

**MEMORANDUM OF AGREEMENT  
BETWEEN N.Z. YACHTING FEDERATION COUNCIL (NZYF) AND  
N.Z. TRAILER YACHT ASSOCIATION (NZTYA)**

NZYF and NZTYA agree that NZTYA will continue to act as NZYF Council's subcommittee to administer Trailer Yacht affairs in New Zealand and to facilitate this agree that a representative of NZTYA will sit on NZYF Council with the same rights as other NZYF committee chairpersons.

Further, NZYF agrees that NZTYA, as an independent body, has the right to collect levies from it's members and to control it's own funds.

NZYF looks to NZTYA to carry out the administration of Trailer Yacht affairs generally and NZTYA agrees to act on NZYF's behalf accordingly.

Both parties recognise the obligation of NZYF to service it's recognised national classes which are also Trailer Yachts.

NZYF recognises that NZTYA is providing specialist services (for example NZTYA rating system) and that while NZTYA has the obligation to supply such services to NZYF members who are not members of NZTYA, NZTYA has the right to make a reasonable charge to that person or club for the supply of such services.

J. G. Butterfield  
23rd May 1991  
Vice President NZYF

This Memorandum of agreement between NZYF and NZTYA has been accepted by the NZYF A.G.M. in June 1991 and by the NZTYA (based in Rotorua) in July 1991.

<p><b>Note:</b> Since this Memorandum of Agreement was accepted the N.Z. Yachting Federation Council has changed its name to Yachting New Zealand (YNZ).</p>
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**NEW ZEALAND TRAILER YACHT ASSOCIATION  
CONSTITUTION 2006**

**1) NAME**

The Association shall be "THE NEW ZEALAND TRAILER YACHT ASSOCIATION INCORPORATED" hereinafter referred to as "the NZTYA".

**2) OBJECTS**

- a) To promote Trailer Yachting as a sport and recreation throughout New Zealand.
- b) To promote Squadrons, Clubs and Trailer Yacht Sections of Clubs to co-ordinate or control Trailer Yachting activities within their respective areas.
- c) To foster and maintain family participation in all aspects of Trailer Yachting.
- d) To promote improvements in design and safety of Trailer Yachts.
- e) To represent Trailer Yachtsmen and women at National level.
- f) To assist Class Owners in the control of yachts within their various classes.
- g) To present, stage or produce, take part in or assist Trailer Yachting contests, exhibitions, races, displays, shows, competitions and/or other entertainments and contests relating to Trailer Yachting which may promote the interests of Trailer Yachting generally or in particular, in any of its forms.
- h) To carry on all other activities which are incidental to the attainment of the objects defined in sub-clauses 2(a) to 2(g) hereof.
- i) To purchase, take on lease or on agreement for occupancy, any land, buildings, property real or personal which may be required by the NZTYA
- j) To sell or otherwise dispose of any of the property, real or personal and to surrender any lease held by the NZTYA or determine any agreement for occupancy.
- k) To purchase, hire, or otherwise acquire, all kinds of equipment, clothing, books, plant, furniture and other appliances which may conveniently be used by the NZTYA in Trailer Yachting activities incidental thereto.
- l) To hire, take on loan, purchase on terms or mortgage, any property, real or personal, for the promotion of the interests of the NZTYA
- m) To represent the interests of Trailer Yachting by maintaining committee status with the Yachting New Zealand (YNZ).
- n) To acknowledge the position of YNZ as responsible for the overall administration of yachting in New Zealand.

**3) DEFINITION OF "TRAILER YACHT"**

An acceptable trailer yacht shall be as defined by the NZTYA and printed in the current YNZ Special Regulations, Part V, Safety Regulations Trailer Yachts or such regulation approved by the NZTYA and YNZ in substitution thereof.

**4) SQUADRON AND CLUB DEFINITION**

- a) A Squadron, Club or Trailer Yacht Section of a Club shall be an organisation whose objects are aligned with those of the NZTYA.
- b) Members of the Squadron, Club or Trailer Yacht Section of a Club shall own not fewer than five Trailer Yachts registered with YNZ.
- c) A Squadron or Trailer Yacht Section of a Club shall comprise not fewer than five persons. All Yacht owning Squadron or Trailer Yacht Section members shall be members of an organisation affiliated with YNZ.

- d) A Club shall be affiliated with YNZ.

## 5) CLASS OWNERS ASSOCIATION DEFINITION

- a) A Class Owners Association shall be an organisation of owners of a single design of accepted Trailer Yacht.
- b) Class Owners Associations shall be eligible for Membership of the NZTYA.

For "Membership", Class Owners Associations shall satisfy the same requirements as Squadrons as set out in clause 4 herein. Such Class Associations shall be known as "Member Class Owners Associations".

## 6) PERSONAL MEMBERSHIP DEFINITION

A personal member shall be a person who has an interest in trailer yachting, is a member of a club affiliated with YNZ and is acceptable to Council.

## 7) MEMBERSHIP

- a) Membership of the NZTYA shall comprise:

- i) Squadrons, Clubs or Trailer Yacht Section of Clubs satisfying the definition set out in clause 4 herein,
- ii) Class Owners Association satisfying the definition set out in clause 5 herein,
- iii) Personal Members satisfying the definitions set out in clause 6 herein,

who wish to be members of the NZTYA and are liable for all subscriptions and levies as may be set from time to time by the NZTYA.

- b) Admission to Membership - prospective members shall apply in writing to the NZTYA Secretary for membership. Applications shall be accompanied by copy of the prospective members Constitution or Class Rules or draft thereof where appropriate. Such other details or alterations as may be requested by Council shall also be provided. Constitutions and Class Rules shall not contain anything contrary to the spirit of Trailer Yachting or be inconsistent with this constitution. Once membership of NZTYA is approved by Council, the constitution of a Squadron, Club or Trailer Yacht Section of a Club shall not be amended to contain anything inconsistent with the NZTYA constitution or the spirit of trailer yachting without reference to the Council.
- c) Cessation of Membership - any Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association may at any time resign from membership. Evidence of a two-thirds majority vote at an Annual or Special General Meeting of the member in favour of Cessation of Membership shall be presented by the withdrawing Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association before the resignation will be accepted by the NZTYA. An individual member may resign by giving notice in writing to the Secretary of the Association.
- d) Expulsion from Membership - The NZTYA Council may at any time censure or expel from membership, a Squadron, Club, Trailer Yacht Section of a Club, Class Owners Association or personal member if;
  - i) the member's conduct is in the opinion of Council, contrary to the best interests of Trailer Yachting generally,OR
  - ii) the member is in arrears with any subscriptions or levies for a period exceeding nine months.

Any member facing expulsion or censure shall be advised in writing at least thirty (30) days before the matter will be voted upon by Council and the member shall be entitled to offer an explanation either verbally or in writing to Council.

## 8) RIGHTS OF MEMBERSHIP

All member Squadrons, Clubs, Trailer Yacht Sections of Clubs or Class Owners Associations shall receive

copies of all the NZTYA Council minutes, all AMR and SMR minutes and all reports prepared by Council for general circulation.

Voting rights shall be as set out in clause 11 herein.

Any Member Squadron, Club, Trailer Yacht Section of Club or Class Owners Association may appoint in writing, a Proxy to vote on their behalf at any AMR or SMR. Written evidence of Proxy arrangements shall be received by the NZTYA Secretary at least seven (7) days prior to each meeting at which the arrangements shall apply. Proxy arrangements must be separately advised for each meeting.

## **9) ALTERATION TO CONSTITUTION**

On a proposed resolution being received for an amendment or alterations of this Constitution, the Council Secretary shall circulate to all member Secretaries, a copy of the resolution at least thirty (30) days prior to the next AMR at which time a vote shall be taken on such proposed resolution. Two-thirds of all recorded votes in favour of the resolution shall be necessary to amend or alter this Constitution.

## **10) ANNUAL MEETING OF REPRESENTATIVES (AMR)**

The Annual Meeting of Representatives of Member Squadrons, Clubs, Trailer Yacht Sections of Clubs and Class Owners Associations shall be held during the period of June-August of each year. All remits for discussion at an AMR shall be in the Council Secretaries hands not later than the 31<sup>st</sup> May preceding the AMR. The Council Secretary shall within fourteen (14) days, circulate such remits to Member Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association Secretaries.

Each Member Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association may appoint one representative to represent that Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association at an Annual Meeting of Representatives.

Any member of a Squadron, Club, Trailer Yacht Section of a Club, Class Owners Association or personal member may attend the Annual "or Special meeting as an observer.

## **11) VOTING AT AN ANNUAL OR SPECIAL MEETING OF REPRESENTATIVES (AMR or SMR)**

- a) On all matters the voting power of a Representative of a Member Squadron, Club or Trailer Yacht Section of a Club shall be equal to the number of levies paid by that Member to the NZTYA for the financial year (ended 31<sup>st</sup> May) preceding the meeting.
- b) The voting power of a Representative of Member Class Owners Association shall be equal to the equivalent number of levies that the Member Owners Association subscription represents (rounded up).
- c) Personal Members are not entitled to vote.
- d) Votes shall only be cast by Member Squadrons, Clubs, Trailer Yacht Sections of Clubs and Class Owners Associations who have paid all dues and levies due to be paid by the preceding 31st day of May.
- e) No business shall be transacted at any Annual or Special meeting unless there is a quorum of five (5) Representatives present. At least two members of Council shall be present and one of these members shall Chair the meeting.
- f) A resolution put to the vote of the meeting may be decided on the voices or by a show of hands unless a poll is demanded by the Chairperson or anyone Representative present who is entitled to vote at the Meeting. If a Poll is not demanded as herein before provided, the declaration by the Chairperson that the resolution has been accepted or rejected shall be conclusive, and an entry in the Minute Book to that effect shall be conclusive evidence thereof. Should a poll be so demanded those Representatives present shall be entitled to vote in accordance with sub-clauses 11a and 11b hereof.
- g) Every question shall be determined by a majority of votes except as provided in clause 9 herein. In the event of an equality of votes either on a show of hands or poll, the Chairperson of the meeting shall be entitled to a casting vote.

## 12) OFFICERS

- a) Each AMR shall elect a Council to manage the affairs of the NZTYA.
- b) The Council shall comprise the following Officers: President, North Island Vice-President, South Island Vice-President, Secretary, Treasurer, Technical Officer, Publicity Officer, a Representative to YNZ and the Immediate Past President.
- c) The position of Secretary and Treasurer may be held by one person.
- d) Any Two (2) of the positions Vice-President, Publicity Officer or Representative to YNZ may be held by one person.
- e) The position of President shall not be held by the same person for more than two (2) consecutive years.
- f) Officers of Council shall be Members of either member Squadrons, Clubs, Trailer Yacht Sections of Clubs or Class Owners Associations.
- g) An Executive Committee of Council shall include the President, Secretary and Treasurer. One (1) Vice-President and one (1) other Officer shall be elected by the AMR. More than one (1) organisation affiliated to the NZTYA shall be presented at any Executive Committee meeting.
- h) An elected Council Member may attend and have speaking rights only at any meeting of the Executive Committee.
- i) Any new Council or Council Officers elected at an AMR shall not take office until conclusion of that AMR.
- j) The Executive Committee of Council shall have power to co-opt replacement members from the Council if required, subject to the restriction of sub-clause (g) hereof.
- k) The Council shall have the power to co-opt replacement members to Council.

## 13) AUDITOR

The NZTYA shall appoint at each AMR, an Honorary Auditor.

## 14) POWERS OF COUNCIL

- a) The Management of the NZTYA shall be vested in the Council.
- b) Council may make By-laws binding on members but no such By-laws shall be inconsistent with anything in this Constitution.
- c) Council shall delegate from time to time to the Executive Committee of Council, such powers as it sees fit.
- d) Council may appoint sub-committees to carry out such functions as it deems necessary.
- e) Council may employ such Technical or Professional Advisers as is deemed necessary to assist it in its functions.
- f) Council shall have the power necessary to implement the objects stated in a, b, c, d, e, f, g, h, k, m and n of clause 2 herein.
- g) Council may execute any of the objects i, j and l of clause 2 herein, but only pursuant to a resolution passed at an AMR or SMR.

## 15) MEETINGS OF COUNCIL

- a) Meetings of Council may be called by the Council Secretary at any time on fourteen (14) days notice to Council Members.
- b) A quorum for a Council Meeting shall be five (5) Council members.
- c) Upon receiving a written request from not fewer than three (3) Council Members, the Secretary shall within fourteen (14) days, give notice of the time, date and agenda for a full meeting of Council by telephone conference call. Full details of the purpose of calling the meeting shall be given to the Secretary in writing for circulation to all Council Members.

- d) Each member of Council shall be entitled to one (1) vote. In the event of an equality of votes, the President or Chairperson shall be entitled to a casting vote.
- e) Council shall meet regularly as necessary, to deal with business on hand. Council shall meet at least three (3) times between successive AMR.
- f) A quorum for an Executive Committee meeting shall be four (4) Council Members.
- g) Adequate Minutes shall be kept of all Council and Executive meetings. Copies of all minutes shall be circulated to all Member Squadrons, Clubs, Trailer Yacht Sections of Clubs and Class Owners Associations.

## 16) SPECIAL MEETING OF REPRESENTATIVES (SMR)

The Council Secretary upon receiving a written request from not less than three (3) members shall notify Secretaries of all Member Squadrons, Clubs, Trailer Yacht Sections of Clubs and Class Owners Associations of the calling of a Special Meeting of Representatives, to be held at a date within sixty (60) days from receiving the request. Voting at a Special Meeting of Representatives shall be as for an AMR. Member Squadrons, Clubs, Trailer Yacht Sections of Clubs or Class Owners Associations calling for a Special Meeting of Representatives shall give full details in writing of the purpose of calling such a meeting.

## 17) FINANCE

- a) Squadrons, Clubs and Trailer Yacht Sections of Clubs shall pay annual subscriptions as fixed from time to time at an Annual Meeting of Representatives. All subscriptions shall be forwarded to the N.Z.T.Y.A in one instalment. The instalment shall be received by the NZTYA on or before the 31<sup>st</sup> day of January.
- b) Class Owners Associations and personal members shall pay to the NZTYA, annual subscriptions as fixed from time to time at an Annual Meeting of Representatives, before the 31<sup>st</sup> day of January in each year.
- c) The Treasurer shall keep a proper record of all transactions and shall present at each A.M.R, an Income and Expenditure sheet and statement of Accounts duly audited. The 31<sup>st</sup> day of May shall be the end of each financial year.
- d) All monies received by the NZTYA shall be banked within fourteen (14) days of receipt, in a bank account approved by Council.
- e) All cheques shall be signed by any two of the Officers of the NZTYA as may be authorised by resolution of Council from time to time to sign cheques on its behalf.
- f) The Council may disburse monies for such purpose as is deemed necessary to foster and support the objects stated in sub-clauses a, b, c, d, e, f, g, h, k and m of clause 2 herein.
- g) Travel costs to AMR and SMR for a Representative of each Squadron, Club or Trailer Yacht Section of a Club shall be refunded at a scale decided at the meeting.

## 18) CONTESTS

- a) A New Zealand Championship may be held each year at a venue to be decided at an AMR. North Island and South Island Contests may also be held each year at venues to be decided at an AMR. Such venues to be organised by financial Member Squadrons, Clubs, Trailer Yacht Sections of Clubs or Class Owners Associations who are current financial members of the NZTYA.
- b) National Classes recognised by the NZTYA may hold Class Championships at a place decided by their Class Associations and approved by YNZ.
- c) All trophies for New Zealand, North Island and South Island Championships shall be the property of the NZTYA and it shall be the Council Secretary's duty to keep a register of such trophies. No such trophies shall be taken out of New Zealand.
- d) Trophies for National Classes shall be the property of YNZ and it shall be the duty of their Class Association to keep a register of such trophies.
- e) All competitions at any Trailer Yacht Championship shall be sailed under the current rules of the IYRU and YNZ prescriptions.

- f) The controlling body of any event may fix the Safety Standards for that event, but in all cases the minimum standards shall be Category C of Part V, Safety Regulations Trailer Yachts of YNZ Special Regulations.
- g) Trailer Yacht Owners who are not financial members of a current Member Squadron, Club, Trailer Yacht Section of a Club or Class Owners Association shall be charged a capitation levy equal to the NZTYA levy when entering a North or South Island Contest or the NZTYA National Championships.

## **19) CLASSES**

Classes of Trailer Yachts may be controlled by the financial members of that Class according to a Constitution or Class Rules but in no case shall such Constitution or Class Rules contain anything contrary to the spirit of Trailer Yachting or be inconsistent with this Constitution.

## **20) COMMON SEAL**

The NZTYA shall have a Common Seal which shall be kept in safe custody by the Council Secretary. The seal shall only be used pursuant to a resolution of Council and shall be fixed in the presence of the President and one other Council member.

## **21) HONORARIA**

Delegates voting at an AMR may fix honoraria for the officers of the Council as is deemed necessary.

## **22) WINDING UP**

The NZTYA may be wound up if a resolution to that effect is passed at a General Meeting in accordance with the provisions of Section 24 of the Incorporated Societies Act 1908. Upon any such winding up of the NZTYA the assets shall after payment of liabilities, be disposed of in such a manner as the NZTYA shall by resolution determine. Provided that such assets shall not be divided amongst the members but shall be disbursed among some body or bodies having similar aims to the NZTYA.