thirty days to discuss the confirmation of such resolution. If the resolution shall be confirmed at such further meeting the club shall be wound up.

SURPLUS ASSETS

Rule 37

- 1 If the club is liquidated or removed from the Register of Incorporated Societies, no distribution shall be made to any member.
- 2 Upon the liquidation or removal from the Register of Incorporated Societies of the club, its surplus assets after payment of all debts, costs and liabilities shall be handed to one or more not-for-profit entities having objects the same or similar to the objects of the club, as shall be named in the resolution for winding up the club.
- 3 However, in any resolution under this rule, the club may approve a different distribution to a different not-for-profit entity from that specified above, so long as the club complies with this constitution and the Act in all other respects.

TRUSTEES

Rule 38

In the event of any winding up, the club at a General Meeting will appoint three persons to act as trustees to execute such winding up.

FIRST SCHEDULE

Dispute resolution procedures

1 Meanings of dispute and complaint

- 1) A disagreement or conflict is a *dispute* if -
 - a) It is between –
 - i. 2 or more members; or
 - ii. 1 or more members and the club; or
 - iii. 1 or more members and 1 or more officers; or
 - iv. 2 or more officers; or
 - v. 1 or more officers and the club; or
 - vi. 1 or more members or officers and the club; and
 - b) The disagreement or conflict relates to an allegation that—
 - i. a member or an officer has engaged in misconduct; or
 - ii. a member or an officer has breached, or is likely to breach, a duty under the club's constitution or bylaws the Club or the Act; or
 - iii. the club has breached, or is likely to breach, a duty under the club's constitution or bylaws the club or the Act; or
 - iv. a member's rights or interests as a member have been damaged or members' rights or interests generally have been damaged.

2 How complaint is made

- 1) A member or an officer may make a complaint by giving to the committee (or a complaints sub-committee member) a notice in writing that—
 - a) states that the member or officer is starting a procedure for resolving a dispute in accordance with the club's constitution; and
 - b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - c) sets out any other information or allegations reasonably required by the club.
- 2) The club may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that—
 - a) states that the club is starting a procedure for resolving a dispute in accordance with the club's constitution; and
 - b) sets out the allegation to which the dispute relates.
- 3) The information given under subclause 1b) or 2 b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.

3 Person who makes complaint has right to be heard

- 1) A member or an officer who makes a complaint has a right to be heard before the

complaint is resolved or any outcome is determined.

- 2) If the club makes a complaint—
 - a) the club has a right to be heard before the complaint is resolved or any outcome is determined; and
 - b) an officer may exercise that right on behalf of the club.
- 3) Without limiting the manner in which the member, officer, or club may be given the right to be heard, they must be taken to have been given the right if—
 - a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - c) an oral hearing (if any) is held before the decision maker; and
 - d) the member's, officer's, or the club's written statement or submissions (if any) are considered by the decision maker.

4 Person who is the subject of the complaint has the right to be heard

- 1) This clause applies if a complaint involves an allegation that a member, an officer, or the club (the 'respondent')
 - a) has engaged in misconduct; or
 - b) has breached, or is likely to breach, a duty under the club's constitution or bylaws or this Act; or
 - c) has damaged the rights or interests of a member or the rights or interests of members generally.
- 2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- 3) If the respondent is the club, an officer may exercise the right on behalf of the club.
- 4) Without limiting the way, a respondent may be given a right to be heard, a respondent must be taken to have been given the right if—
 - a) The respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - b) the respondent has a reasonable opportunity to be heard either in writing or at an oral hearing (if one is held); and
 - c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - d) an oral hearing (if any) is held before the decision maker; and
 - e) the respondent's written statement or submissions (if any) are considered by the decision maker.

5 Investigating and determining dispute

- 1) The club must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
- 2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

6 Club may decide not to proceed further with a complaint

Despite the 'Investigating and determining dispute' rule above, the club may decide not to proceed further with a complaint if—

- a) the complaint is trivial; or
- b) the complaint does not appear to disclose or involve any allegation of the following kind:
 - i. that a member or an officer has engaged in material misconduct:
 - ii. that a member, an officer, or the club has materially breached, or is likely to materially breach, a duty under the club's constitution or bylaws, or the Act:
 - iii. that a member's rights or interests or members' rights or interests generally have been materially damaged:
- c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
- d) the person who makes the complaint has an insignificant interest in the matter; or
- e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- f) there has been an undue delay in making the complaint.

7 Club may refer complaint

- 1) The Club may refer a complaint to—
 - a) a sub-committee or an external person to investigate and report; or
 - b) a sub-committee, an arbitral tribunal, or an external person to investigate and decide.
- 2) The Club may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

8 Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints sub-committee consider that there are reasonable grounds to believe that the person may not be—

- a) impartial; or
- b) able to consider the matter without a predetermined view.

SECOND SCHEDULE

Template for committee member or register organiser undertaking for restricted handling of member data.

1. *The club takes the privacy of its members data very seriously.*
2. *The club membership officer alone, will be able to amend details held on the club membership database and the processing of subscriptions by the club treasurer will automatically update members status in the database. Other committee members shall only be able to access the database to read, but not amend any membership details.*
3. *As club committee members and register organisers, we are required to undertake that we will only use a member's personal information for club administration purposes, including organising club events and for communicating with that member about their membership of the club.*
4. *The only exception to this undertaking, is when a member has given their written permission to the member that the member's email address and or phone number may be disclosed to other members of the club.*
5. *Members' physical addresses will never be shared or disclosed outside the committee by any committee member or disclosed by any register organiser.*
6. *One of the principal purposes of the club is to promote communication and fellowship between members of the club. Therefore, all members of the club will be requested to confirm whether or not they are prepared to share their phone number and/or email address with other members of the club.*
7. *Such permission and or restriction as to whether a particular member's details may be disclosed to another member of the club shall be highlighted on every member record held on the club membership management database.*
8. *Should a particular member not respond to such request to permit disclosure as noted under paragraph 6, then the committee shall regard by default that the member concerned, wishes to **re-strict any** disclosure of their details beyond the committee.*

UNDERTAKING:

Name:.....

Position:.....

As a committee member or register organiser of the Jaguar Driver's Club, Auckland, I hereby confirm:

- a) *my agreement to the club's rules set out above on the restrictions governing disclosure of member details and*
- b) *I undertake to comply in full with the rules.*

Signed.....Date.....