

RULES OF  
**TAURANGA REGIONAL MULTICULTURAL COUNCIL  
INCORPORATED**

**1. GENERAL**

- 1.1 The name of the organisation is "Tauranga Regional Multicultural Council Incorporated" (TRMC). This name was adopted in 2009, superseding the following previously used names: Tauranga Regional Ethnic Council Inc. (2002), Bay of Plenty Ethnic Council (1994).
- 1.2 While being registered as Tauranga Regional Multicultural Council Incorporated, the organisation is free to use other, shorter trading names for communication purposes, such as Multicultural Tauranga or, if needed, any other name agreed on by the Committee.

**2. INTERPRETATION/DEFINITIONS AND PREAMBLE**

- 2.1 "Cultural group" means any segment of New Zealand society sharing fundamental cultural values, ethnic heritage and identity through customs, beliefs, languages, traditions and characteristics that are different from those of the larger society.
- 2.2 TRMC is a non-political, non-religious and not for profit society, providing services to migrants and fostering cross-cultural relations, fellowship and friendship in the community.

**3. AIMS AND OBJECTIVES**

- 3.1 The primary aim of TRMC is to promote acceptance of diversity and sharing of cultural attributes that collectively enhance the richness of individual, family and community life; and encourages tolerance and sharing
- 3.2 The organisation's objectives include:
- 3.2.1 To preserve, promote and safeguard the interests of members.
- 3.2.2 To bring about a better understanding of all ethnic philosophies to New Zealanders.
- 3.2.3 To promote equal opportunity for ethnic groups in

New Zealand, including effective participation in decision-making which affects them, and the sharing of community resources.

3.2.4 To promote and maintain unity and friendship among members and between members and other communities in New Zealand.

3.2.5 To support the development of cultural life within communities and help create greater awareness, sensitivity and pride within New Zealand society as a whole.

3.2.6 To promote awareness of the Treaty of Waitangi amongst its members.

3.2.7 To promote joint action and cooperation among members on issues of common concern.

3.2.8 To promote the rights of ethnic people to enjoy equal opportunities and have equitable access to and an equitable share of, the resources which Central and Local Government manage on behalf of their communities.

3.2.9 To promote and preserve ethnic customs, languages and cultures

3.2.10 Any other necessary activities which further the aims and objectives of TRMC as determined by the committee.

#### **4. LIMITATION**

4.1 Issues arising outside New Zealand shall not be brought into the business of the organisation.

#### **5. REGISTERED OFFICE**

5.1 The registered office of the organisation is at 4 Main Street, Historic Village, 17th Avenue, Tauranga, or wherever the Committee appoints as the registered office by way of a resolution of the Committee

#### **6. FINANCIAL YEAR**

- 6.1 The financial year of the organisation begins on 1 April and ends on 31 March the following year.

## **7. MEMBERSHIP**

### **7.1 Becoming a member**

- 7.1.1 Subject to approval of the organisation, incorporated or non-incorporated cultural or ethnic groups and non-cultural groups may apply to be members.
- 7.1.2 Any individual can become a member of the organisation subject to approval of the organisation.
- 7.1.3 To become a member, groups/organisations or individuals need to complete an application form and return it to the office.
- 7.1.4 Membership commences on payment of the membership fee and ceases at 30 June following.
- 7.1.5 The register of members together with the date of joining and the address of each member or group is kept in the office.

### **7.2 Life membership**

- 7.2.1 Life membership can be conferred upon an individual member who has provided conspicuous service to the organisation. Life membership shall be voted upon at an annual or special general meeting called for this purpose, at the recommendation of the committee.

### **7.3 Annual membership fee**

- 7.3.1 Annual membership fees are reviewed and set by the members at the annual general meeting.
- 7.3.2. Fees are to be paid annually by 1 July. Form of payment can be in cash, by bank transfer or by direct debit. Membership lapses automatically if the fee is not paid by the above-mentioned date.
- 7.3.3 Each individual or group member who has not paid up his/her fees is not entitled to vote or take advantage of membership in any way until fees are paid and thus membership reinstated.

## **7.4 Mode of ceasing to become a member**

7.4.1 Resignation - any member may resign from the organisation by giving written notice to the Secretary.

7.4.2 Resignation will take effect from the date notice is received.

7.4.3 Non-payment of membership fee - any member whose annual membership fee has not been paid ceases to be a member but may become a member again on payment of the annual membership fee.

7.4.4 Expulsion - any member who commits a breach of these Rules or behaves in a manner which in the opinion of the committee is prejudicial may forfeit all rights and privileges of membership. In the event of a member being expelled, an appeal against the decision may be made in writing to the committee within 90 days of receipt of an expulsion notice. Upon receipt of an appeal, the committee shall establish an appeal panel, independent of the committee that shall not include any committee members. The appeal panel shall hear the arguments from both parties and shall determine an outcome that shall be binding on both parties, without any further appeal. Both parties shall be held harmless against the other in respect of redress of the cost or outcomes of the appeal process.

## **8. ANNUAL GENERAL MEETINGS**

8.1 The annual general meeting is held before 30 June every year on a date and at a time and place as the President determines. Notice is given to members in writing by e-mail at least one month prior to the date and by public notice (advertisement) in the local newspaper.

8.2 The annual general meeting must be called for the following purposes:

8.2.1 to confirm the minutes of the annual general meeting of the preceding year.

8.2.2 to receive from the committee, a report and statements of performance and financial position for

the proceeding financial year.

8.2.3 to elect officers and members of the committee for the following year.

8.2.4 to review and set the annual membership fee

8.2.5 to deal with any motions

8.2.6 to discuss general business.

### **8.3 Nominations for and election to the committee**

8.3.1 Requests for nomination to the committee shall be distributed with the notice to the annual general meeting. Nominations must be in writing on a form prescribed for this purpose. The form must be signed by the nominator and the nominee and submitted to the Secretary by post or delivery to the registered office no less than 14 days prior to the holding of the annual general meeting.

8.3.2 To be eligible for election, a nominee must have been a financial member for 30 days at the time of the annual general meeting.

8.3.3 If more nominations are received no less than 14 days from the annual general meeting, a vote by secret ballot shall be conducted. Prior to the vote, two individuals who are not eligible to vote shall be appointed by the membership present to act as scrutineers of the votes taken.

8.3.4 In the event that insufficient nominations have been received no less than 14 days prior to the annual general meeting, those nominees shall be declared elected unopposed.

8.3.5 The incoming committee shall be charged with the responsibility of co-opting to any vacant position.

## **8.4 Procedure at annual and special general meetings:**

- 8.4.1 At all annual and special general meetings the President takes the chair. In the absence of the President the Vice President, or in his/her absence or at his/her request, the Secretary shall take the chair.
- 8.4.2 Only financial (paid-up) members are entitled to vote at any annual or special general meeting. Each individual member is entitled to one vote.
- 8.4.3 Two authorised delegates representing a member cultural group or any other member organisation are entitled to one vote each on every motion. If only one authorised representative is present, they are entitled to a single vote only.
- 8.4.4 In any case of an equal vote the chairperson has a casting vote.
- 8.4.5 The mode of voting on all questions other than elections is by a show of hands.
- 8.4.6 Proxy votes are not accepted.

## **9. MONTHLY COMMITTEE MEETINGS**

- 9.1 The committee meets at a time and place to be advised to committee members in order to conduct the affairs of the organisation. There will be a minimum of ten committee meetings in any one financial year.

## **10. SPECIAL GENERAL MEETINGS**

- 10.1 The committee may at any time request a special general meeting for any special purposes. The request and the notice of meeting must state the purpose for which the meeting is required.
- 10.2 Any ten individual members or five organisational members, or relevant mix of the two, is sufficient to require the committee to call a special general meeting. The

request to call for such a special general meeting must be made in writing including the names, signatures and other details required to confirm their membership and state the purpose for which the meeting is required.

## **11. QUORUM**

11.1 At all annual and special general meetings at least one-quarter of financial (paid-up) members constitute a quorum. For clarification, only one organisation member is required to be present and will be counted as two people present for the purpose of defining a quorum.

11.2 In the event that a quorum is not achieved, no formal meeting shall proceed and no minutes of any discussions had amongst those present shall be kept. The Secretary shall be instructed to call a replacement annual or special general meeting no less than 7 days and no more than 30 days following the meeting that did not proceed. The agenda, including remits, nominations for positions or any other business shall remain the same as for the meeting that did not proceed. The meeting shall proceed whether a quorum has been achieved or not.

11.3 At all monthly committee meetings at least one half of the elected committee members constitute a quorum.

## **12. OFFICERS**

### **12.1 Powers and duties of committee members**

12.1.1 The committee consisting of President, Vice President, Secretary and Treasurer and up to five additional members shall be elected at the annual general meeting.

12.1.2 The committee generally conducts the affairs of the organisation, keeps proper books of account, properly records all business, and prepares and submits to the annual general meeting a report and statements of performance and financial position for the proceeding financial year.

12.1.3 The committee can co-opt a current financial member

to fill any vacancy until the next annual general meeting. Additionally, the committee may co-opt a non-financial member onto the committee where:

- the person being co-opted has desired skills to assist with organisational governance, trusteeship or possesses other relevant professional qualification and where
- there is a maximum of three such persons co-opted to the committee at any one time and where
- no such non-financial member co-opted onto the committee can be co-opted into an Office-bearer role without become a financial member for at least three months prior.

12.1.4 The position of any committee member absent for three consecutive meetings without leave of absence endorsed by the committee automatically becomes vacant and the member ceases forthwith to be privy to information shared with committee members. Acceptance of an apology at the committee meeting to which the apology applies is deemed grant of leave.

## **12.2 Duties of the President**

The President has responsibility to ensure that the following duties are appropriately undertaken:

- 12.2.1 uphold and ensure compliance with the rules and objectives.
- 12.2.2 chair all meetings of the organisation.
- 12.2.3 represent the organisation in its dealings with others and be the organisation's spokesperson on matters requiring public comment. In the President's absence, persons authorised by the committee have the power to make public statements on behalf of the organisation
- 12.2.4 whenever the President is unable to carry out the duties of office, he/she shall instruct the Vice President, Secretary, Treasurer or other nominee to do so.



### **12.3 Duties of the Vice President**

The Vice President assists the President in his/her duties and acts as President whenever the President is unable to do so.

### **12.4 Duties of the Secretary**

The Secretary has responsibility to ensure that the following duties are appropriately undertaken:

- 12.4.1 prepare and issue the notice convening all meetings.
- 12.4.2 publicise meetings.
- 12.4.3 book the meeting venue.
- 12.4.4 prepare the meeting agenda in consultation with the President.
- 12.4.5 circulate agenda, minutes, relevant reports and notice of motions etc. to members.
- 12.4.6 bring to the meeting all necessary documents.
- 12.4.7 keep minutes of all meetings.
- 12.4.8 record and keep in safe custody all documents belonging to the organisation apart from those required by these rules to be kept by the Treasurer.
- 12.4.9 keep an up-to-date register of current members and their contact details.

### **12.5 Duties of the Treasurer**

The Treasurer has responsibility to ensure that the following duties are appropriately undertaken:

- 12.5.1 prepare an annual budget for the organisation to be submitted to the committee for adoption and report monthly against that budget.
- 12.5.2 provide the bank with signature cards, hold TRMC cheque book and bank cards.

- 12.5.3 hold all financial reports.
- 12.5.4 ensure that grants sought and funds received comply with the purpose of promoting the objects of the organisation and projects.
- 12.5.5 collect all funds, monies to TRMC, donations and fees and deposit them as soon as practicable.
- 12.5.6 maintain complete and accurate records of all financial transactions.
- 12.5.7 present a monthly financial statement at each monthly committee meeting and ensure that committee members have a clear understanding of the financial position against budget, including any adverse events or trends that require intervention.
- 12.5.8 pay all authorised bills promptly.
- 12.5.9 submit financial files (invoices and receipts) for audit.
- 12.5.10 file all obligatory annual and accountability reports.

### **13. ACCOUNTS**

- 13.1 The books of the organisation must be audited annually by an auditor agreed upon on the recommendation of the committee at the annual general meeting. The audited accounts are to be presented at the annual general meeting.

### **14. DELEGATED AUTHORITY**

- 14.1 The committee shall have the power to delegate financial authority to any individual or sub-committee established by the committee for assisting in the efficient running of the organisation, with due consideration having been given to the accompanying risks, for any of the following purposes:
  - expenditure on capital items
  - project, event or operational expenditure
  - petty cash administration
  - entering into contracts (including leases)
  - borrowing
  - applying for funds
  - disposal of assets

- insurances
- reporting to stakeholders.

14.2 The committee in its sole discretion shall decide whether a delegated authority is appropriate for any of the above areas, and where such a specified authority is not given, the committee remains solely responsible for all commitments and related approvals. The committee shall specify the limits and controls to apply to the delegation. The committee shall have the power to revoke a given authority at any meeting.

## **15. COMMON SEAL**

15.1 The common seal is held in safe custody at the office on behalf of the committee. It is not to be affixed to any documents without prior resolution of the committee. Documents stamped with the common seal are to be signed by the President and countersigned by the Vice President, Secretary or nominee authorised by the committee.

## **16. CONTROL AND USE OF FUNDS**

16.1 All monies received by or on behalf the organisation are to be credited to the organisation's account with a bank authorised by the organisation.

16.2 All cheques, withdrawal slips or electronic transfers drawn on the organisation's account are to be signed by two of four authorised signatories.

## **17. BORROWING POWERS**

17.1 In addition to the other powers vested in it, the organisation has the power to borrow or raise money from time to time. This can be done by issuing debentures, bonds, mortgages or any other security, founded or based on all or any of the property and/or rights of the organisation or without any such security and on such terms as to priority and otherwise as the organisation thinks fit.

17.2 The powers of borrowing or raising money cannot be exercised unless a resolution of the organisation is passed at an annual general meeting by a majority of two-thirds of the organisation's members.

## **18. USE OF PROFITS**

18.1 The income and property of the organisation, from wherever derived, are to be used solely towards the promotion of the objectives of the organisation as outlined in these Rules. No portion of such income or property is to be paid or transferred directly or indirectly by way of profit to the members of the organisation.

## **19. AMENDMENT OF RULES**

19.1 The rules of the organisation may be amended by a motion at the annual or special general meeting provided that:

19.1.1 notice of motion specifying the amendment is given by the Secretary at least 14 days before the date of the meeting;

19.1.2 the motion is passed by two-thirds of the members present at the meeting.

19.2 No member is entitled to vote by proxy on any such motion.

## **20. DISSOLUTION OF THE ORGANISATION**

20.1 The organisation must be dissolved if the organisation, at a special general meeting, passes a resolution by a simple majority requiring the organisation to be dissolved. The resolution then needs to be confirmed at a subsequent special general meeting called for that purpose. It has to be held at least 30 days after the date on which the resolution to be confirmed was passed.

20.2 If the organisation is dissolved, the surplus assets, after payment of the organisation's liabilities and the expenses of dissolution, are to be distributed to another charitable organisation with similar interests. The benefiting organisation is to be determined by the committee at a special meeting for the purpose of dissolving the organisation.