



ROYAL NEW ZEALAND YACHT SQUADRON

Commodore  
Aaron Young (Checkmate)

Vice Commodore  
Andrew Aitken (Favourite...)

Rear Commodore  
Gillian Williams (Mr Kite)

## NOTICE OF SPECIAL GENERAL MEETING

NOTICE IS HEREBY GIVEN THAT A SPECIAL GENERAL MEETING  
WILL BE HELD IN THE RNZYS CLUB ROOMS at 181 WESTHAVEN DRIVE, AUCKLAND  
AND/OR VIA VIDEO CONFERENCING ONLINE

**ON THURSDAY 9<sup>th</sup> DECEMBER 2021 directly following the conclusion of the  
POSTPONED - AGM that is scheduled for 6pm**

*Please Note you will require proof of your vaccine pass on entry to RNZYS*

### BUSINESS

1. A Special General meeting has been called per rule 2.2 of the RNZYS club rules
2. Proposed Motion (Alternative One):  
  
*The members of the Squadron deem it necessary and expedient under both the terms of the Deed of Gift and for the welfare and development of the Squadron under rule 1.2 (objects) that the America's Cup shall always be defended in the waters adjacent to the City of Auckland.*
3. The General Committee are of the view that the motion Alternative One, if passed, would be an ineffective motion under the rules of the RNZYS. In our view, the following motion (Alternative Two) would be effective:  
  
*The members of the Squadron confirm that the purposes of the Squadron include holding America's Cup regattas in Auckland and that it is their desire that they are held in Auckland.*
4. The General Committee does not believe that it would be helpful that either motion is passed and propose to vote accordingly if either motion is put to the meeting.
5. The General Committee has provided its reasons for opposing the motion, which are attached in Appendix One. The proposers of the motion (Alternative One) have provided their reasons for the motion. This is attached in Appendix Two.

A handwritten signature in black ink, appearing to read 'Hayden Porter'.

Hayden Porter  
Club Secretary / CEO



ROYAL NEW ZEALAND YACHT SQUADRON

Commodore  
Aaron Young (Checkmate)

Vice Commodore  
Andrew Aitken (Favourite...)

Rear Commodore  
Gillian Williams (Mr Kite)

## Appendix One:

### RNZYS reasons for opposing the motion:

We have taken care to clarify with members the respective roles and obligations of RNZYS and ETNZ based on our contractual and working relationship of over 25 years.

ETNZ has responsibility for conducting the 37<sup>th</sup> America's Cup defence, with all aspects of AC37 organisation, management, and fundraising, resting with them. In return, the Club is not required to make any financial contribution to AC37 activities, and RNZYS are fully indemnified from any liability, financial or otherwise. It is through these arrangements that we are in the privileged position of Trustee of the Cup for a fourth America's Cup cycle.

We have said all along that it is RNZYS's preference for AC37 to be held in New Zealand, however it needs to be viable to do so. What we and ETNZ have allowed ourselves is time to do everything possible for this to happen. It is very important to us that ETNZ remains viable, that we keep the Team together, and we honour our commitments and undertakings with our Challenger of Record, RYS and INEOS Britannia.

Over the last few months ETNZ have kept RNZYS up to date daily with developments, and RNZYS has acted when necessary as Trustee. A Trustee according to Hamish Ross "cannot at law make a determination for the future before that determination is required to be made".

There needs to be a reality check in respect to a New Zealand based AC37 Match. ETNZ needs to secure funding, with local and central Government support, to hold this event in Auckland. Unless this happens, we need to consider offshore venues. The consequences of not doing so are potentially dire – no cup defence at all, and giving the America's Cup back having been unable to stage a defence and meet our obligations under the Deed of Gift. This means the loss of the America's Cup, the loss of our Team New Zealand, and the potential loss of future America's Cup challenges from the RNZYS, and most likely New Zealand.

So, while we understand and support the sentiment of the petition and their desire to "have the event in New Zealand", the answer is not that simple.

The General Committee have been active, not only around America's Cup matters, but in ensuring the club remains viable and prosperous for future years. This in itself will not be a small feat given the significant financial and operational impact of lockdown, with Club doors closed for four months. The General Committee meets monthly and considers significant matters to ensure the Club is run prudently, within its means, and fulfils its constitutional, contractual and membership obligations.

Legal threats and misinformation do not help leadership at RNZYS (or ETNZ) work towards what we are all here for – "the encouragement of Corinthian yachting generally and such other purposes connected with aquatics....".

To encourage Corinthian yachting, the club should be striving to (again) win the oldest trophy in international sport. The General Committee will continue to work on behalf of members, to do just that.



ROYAL NEW ZEALAND YACHT SQUADRON

Commodore  
Aaron Young (Checkmate)

Vice Commodore  
Andrew Aitken (Favourite...)

Rear Commodore  
Gillian Williams (Mr Kite)

## Appendix Two:

### Explanation provided by the proposers of the motion (Alternative One):

Funds for a local defence for the America's Cup are now available.

Given:

- It is in the best interest of “friendly competition between foreign countries” for the America's Cup;
- The Deed of Gift makes clear the America's Cup is a yacht club trophy;
- The overwhelming history and tradition of the America's Cup is for defences to be held in a defender's home waters;
- Longstanding support and investment in the America's Cup by members of the Squadron since 1984;
- The very significant investment and support made by City of Auckland ratepayers in the America's Cup;
- The investment and support of New Zealand taxpayers in the America's Cup;
- The longstanding and repeated promise that success in the America's Cup would result in defences being held in New Zealand; and
- A need to return the past support of the people of the City of Auckland and of New Zealand, after they have suffered and will continue to suffer a trying and difficult economic recovery period resulting from a global pandemic.

The venue for the defences of the America's Cup should be on the waters of the 'City of Sails', in Auckland, New Zealand, upon which the Squadron conducts its regattas.