

HAHEI BEACH RATEPAYERS ASSOCIATION INCORPORATED RULES

Includes all amendments as at March 2007

1. The name of the Association is HAHEI BEACH RATEPAYERS ASSOCIATION INCORPORATED.
2. OBJECTS – the objects of the Association shall be:
 - a) To conserve, safeguard, promote and advance generally the interests and welfare (material, cultural and social) of the owners, occupiers and residents of and in properties in and near Hahei being for the purpose of these rules that area in Whenuakite Riding extending from the corner of Hahei Beach Road and Purangi Road and including the Corner Hahei Link Road and Hot Water Beach Road, and to preserve, improve, beautify, conserve and enhance the amenities of the said beach and the several parts of sections thereof.
 - b) To promote or oppose bills legislative or other measures or by-laws affecting the interests of members.
 - c) To seek redress of wrongs from which all or any of the members may from time to time suffer or make representations by way of deputations or otherwise bring under the notice of the Government of New Zealand or of any other constituted authority such matters as in the opinion of the Association require attention or alteration.
 - d) To use the funds of the Association as the Association considers necessary or proper in payment of the costs and expenses and furthering or carrying on the objects of the Association or any of them including the employment of Counsel, Solicitors, agents and servants as shall appear necessary. No member of the association or any person associated with a member shall participate in or materially influence any decision made by the association in respect of the payment to or on behalf of that member or associated person or any income, benefit or advantage whatsoever. Any such income paid shall be reasonable and relative to that which would be paid in an arms length transaction (being open market value).
 - e) To Subscribe to become a member of and co-operate with any other Association whether incorporated or not whose objects are altogether or in part similar to those of this Association and to procure from and communicate to such Association such information as may be likely to forward the objects of this Association.
 - f) To purchase, take on lease, or in exchange on hire or otherwise acquire, hold and mortgage any real or personal property and any rights or privileges which the Association shall think necessary or expedient for the purpose of attaining the objects of the Association or any of them or promoting the interest of the Association or it's members and to sell, mortgage, charge, encumber, sell, exchange, let on bail or lease with or without option of purchase or in any manner dispose of any such property rights or privileges as aforesaid.

- g) To communicate with any mercantile or public bodies in New Zealand and elsewhere and concur in and promote and assist measures for the protection and advancement of the members of the Association.
- h) To do all such things as are incidental or conducive to the attainment of the above objects.

3. MEMBERSHIP

- a) The Association shall consist of members, each being an owner of real property at Hahei Beach being that area defined in Clause 2(a) hereof provided however that no one member shall be entitled to more than one membership, notwithstanding ownership of more than one Lot of the aforesaid real property and provided further that in the event of any person having an interest in any Lot as a joint tenant or as a tenant in common with any other person then only one of such persons shall be entitled to be a member of the Association.
- b) All persons who qualify as members in accordance with Clause 3(a) above shall be entitled to membership of the Association upon request made to the Committee for the time being of the Association.
- c) The Association has made a new "Associate Member" membership available. The Associate Member will have speaking rights at all AGM and extraordinary meetings but will have no voting rights. They will receive all mailings and pay the same fee of \$20.00 per year.
- d) Any member may resign from his membership by giving to the Secretary notice in writing to that effect and every such notice shall, unless otherwise expressed take effect as from the end of the financial year then current.
- e) If any committee member shall be convicted of an indictable offence or be adjudged insolvent or make a composition with his creditors or if an effective resolution of Order of Court be passed or made for the winding up or dissolution of any Company or other body corporate which shall be a committee member then such committee member shall forthwith cease to be a committee member but the Association may at its discretion reinstate him or it without payment of entrance fee or contribution as a new member.
- f) The Association may at any time by letter invite any committee member within a specified time to retire for breach by him of these rules or for conduct prejudicial to the Association and its members and in default of withdrawal to submit the question of his expulsion to a General Meeting to be held within twelve (12) calendar months from the date of such letter and at such meeting the member whose expulsion is under consideration shall be allowed to offer an explanation verbally and/or in writing and if thereupon two-thirds of the members present shall vote for his expulsion he shall forthwith cease to be a member provided that voting at any such meeting shall be by ballot if so demanded by not less than five (5) members.

4. MEETINGS

- a) An Annual General Meeting shall be held in Hahei Beach on Easter Saturday in each year and at a time and place to be fixed by the Chairman and/or Committee for the following purposes.
 - To receive an Annual Report, Financial Statements for the preceding year and an estimate of the receipts and expenditures of the current year.
 - To fill vacancies in the Committee, subject to the postal ballot provisions of these Rules
 - To fix the subscription for the ensuing year
 - To decide on any resolution which may be submitted to the meeting
 - Any other general business of the Association
- b) The Chairman and/or Committee shall call a Special General Meeting upon a request in writing from five (5) members of the Association stating the purposes for which the meeting is required. Such meeting shall be held at Hahei Beach.
- c) Not less than twenty one (21) clear days notice shall be given to all members of any Annual or Special General Meeting stating the business of such meeting
- d) Any notice required to be given to members shall be deemed to have been delivered if posted to the last known address. In addition a notice may be given by affixing same to the Notice Board erected at either the General Store in Hahei or the Hahei Library or by publication in one issue of a newspaper circulating locally and in such case shall be deemed to have been received by all members on the date of first or only publication of such notice.
- e) At all General meetings the Chairman or in his absence any other duly elected Chairman shall take the chair. Every member shall be entitled to one (1) vote on all motions, exercised by show of hand or on voices as the Chairman shall decide. Members may forward a written proxy to be received by the Secretary prior to the commencement of any meeting. In the case of an equality of votes the Chairman shall have a casting as well as a deliberate vote.
- f) At all General meetings one-half of all financial members present or twenty-five (25) members present (whichever is the lesser) shall constitute a quorum.

5. FINANCIAL

- a) An Annual subscription shall be set at each Annual General Meeting. This shall be payable within one (1) month from the date of the Annual and General Meeting and shall be current for the ensuing year and up to and including the following Annual General Meeting. Any subscription not received three (3) months from the date of the Annual General Meeting, the member shall be deemed to have resigned their membership.
- b) The financial year shall be from 1 January until 31 December in each year.

- c) The Committee shall present to the Annual General Meeting, Financial Statements for the previous financial year, including a written report thereon from a competent Financial Reviewer.
- d) An Annual or Special General Meeting may impose a further levy on members upon resolution passed at such meeting which it shall consider necessary or expedient for the purpose of furthering the interests of the Association and its members. Any such levy shall not exceed the amount of the annual subscription of that year.

6. OFFICERS AND COMMITTEE

- a) Subject to the postal ballot provisions of these Rules, every Annual General Meeting of the Association shall elect the following Officers
 - Chairperson
 - Secretary/Treasurer
 - Eight (8) Committee persons
- b) All Officers shall hold office until the conclusion of the next Annual General Meeting, unless through retirement or removal from office.
- c) The retiring Chairperson shall hold the office of Immediate Past Chairperson for a period of twelve (12) months from the date of retirement.
- d) The Committee shall have power to appoint a member to fill any casual vacancy on the Committee until the next Annual General Meeting. In addition they have the power to appoint up to two (2) further members to the Committee for any purpose for which they deem it either necessary or desirable that such further members be appointed.
- e) All Officers shall retire at the Annual General Meeting but are eligible for re-election
- f) Meetings of the Committee shall be held when deemed necessary by the Chairperson and/or Secretary. Unless all members of the Committee otherwise agree, all meetings shall be held in Hahei Beach and unless the Chairperson considers that circumstances or particular issues are sufficiently urgent to justify otherwise, shall be held on a weekend or public holiday.
- g) Where possible seven (7) days clear notice shall be given to each member of the Committee of any meeting, either in writing, telephone, fax or e-mail.

7. DUTIES OF THE COMMITTEE

- a) The Committee shall generally conduct the affairs of the Association
- b) Keep proper books of account and present to each Annual General Meeting an Annual Report and Financial Statements in terms of these Rules
- c) Fill any vacancies in terms of these Rules

- d) Keep minutes of all Annual and Special General and Committee meetings
- e) Notify members of all Annual and Special General Meetings
- f) At all meetings of the Committee, four (4) members shall constitute a quorum

8. ELECTIONS

- a) Four (4) weeks prior to the Annual General Meeting, the Secretary shall send a notice to all financial members of the Association calling for nominations of persons willing to be Officers and or Committee of the Association for the next year. Only financial members of the Association may be nominated. All such nominations shall be in the form set by the Committee from time to time and shall be signed by one member of the Association as nominator, and by the nominee. All completed written nominations shall be returned to the Secretary no later than three (3) weeks prior to the Annual General Meeting. In the event of nominations being insufficient to fill the vacancies, then subject to Clause 8 (c) of these Rules, nominations may be received from the floor at the Annual General Meeting to fill the vacancies but not otherwise. Any financial member of the Association shall be eligible for nomination both for a position as an Officer and for membership of the Committee. If such member is elected as an Officer of the Association then his name shall be deleted from the list of candidates for the Committee.
- b) Election of the Officers and Committee shall be conducted by postal ballot in the manner herein provided.
- c) If on the expiration of the time for receiving nominations the number of valid nominations does not exceed the number of vacancies to be filled then the candidate or candidates nominated shall be deemed to be duly elected and shall assume office after the dissolution of the ensuring Annual General Meeting
- d) If the number of duly qualified candidates exceeds the number of vacancies then the Secretary may immediately cause ballot papers to be issued to every financial member of the Association. Each financial member shall be entitled to cast one vote for each vacancy. The ballot papers shall give directions on the method of voting and on the returning of the ballot papers
- e) The ballot papers so issued shall be delivered or posted to a Returning Officer who is not a member of the Association and who is nominated by the Committee so as to reach him not later than three (3) days prior to the Annual General Meeting. The Returning Officer shall place in a ballot box all ballot papers without opening any of them
- f) The Returning Officer shall count the votes and shall provide to the Chairperson a signed statement of the results of the voting. Candidates shall be notified of the time and place of the counting of votes and may appoint a scrutineer to be present.
- g) In the event of two or more candidates obtaining an equal number of votes the one to be elected shall be determined by vote at the Annual General Meeting.

- h) The results of the ballot shall be announced by the Chairperson at the Annual General Meeting of the Association.
- 9. The Common Seal of the Association shall be that appointed by the Committee who shall be responsible for the safe custody and control thereof.
- 10. Wherever the Common Seal of the Association is required to be affixed to any deed, document, writing or other instrument the Seal shall be affixed pursuant to a resolution of the Committee or of the Association by the Chairman and any one other member of the Committee thereby authorised to affix the Seal and the persons so affixing the Seal shall at the same time sign the document to which the Seal is so affixed.
- 11. All monies received by or on behalf of the Association shall forthwith be paid to the credit of the Association in an account with such trading bank or savings bank as shall from time to time be fixed by the Association and all cheques or withdrawal slips drawn on the account shall be signed by the Chairperson and the Treasurer or in the alternative by either of these together with any one Committee persons for the time being.
- 12. The Association may from time to time invest and reinvest in such securities and upon such terms, as it shall think fit the whole or any part of it's funds, which shall not be required for the immediate business of the Association.
- 13. The Association shall in addition to the other powers vested in it have a 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 of the property and/or rights of the Association or without any such security and upon such terms as to priority and otherwise as the Association shall think fit but the powers of so borrowing or raising money shall not be exercised except pursuant to a resolution of the Association passed in General Meeting.

14. ALTERATIONS

- a) The Rules of the Association may be altered, added to, rescinded or otherwise amended by a resolution passed by a three-fourths (3/4) majority of those present at a General Meeting of which twenty-one (21) days notice has been given.
- b) No addition to or alteration or recession of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding up clause. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any replacement document.
- c) Every such notice shall set forth the purport of the proposed alteration, addition, rescission or other amendment
- d) Duplicate copies of every such alteration, addition, rescission or amendment shall forthwith be delivered to the Registrar in accordance with the requirements of the Act.

15. The Association may be:

- a) Voluntarily dissolved in the manner provided by Section 24 of the Incorporated Societies Act 1908 as amended in 1971.
- b) In the event of the dissolution or winding up of the Association then any surplus assets after payment of all the liabilities of the Association and the expenses of such dissolution or winding up shall be all distributed for the betterment or improvement of the Incorporated District as directed by a General Meeting to be held for that purpose.

16. The registered office of the Association shall be situated as such place for the time being as shall be decided by the Committee. Notice of every change of situation of the registered office shall be duly sent to the Registrar.

17. In these Rules except where a different intention appears:

“Act” means the Incorporated Societies Act 1908

“Association” means HAHEI BEACH RATEPAYERS ASSOCIATION INCORPORATED under these Rules

“Chairperson – Secretary – Treasurer – Committee” means respectively, the Chairperson, Secretary/Treasurer and Committee of the Association

“Meeting” means a meeting of the Association

“Member” means a member of the Association and includes a corporate body

“His” “He” “Him” means his/hers, He/she, Him/her
