

Rules of the Dunedin Multi-Ethnic Council Incorporated

1. NAME

The name of the Council is “The Dunedin Multi-Ethnic Council Incorporated”
(on these rules call “the Council”)

2. INTERPRETATION

The Council adopts the following definition of “Ethnic Group”:

An ethnic group is a segment of the population distinguished by a combination of shared customs, beliefs, traditions and characteristics derived from a common or presumed common past, even if not drawn from what in biological terms is a common racial stock; a combination which gives them a historically determined social identity in their own eyes and in the eyes of those outside the group. An ethnic group has a distinct social identity based not simply on group cohesion and solidarity but also on their beliefs as to their historical antecedents”.

3. AIMS AND OBJECTIVES

The aims and objectives for which the Council is established are:

1. To act as an organisation that promotes goodwill, tolerance, understanding and harmony amongst people of diverse ethnic cultures in Dunedin.
2. To support the rights and responsibilities of ethnic and individuals and groups to enjoy opportunities and have equitable access to, and an equitable share of the resources that local and national Government manages on behalf of the communities.
3. To promote, preserve, support and share in the multi-ethnic customs, languages and cultures of Dunedin through education, contact, festivals, liaisons and communication and to affirm the ongoing value and presence of multi-ethnic cultures in Dunedin.
4. To monitor legislation and policy including by-laws affecting the interests of multi-ethnic communities in Dunedin.
5. To promote joint action and interaction between multi-ethnic groups in Dunedin on areas of concern.
6. To enable ethnic groups to openly express their commitment and pride in New Zealand while at the same time protecting and sharing their ethnic heritage and identity.
7. To advocate against racist behavior on behalf of ethnic groups.
8. To raise consciousness amongst the ethnic groups of the status of the Maori people as Tangata Whenua and their rights under the Treaty of Waitangi.

9. To undertake any other functions which support the objectives of the Council.

4. LIMITATION

(a) Issues arising outside of New Zealand shall not be brought into the business of the Council.

(b) Only person authorised by the Executive Committee shall have the power to make public statements on behalf of the Council. Renewal, deletion and delegation of this authorisation to take place at the first Executive Meeting following the Annual General Meeting.

5. REGISTERED OFFICE

The Registered Office of the Council shall be at the Secretary's residence or at such other place as the Executive Committee may decide from time to time.

6. FINANCIAL YEAR

The financial year of the Council shall begin on the 1st of April and end on the 31st of March in each year, and the Council shall have an audited set of accounts prepared in each financial year.

7. MEMBERSHIP

(a) Membership of the Council shall be open to incorporated societies or non-incorporated ethnic groups or families or individuals subject to approval of the Council. [See Rule 17(b)]

(b) The Council may invite representatives from central or local government or from other government agencies or voluntary organisations to attend meetings of the Council as observers or advisers.

8. MODE OF BECOMING A MEMBER

(a) Any ethnic group or individual which desires to become a member of the Council shall make written application to the Secretary. As soon as possible after receiving such an application the Secretary shall refer it to the Council for its approval. The applicant shall become a member of the Council from the date on which the Secretary advises the applicant the application has been approved.

(b) The secretary shall keep an up-to-date register of:

(i) current financial members

(ii) non-financial members whose membership has not lapsed more than twelve (12) months.

(iii) names of lapsed membership greater than twelve (12) months since last a financial member shall be purged from the current membership roll and placed with the Council's historical records.

(c) The **Membership List** shall remain the property of the Council and names shall not be divulged or given to a third party without the express approval of the individuals, families, groups or incorporated society whose name(s) appear on the membership list.

9. ANNUAL MEMBERSHIP FEE

Every member shall before 31st March in each year, and forthwith upon its becoming a member of the Council in the case of a new member, pay to the Council an annual membership fee of such amount as shall from time to time be fixed by the members at the Annual General Meeting.

10. FINANCIAL AND NON-FINANCIAL MEMBERS

(a) Members who are not indebted in any way to the Council and have paid their annual subscription shall be deemed to be financial members and as such shall be entitled to enjoy the privileges of membership of the Council.

(b) Members who are indebted in any way to the Council shall be deemed to be non-financial members and as such shall not be entitled to enjoy the privileges of membership of the Council.

11. MODE OF CEASING TO BE A MEMBER

(a) **Resignation** – Any member may resign from the Council by giving written notice to the Secretary, or verbal notice to any of the Executive Officers of their desire to resign, and every such notice shall unless otherwise expressed take effect as from the date upon which it is received by the Secretary or other Executive Officers.

(b) **Expulsion** – Any member who commits a breach of these Rules or behaves in a manner which in the opinion of the Council is prejudicial to the interests of the Council may be suspended or expelled by the Council by a resolution passed by a majority of two-thirds of member Ethnic Groups present at a General Meeting duly convened for that purpose. No member shall be suspended or expelled unless they have first been given written notice by the Secretary of the Council's intention to consider its suspension or expulsion and has also been given an opportunity to explain their actions.

(c) **Non-payment of Membership Fee** – Any member whose annual membership fee has not been paid for one year shall cease to be a member but may become a member again on payment of the membership fee for the current year.

MEETINGS

12. ANNUAL GENERAL MEETING

The annual General Meeting (AGM) shall be held in the month of May in every year upon a date and at time and place to be fixed by the Executive Committee for the following purposes:-

- (a) To receive from the Executive Committee a report, balance sheet and statement of accounts for the preceding year.
- (b) To elect the officers of the Executive Committee and to appoint an auditor and legal advisor for the ensuing year.
- (c) To fix the annual membership fee for the ensuing year.
- (d) To decide on any resolution which may be duly submitted to the meeting.
- (e) The business agenda of the AGM shall be conducted in the following order:-
 - Apologies
 - Roll call
 - Confirmation of Minutes of Previous AGM
 - Business arising out of the Minutes
 - Annual Financial Report, balance sheet and statement of accounts
 - President's Report
 - Notices of Motion (if any)
 - Election of Officers of the Executive Committee
 - Continuation of internal audit or the appointment of Auditor
 - Appointment of Honorary Legal Adviser
 - Fixing of Membership Fee for ensuing year
 - Any other business

13. SPECIAL GENERAL MEETING

The Executive Committee may at any time for any special purpose call a Special General Meeting and must do so within seven (7) days upon the request in writing of one-third of total member Ethnic Groups. The request and the notice of meeting must state the purpose for which the meeting is required. Only the business stated when calling a Special General Meeting shall be discussed at this meeting.

14. ORDINARY GENERAL MEETING

- (a) An ordinary general meeting shall be held in the months of March, May (AGM), September and November at such time and places as the Executive Committee shall

direct for the purposes of transacting the business of the Council and deciding upon such resolutions as shall be duly submitted to the meeting.

(b) Executive Committee Meetings shall be held to conduct the business of the Council when called at such time and place by the President, or in the absence of the President by the Vice-President, or any other person so authorised by majority vote of the Executive Committee. Notwithstanding the above clause a regular Executive Committee Meeting shall always be held in the month prior to an Ordinary General Meeting.

15. NOTICE OF BUSINESS

At least seven (7) days written notice of all general meetings and of the business to be transacted at them shall be given to every member.

With the majority agreement of eligible voters present, other items not having written notice, (with the exception of items dealing with finance and changes to the rules), may be added and transacted at a general meeting.

16. SERVICE OF NOTICES

Every notice required to be given to a member shall be deemed to have been duly given if posted, or faxed, or e-mailed, to that member at the last known postal address, or fax address, or e-mail address.

17. PROCEDURE AT MEETINGS

(a) At all general meetings the President or the person entitled in the President's absence to act in his/her place shall take the chair.

(b) Voting entitlements for all individuals, non-incorporated groups and families shall be one (1) vote for each identity as stipulated at the time of joining or membership renewal. For those members belonging to incorporated societies it shall be two (2) votes for each society. Where those entitled to one vote may get into sufficient numbers to out vote incorporated societies there shall be decided by the rotational drawing of lots to increase from the membership of incorporated societies present the number of voting delegates to equate with those having a single vote. (N.B. This could result in more than one vote held by an individual member of an incorporated society).

(c) In the case of equality of votes the Chairman shall have the casting as well as a deliberative vote.

(d) The mode of voting on all questions shall be by show of hands or if the Chairman or any three other members shall require by secret ballot for which purpose a returning officer and a sufficient number of assistants shall be appointed. No delegate shall be entitled to vote by proxy.

(e) All questions and matters shall be decided wherever possible by consensus or if a consensus decision cannot be reached by a simple majority of the members present unless otherwise specified in these rules.

(f) Members of incorporated societies or non-incorporated groups or families or individuals who were financial members during the previous financial year shall be entitled to vote at any ordinary meeting and annual general meeting of the Council subject to the voting entitlement stated in rule 17 (b).

18. QUORUM

(a) At all general meetings at least four (4) ethnic group members shall constitute a quorum.

(b) At all executive committee meetings at least four (4) executive committee members, (one of which shall be an executive officer), shall constitute a quorum.

OFFICERS

19. The Executive Committee

(a) The affairs of the Council shall be conducted by the Executive Committee which shall consist of the President, Vice-President, Secretary, Treasurer, (or Secretary/Treasurer if these two positions have been combined), the Immediate Past President and not more than ten (10) other financial members. The Executive Committee shall have the power to co-opt additional members and to fill casual vacancies. Members who have indicated a willingness at the conclusion of the AGM to be co-opted on to the executive committee shall be considered for appointment at the first executive meeting following the AGM.

(b) President

Responsible for:

- (a) Calling and conducting meetings in an orderly way
- (b) Making media release [see Rule 4(b)]
- (c) Declaring after endorsement from those eligible voters present, the position of Returning Officer and Scrutineer(s)
- (d) Declaring after endorsement from those eligible voters present, the person to take the Chair in the temporary absence of the President during a meeting if the Vice-President is also unavailable
- (e) Setting out the Agenda
- (f) Being a cheque signatory [see rule 23(b)]
- (g) Assist in the control and custody of the common seal
- (h) Signing the common seal
- (j) Presenting the Annual Report
- (k) Receiving verbal resignation

Vice-President

Responsible for:

- (a) Deputising and assuming full presidential powers when required
- (b) Assist in setting out the Agenda
- (c) Assist in the control and custody of the common seal
- (d) Being a cheque signatory
- (e) Receiving verbal resignations

Secretary

Responsible for:

- (a) All inwards and outwards correspondence
- (b) Assist in setting out the Agenda
- (c) Assist in the control of the common seal
- (d) Having sole custody of the common seal
- (e) Countersigning the common seal
- (f) Keeping up-to-date minutes
- (g) Keeping an up-to-date membership list
- (h) Assist in the preparation of the Annual Report
- (i) All stationary supplies
- (j) Dating all inwards correspondence at time of receipt
- (k) Receiving verbal and written resignations

Treasurer

Responsible for:

- (a) Banking, payments and receipts
- (b) Being a cheque signatory
- (c) Preparing and presenting all financial reports

When the position of Secretary and Treasurer are combined as 'The Secretary/Treasurer', this person will assume all responsibilities as for both the Secretary and Treasurer.

Immediate Past President

Responsible for:

- (a) Providing continuity advice to the functioning of the Council when there has been a change of President
- (c) The position of any Committee Member absent for three consecutive meetings without leave of absence shall automatically become vacant. Acceptance of an apology shall be deemed grant of such leave.
- (d) Unless it otherwise determines the Executive Committee shall meet for the dispatch of business at least every month prior to an Ordinary General Meeting.

20. Appointment of Officers

- (a) The officers of the Executive Committee shall be elected at every Annual General Meeting and shall hold office until retirement or removal from office or election of successors to office. In addition an auditor and legal advisor shall be similarly appointed.
- (b) Any member shall be qualified to become a member of the Executive Committee. [see Rule 20 (e)].
- (c) The Executive Committee shall have the power to appoint a member to fill a vacancy on the Executive Committee until the next Annual General Meeting (AGM), and any member so appointed shall retire at the next AGM together with the rest of the Executive Committee but all or any of the retiring officers shall be eligible for re-election.
- (d) It shall be an objective of the Council that all financial members shall have the opportunity at some time to be appointed to the Executive Committee.
- (e) For the position of President and Vice-President these appointments shall be filled by those persons who have previously served at least twelve (12) months in the Executive Committee. For those co-opted members eligible to stand for these positions the time interval of twelve months service on the Executive Committee shall start from the time they indicated in writing a willingness to serve in the executive committee and were later endorsed by the Executive Committee and notified either verbally or in writing as having been successful. [See Rule 19 (a)]

21. Duties of the Executive Committee

It shall be the duty of the Executive Committee generally to conduct the affairs of the Council, to keep usual and proper books of account properly posted up and other records of the business of the Council, to notify members of intended meetings and the business to be transacted at them, to prepare and submit to the Annual General Meeting a report, balance sheet and statement of accounts for the preceding year.

GENERAL

22. COMMON SEAL

- (a) The name of the Council shall be engraved on its Common Seal.
- (b) The Executive Officers shall be responsible for the safe custody and control of the Common Seal. [see Rule 19 (b)]
- (c) Whenever the Common Seal is required to be affixed to any documents the seal shall be so affixed only pursuant to a resolution of the Executive Committee or the Council, and every instrument to which the Common Seal is affixed shall be signed by the

President, or the person entitled in the President's absence to act on his/her place, and countersigned by the Secretary or Treasurer, (or Secretary/Treasurer when these positions are combined), or by such other person appointed by the Executive Committee for that purpose. [see Rule 19 (b)]

23. CONTROL AND USE OF FUNDS

(a) All monies received by or on behalf of the Council shall forthwith be paid to the credit of the Council in an account with such a bank as shall be decided by the Council.

(b) All cheques or withdrawal slips drawn on the Council's account shall be signed by the President, or the person entitled in the President's absence to act in his/her place, and countersigned by the Vice-President, Secretary, Treasurer, (or when these positions are combined, the Secretary/Treasurer), or by such persons appointed at the first committee meeting following the Annual General Meeting.

(c) All subscriptions shall be acknowledged by the issuing of a receipt. All monies shall be banked into the Council's bank account at the earliest opportunity. Whenever practicable payments shall be done by cheque and the appropriate cheque butt endorsed. Where payments are made by cash a receipt shall be obtained.

(d) No cheques are to be pre-signed by one or more of the signatories. The appropriate signatures are to be recorded with the bank where the cheque account is held. For any cheque to be valid two (2) signatures shall be required. Additions and deletions to the list of cheque signatories shall take place immediately after the first executive committee meeting following the Annual General Meeting. [see Rule 19 (b)]

24. INVESTMENT OF FUNDS

The Executive Committee may from time to time invest and re-invest in such securities and upon such terms as it shall think fit the whole or any part of the Council's funds which shall not be required for the immediate business of the Council. In exercising this power of investment, the Executive Committee shall exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of others. The prior approval of a General Meeting of members must be obtained for any investment of a sum over five thousand dollars (\$5000.00).

25. BORROWING POWERS

(a) The Council in addition to the other powers vested in it shall have the power to borrow or raise money from time to time by the issue of debentures, bonds, mortgages or any other security founded or based on all or any property and/or rights of the Council or without any such security and upon such terms as to property and otherwise as the Council shall think fit but the powers of so borrowing or raising money shall not be exercised except pursuant to a resolution to that effect passed by a two-third majority of member Ethnic Groups present at a General Meeting.

(b) The Executive Committee shall have no power to borrow money.

26. ALTERATION TO RULES

(a) The Rules of the Council may be altered, added to or rescinded by a resolution passed by a two-thirds majority of voting members from Ethnic Groups or individuals present at a General Meeting. [see Rule 17(b)]

(b) The purport of the proposed alteration, addition or recession shall be set forth in the notice required to be given to every member pursuant to these Rules.

(c) No addition to or alteration or recession of the rules shall be approved if it affects the winding up clause. [see Rule 27]

27. WINDING UP OF THE COUNCIL

(a) The Council may be wound up voluntarily if the Council at a General Meeting passes a resolution by a simple majority [i.e. over fifty percent (50%)], of member Ethnic Groups present requiring the Council to be wound up voluntarily, and the resolution is confirmed at a subsequent General Meeting called together for that purpose and held not earlier than thirty (30) days on which the wounding up resolution to be confirmed was passed.

(b) In the event of the Council being wound up the surplus assets after payment of the Council's liabilities and expenses of the winding up shall not be divided among members at the date of winding up but shall be given or transferred to another charitable organisation within New Zealand having objectives substantially similar to those stated in Rule 3; such gift to be determined by the Executive Committee at or before the date of winding up and in default thereof by the High Court of New Zealand.

(c) Application of Profits

(i) Any income, benefit or advantage shall be applied to the charitable purposes of the Society;

(ii) No member of the Society or any person associated with a member shall participate in or materially influence any decision made by the Society in respect of payment to or on behalf of that member or associated person of any income, benefit or advantage whatsoever;

(iii) Any such income paid shall be fair and reasonable and relative to that which would be paid in arms length transaction (being open to the market value);

(iv) The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

28. FURTHER SUBSCRIPTIONS

After setting the annual subscription **no** further subscription(s) may be levied on the membership during the financial year. Additional payments from the membership in the form of donations can be made at any time during the financial year.

29. PATRON, HONORARY AND LIFE MEMBERSHIP

- (a) The Council may invite any person to become a Patron of the Council for such time as determined by a General Meeting.
- (b) Honorary Membership may be given by the Council at an Annual General Meeting to those persons deemed fit to receive this form of membership.
- (c) Life membership may be given by the Council at an Annual General Meeting to those persons deemed fit to receive this form of membership.
- (c) Honorary and Life membership numbers shall not exceed ten percent (10%) of the total membership at any one time. No subscription payments shall be levied from these persons holding the position of Patron, Honorary Membership and Life Membership.

30. REGULATIONS

The Council may from time to time by resolution in general meeting make, amend or rescind regulations not inconsistent with these rules governing procedures at the Council's meetings and the conduct of the Council's affairs generally.

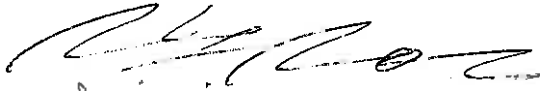
ENDORSEMENT


These rules as set out here are those that were originally approved on the 22nd June 1993 at the time of incorporation of **The Dunedin Multi-Ethnic Council** under the Incorporated Societies Act 1908, and have consolidated all subsequent additions, amendments and deletions made since that date and are those rules now in force as at the 10th August 1999.


Signed: John Neilson - President.)


Rules of The Dunedin Multi-Ethnic Council, (Certification of Incorporation DN/617392), originally prepared by Jason La Hood of La Hood Allen, Solicitors, Box 5889 Dunedin. Subsequent amendments perused by Jason La Hood before registering with the Registrar or Assistant Registrar of Incorporated Societies, Commerce Ministry, Dunedin.


25/1/11

Rory Ross (President) 

Art Kojarnohitt (Vice President) 

Merling Blank (Secretary) 

SEAN PARIC (Exec member) 

Merlyn Miller (Exec member) 

Dietya Kulkarni² (Treasurer) 