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Certificate - Alteration of rules

Section 21 Incorporated Societies Act 1908

1. Name of society

EAST COAST BAYS RETURNED AND
SERVICES ASSOCIATION INC

2. Society number

221526

I certify that the alteration has been made in accordance with the rules of the society.

Name

SUEAN JANE HASLAM

Position

SECRETARY / MANAGER

Signature

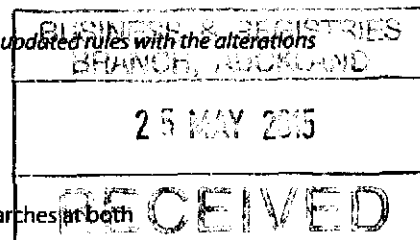
8 / 5 / 2015

3. Complete this checklist before filing your application

- ☒ This certification has been completed by an officer of or a solicitor for the society.
- ☐ A copy of the rule alteration(s) is attached. **NOTE** | This can either be a complete copy of the updated rules with the alterations underlined or in bold type, or a copy of the particular rule(s) that were altered.
- ☐ The copy of the alteration to rules has been signed by three members of the society.

For society name changes --

- ☐ This rule alteration also includes a name change for the society, and
- ☐ We have checked that the new name of the society is available by conducting Register Searches at both www.societies.govt.nz and www.companies.govt.nz



What must be included in your rules?

Section 6 of the Incorporated Societies Act 1908 requires that a society's rules include the following:

The name of the society (ending with the word Incorporated)

The objects for which the society is established

How people become members of the society and cease being members of the society

How meetings of the society will be called and held and how voting will take place

How officers of the society will be appointed

Control and use of the common seal

How the society's funds will be controlled and invested

The powers (if any) that the society has to borrow money

How any property of the society will be distributed in the event of the society being wound up

How the rules of the society can be altered

NPC# 08

27 MAY 2015

4. Your contact details

Name and postal address

East Coast Bays RSA
PO Box 35014
Browns Bay AKL 0753

Telephone

Email (optional)



Rules C

CONSENT TO RULES
(Under the Incorporated Societies Act, 1908)

East Coast Bays Returned and Services Association Incorporated
No. 221526



This is to certify that the National Executive Committee of the Royal New Zealand Returned And Services' Association (Incorporated) hereby consents to the Rules duly identified with the signature of the undersigned and attached to this Certificate.

For and on behalf of the Royal New Zealand
Returned And Services' Association (Incorporated)

David Moger
Chief Executive




16 April 2014

STANDARD RULES FOR EAST COAST BAYS RETURNED AND SERVICES' ASSOCIATION (INC)

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standard rules 14 look

2009

**EAST COAST BAYS
RSA**
 **PRESIDENT**
 **VICE PRESIDENT**
 **SECRETARY/MANAGER**

**ROYAL NEW ZEALAND RETURNED AND
SERVICES' ASSOCIATION INC.**


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* Denotes rules that can only be amended/changed by way of a remit adopted at National Council.
Local Associations are not able to amend/change these Rules.

**RULES OF THE EAST COAST BAYS RETURNED AND SERVICES'
ASSOCIATION (INC)**

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(To be read in conjunction with but not forming part of the attached Rules).

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THESE RULES RESCIND ALL PREVIOUS RULES

OF

THE EAST COAST BAYS RETURNED AND SERVICES' ASSOCIATION (INC)

NAME

1. The name of the Association shall be the:-

"The East Coast Bays Returned And Services' Association (Incorporated)" hereinafter referred to as "the local Association".

*** DESCRIPTION**

2. The local Association is a Society duly Registered and Incorporated under "The Incorporated Societies Act 1908".
3. The local Association is (a) non-sectarian and (b) non-party political in that it does not, except by the submission of questions and the publication of answers thereto, influence or seek to influence the views of its members regarding any candidate for public office or any political or municipal party.
4. The local Association is an affiliated member of the Royal New Zealand Returned And Services' Association (Inc) hereinafter referred to as RNZRSA.

INTERPRETATION

5. In these Rules,
- (a) The term "Returned Member" shall mean any person so defined in the First Schedule to the Rules of RNZRSA which is the First Schedule to these Rules.
- (b) The term "Service Member" shall mean any person so defined in the Second Schedule to the Rules of RNZRSA which is the Second Schedule to these Rules.
- (c) The term "Associate Member" shall mean any person so defined in the Third Schedule to the Rules of RNZRSA which is the Third Schedule to these Rules.
- (d) The term "financial member" shall mean any Returned or Service, or Associate member of the local Association whose current subscription or dues are paid in accordance with these Rules.
- (e) The term "Youth Member" shall mean any person so defined in the Fourth Schedule to the Rules of RNZRSA which is the Fourth Schedule to these Rules.
- (f) The term "Corporate Member" shall mean any association, club, other incorporated body, or business admitted by the Executive Committee of a local Association as a "Corporate Member" of that local Association.
- (g) The term "Corporate Associate" shall mean any named or listed employee of the "corporate member".

- (h) The term "serviceman" shall mean any member of any branch of Her Majesty's Forces.
- (i) The term "Executive Committee", shall have the meaning ascribed to it in Rule 23.
- (j) The term "Sub-Committee" shall mean any such Sub-Committee duly constituted by the Executive Committee under the provisions of Rule 33 (e) and (f).
- (k) Words denoting the masculine gender shall be deemed to include the feminine gender.
- (l) Unless inconsistent with these Rules all references to the singular shall be deemed to include the plural and vice versa.
- (m) The term Real Estate shall mean all land and buildings owned by the local Association.

* **OBJECTS**

6. The local Association is established with the express purpose of pursuing the aims and objects of RNZRSA as expressed hereunder.

The objects for which the local Association is established are:-

- (a) Loyally to uphold the sovereignty of New Zealand as a member of the Commonwealth of Nations and as a member of the United Nations.
- (b) To foster and maintain the welfare and security of New Zealand within the concept of the establishment and maintenance of international peace with honour.
- (c) To inculcate in the individual a sense of responsibility to his fellow citizens, his local community, and for the well being of mankind.
- (d) To perpetuate the comradeship born of service and to promote the general well being of servicemen and of former servicemen and their respective dependants.
- (e) To promote, foster and support the charitable objects of the Association and its Branches.
- (f) To pursue the resolutions of the National Council of RNZRSA.
- (g) To relieve the poverty of servicemen and former servicemen, their respective dependents and the former dependents of deceased servicemen and ex-servicemen".
- (h) To conduct, administer and maintain facilities for the sale and consumption of liquor and activities incidental thereto for members of the Association and for such persons as are authorised from time to time in accordance with the terms of any licence granted to the Association.
- (i) To provide amenities and cultural activities and promote sports and generally to Provide an atmosphere where the members may meet and enjoy fellowship one with another.

POWERS

7. For the due attainment of its objects the local Association shall have the following powers:-

- (a) To diffuse information on all matters affecting servicemen and former servicemen, and to print, publish, issue or circulate such papers, periodical books, circulars and other literary undertakings as may seem conducive to any of its objects.
- (b) To affiliate with or accept affiliation from any society, body or local Association having similar objects, or to join, co-operate with, or subscribe to or accept subscriptions from the funds of any such society, body or local Association for the purpose of better attaining or otherwise furthering the objects and interests of the local Association.
- (c) To undertake and execute any trusts which may seem to the local Association conducive to its objects and to invest the funds of any such trusts in the manner authorised for trustees by the Trustees Act 1956 or by any Act passed in amendment of or substitution for that Act and with all the powers given to trustees in relation to investment by that Act.
- (d) To create and establish a Charitable Trust, pursuant to the Deed of Trust as set out in the Eighth Schedule of these Rules for the more expeditious administration of the funds of the local Association which are set aside for welfare purposes.
- (e) To purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property and any rights or privileges which the local Association may deem necessary or convenient for the purpose of any of the objects.
- (f) To lend money or make advances to any other local Association with or without security.
- (g) To construct, maintain, alter, improve, enlarge, pull down, remove or replace, manage, carry on and control any buildings, or works which may seem to the local Association likely to advance the local Association's interests directly or indirectly.
- (h) To sell, lease, exchange, bail, grant licences in respect of or otherwise deal with or dispose of the local Association's undertakings or any part thereof, or any property or interest in any property rights, concessions or privileges belonging to the local Association either together or in portions upon such terms as the local Association may think fit.
- (i) To establish, maintain and conduct licensed clubs and other clubs or similar institutions.
- (j) To sponsor the formation of a Women's Section, the name of which shall be the "Women's Section to the East Coast Bays RSA", provided that the Rules of the Women's Section shall conform to the Guidelines established by RNZRSA and approved by the local Association.
- (k) To prescribe By-laws as set out in the Sixth Schedule of these Rules for the operation of the Licence, not being inconsistent with these Rules, and the Licence Regulations (Seventh Schedule attached hereto). Such By-laws and Licence Regulations shall be as binding on all members as if they were part of these Rules.

- (l) To initiate, carry out and enforce disciplinary procedures as detailed in Rule 13 of these Rules.
- (m) To do such other things as in the opinion of the local Association maybe incidental or conducive to the attainment of any of the foregoing objects or the exercise of any of the foregoing powers.

NO PRIVATE PECUNIARY PROFIT, AND EXCEPTIONS

Rule 7A No private pecuniary profit may be made by any member from the local Association, except that:

- (a) any member may receive full reimbursement for all expenses properly incurred by that member in connection with the affairs of the local Association;
- (b) the local Association may pay reasonable remuneration to any Officer or servant of the local Association (whether a member or not) in return for services actually rendered to the local Association;
- (c) any member may be paid all usual professional, business or trade charges for services rendered, time expended and all acts done by that member or by any firm or entity of which that member is a member, employee or associate in connection with the affairs of the local Association;
- (d) any member may retain any remuneration properly payable to that member by any company or undertaking with which the local Association may be in any way concerned or involved for which that member has acted in any capacity whatever, notwithstanding that that member's connection with that company or undertaking is in any way attributable to that member's connection with the local Association.

The Executive Committee and the Officers of the local Association, in determining all reimbursements, remuneration and charges payable in the terms of this clause, shall ensure that the restrictions imposed by the following clause are strictly observed.

RESTRICTIONS ON BENEFITS TO AND INFLUENCE BY INTERESTED PERSONS

Rule 7B Notwithstanding anything contained or implied in these Rules, any person who is:

- (a) an Officer, Secretary or member of the local Association; or
- (b) a shareholder or director of any company carrying on any business of the local Association; or
- (c) a settlor or trustee of any trust which is a shareholder of any company carrying on any business of the local Association; or
- (d) an associated person (as defined by the Income Tax Act 2004) of any such Officer, Secretary, member, settlor, trustee, shareholder or director.

Shall not by virtue of that capacity in any way (whether directly or indirectly) determine, or materially influence in any way the determination of the nature or the

amount of any benefit or advantage or income or the circumstances in which it is or is to be received, gained, achieved, afforded or derived by that person.

A person who in the course of and as part of the carrying on of his or her business of a professional public practice shall not, by reason only of his or her rendering professional services to the local Association or to any company by which any business of the local Association is carried on, be in breach of the terms of this rule.

LOCAL ASSOCIATION MEMBERSHIP

8. The membership of the local Association shall consist of:

(a) Returned Members

Persons who are defined in Rule 5 (a) of these Rules.

(b) Service Members

Persons who are defined in Rule 5 (b) of these Rules.

(c) Associate Members

Persons who are defined in Rule 5 (c) of these Rules.

(d) Youth Members

Persons who are defined in Rule 5(e) of these Rules.

(e) Life Members

Any Returned, Service or Associate member who has, on the recommendation of the Executive Committee, been awarded Life membership at a General Meeting of the local Association, in recognition of local service.

A Life Member shall be deemed to be a financial member of the local Association for all purposes without being required to pay an annual subscription.

(f) Honorary Life Members

Persons not being eligible for Returned or Service membership who have rendered outstanding service to the local Association or to former servicemen, and have been duly elected at a General Meeting after consideration of a citation presented by the Executive Committee.

Honorary Life members shall have the right to speak at General Meetings but not to exercise a vote.

(g) Honorary Members

Persons not being eligible for Returned, Service or Associate membership who have rendered outstanding service to the local Association or to former servicemen, and have been duly elected at a General Meeting after consideration of a citation presented by the Executive Committee.

Honorary members shall have the right to speak at General Meetings but not to exercise a vote, and shall be eligible for re-election from year to year.

(h) Corporate Members

Any Association, Club, or other incorporated body or business, approved by the Executive Committee.

A Corporate Member shall equate to three (3) members of the association and at all times the annual membership fee payable by a Corporate Member shall be not less than three (3) times the fee payable by an Associate Member.

A Corporate Member shall supply the Association with a list of Corporate Associates for the purposes of this membership. It shall at all times keep that list updated and will provide those persons with a method of identifying themselves to the Association, that is acceptable to the Association.

Those persons named or listed as "Corporate Associates" by "Corporate Members" and who are not otherwise members of the association, shall be deemed to be members of and subject to the rules of the association with the following provisos:

- The rights of entry to the club premises is restricted to such times as the "Corporate Member" is using the premises for an agreed purpose.
- They shall at all times carry and provide on request the form of identification agreed by the "Corporate Member".
- "Corporate Members" or "Corporate Associate" members shall not be entitled to hold office in the Association, to have voting or speaking rights at meetings of the Association, to participate in any reciprocal visiting rights with other Associations or Clubs, receive any membership badge of the Association or to represent the Association in any sporting or other fixture.

MODE OF ADMISSION TO RETURNED, SERVICE AND ASSOCIATE MEMBERSHIP

9. (a) Any person wishing to enrol for membership under categories 8 (a) or 8 (b) 8(c) Shall complete and sign the appropriate form.
- (b) Upon proof that he complies with the requirements for eligibility in the relevant category, then with the approval of the Executive Committee he shall be enrolled as a member.

10A. MODE OF ADMISSION TO YOUTH MEMBERSHIP

Any person seeking admission as a "Youth" member shall complete and sign the appropriate form and be proposed and seconded by two adult financial members. Then with the approval of the Executive Committee he shall be enrolled as a member.

MODE OF ADMISSION TO CORPORATE MEMBERSHIP

- 10B. Any Association, Club, other incorporated body or business wishing to apply for membership under rule 8(h) shall apply in writing and supply a list of all Corporate Associates to be covered by the Corporate Membership, and shall be nominated and seconded for membership to two financial members. An organisation so nominated shall

only be elected to membership provided it has paid the prescribed fees and provided further that the election takes place by ballot of the Executive Committee after the name of the organisation and a list of its members has been placed on the notice board for 14 days and objections have been duly called for.

MODE OF TRANSFER OF MEMBERSHIP

11. (a) The local Association shall admit to its own membership any member of another local Association who possesses the qualifications for membership as set out in Rules 8 (a) or 8 (b) of these Rules. Such transfer shall be affected on receipt of a certificate from the Secretary of that local Association that the member has paid subscription for the current year and recommending him for membership.
- (b) Transfer of membership of Associate and/or Youth members, to another local Association shall be at the discretion of that other local Association's Executive Committee, whose decision shall be final.
- (c) Notification of any such transfers shall be forwarded forthwith to the member's former local Association.

*** MODES OF TERMINATION OF MEMBERSHIP**

12. (a) **Non-Payment of Subscription**

In the event of any member failing to pay his subscription within days of the due date, he shall be sent a notice requiring him to pay his subscription within one month after the date of the notice.

Subject thereto and failing payment of the subscription and any arrears within the said period of one month the member's name shall be struck off the list of members and he shall cease to be a member, provided that the Executive Committee may at any time reinstate such member upon such terms as the Executive Committee in the exercise of its discretion may decide.

(b) **Resignation**

Any member may resign his membership by letter addressed to the Secretary of the local Association to that effect.

(c) **Expulsion**

Refer to Rule 13(b) below.

DISCIPLINARY ACTION

13. The Executive Committee shall have power to call on any member for an explanation of any charge of misconduct, within the provisions of these Rules, laid against him by any member or for any other sufficient cause.

- (a) On receipt of a complaint (or complaints) of misconduct against any member, the Executive Committee shall (unless it considers such complaint to be vexatious, or frivolous, or totally without foundation):
- (i) notify the member in writing of the complaint, and give him such particulars of the complaint as are available;
 - (ii) give the member a reasonable opportunity to provide an initial response or explanation in relation to the complaint, in writing or orally;
 - (iii) having completed steps (i) and (ii) above, the Executive Committee shall make a decision:
 - as to whether the matter is vexatious, frivolous, or without foundation, and if not, that it should proceed to a formal hearing;
 - as to whether the matter is so serious that, if the complaint is proved, expulsion is a possible outcome, or
 - as to whether the matter is not so serious as to warrant expulsion but may warrant suspension, and
 - as to whether an interim suspension of the member is appropriate.

(b) **Expulsion**

- (1) Where the Executive Committee considers that the matter should proceed to a hearing, and that expulsion is a possible outcome if the complaint is proved, the Executive Committee shall:
- (i) convene a formal hearing of the Executive Committee to hear and consider the complaint;
 - (ii) provide the member with reasonable notice, in writing, of the time and place of such hearing. Such notification shall clearly state the purpose of the hearing, and shall include:
 - details of the complaint;
 - copies of any relevant documents or correspondence;
 - notification of the fact that expulsion is a possible outcome.
- (2) In convening and conducting the hearing, the Executive Committee shall follow the rules of natural justice, which require that the member be given a full and fair opportunity to present his or her response to the complaint. If the member wishes to be represented at the hearing by a lawyer, the Executive Committee shall fully consider such request, and make a ruling as to whether legal representation shall be permitted.
- (3) If, following the hearing, the Executive Committee considers that the complaint has been proven (on the balance of probabilities), the Executive Committee shall:
- (i) advise the member of its finding as to the complaint;

- (ii) give the member the opportunity to make representations as to penalty or outcome;
 - (iii) after steps (i) and (ii) have been completed, deliver its decision as to whether the member is expelled or suspended (or neither).
 - (iv) if expulsion is ordered, the member shall forthwith surrender his badge to the local Association for return to RNZRSA.
- (4) For clarity, it is recorded that:
- (i) the Executive Committee has the power to either expel or suspend, and in cases it deems appropriate, to impose an interim suspension prior to the hearing;
 - (ii) the Executive Committee is not obliged to impose suspension or expulsion, even if it finds the complaint(s) to have been proved.

(c) Suspension of Membership

Where the Executive Committee has received a complaint, but does not (in terms of rule 13(a)(iii) above) consider the matter so serious that expulsion is a possible outcome:

- (i) the Executive Committee may (but is not obliged to) delegate its powers in relation to the hearing of the complaint to a Disciplinary Committee [which may be a standing Committee, or a Committee which the Executive Committee may appoint in relation to any specific complaint(s)];
- (ii) if so appointed, the Disciplinary Committee shall consist of a minimum of three and a maximum of five members of the Association (and not necessarily members of the Executive Committee), and
- (iii) the Disciplinary Committee shall follow all of the procedural steps required of the Executive Committee as if acting under rule 13(b), but **shall not** have the power to impose expulsion.
- (iv) whether the matter is heard by the Executive Committee, or by a Disciplinary Committee, either Committee shall have the power to suspend the member for a period not exceeding twenty-four months.
The member shall not be obliged to surrender his badge during any such period of suspension.

*

APPEALS AGAINST SUSPENSION OR EXPULSION

14. (a) A member expelled, or suspended for more than one month shall have the right to appeal the decision to a tribunal of not less than three, nor more than five persons to be appointed by the Executive Committee

Members of the tribunal shall be members of the local Association but not of the Executive Committee and should if possible include at least one member of the legal profession, who is a member of the local Association.

Written Notice of Appeal shall be given to the Executive Committee of the local Association within one month after the date of the decision expelling or suspending such member.

- (b) The Tribunal shall have wide discretion to determine the procedure which it will follow. In particular:
 - (i) it may decide to completely rehear the evidence in the matter; or
 - (ii) it may decide the matter on the basis only of the record of the hearing of the Executive Committee or its appointed Disciplinary Committee. Should no record be available then the evidence shall be reheard.
 - (iii) it may agree to hear, or consider, evidence in addition to that put forward at the Disciplinary hearing, in whatever form it deems fit.
- (c) The tribunal may dismiss or allow the appeal or vary the decision.
- (d) The decision of the tribunal shall be final.

ANNUAL GENERAL MEETINGS

- 15. (a) An Annual General Meeting of the local Association shall be held in the month of October in each year at such time and place as shall be fixed by the Executive Committee and the date shall be advertised at least 42 days in advance by insertion at least once in a newspaper circulating in the area of the local Association.
- (b) At least 14 days' notice of such Meeting, stating the nature of the business to be brought before the Meeting shall be given to members either by post or by advertisement inserted at least once in a newspaper circulating in the area of the local Association.

16. Free

EXTRAORDINARY GENERAL MEETINGS

- 17. (a) All General Meetings other than Annual and Bi-Annual General Meetings shall be Extraordinary General Meetings. The Executive Committee may, whenever it thinks fit, and shall upon a requisition in writing by 20 (twenty) members, convene an Extraordinary General Meeting.

Any such requisition shall specify the objects of the meeting requisitioned, shall be signed by the members of the local Association making the same, and shall be deposited with the Secretary of the local Association. The meeting must be convened only for the purposes specified in the requisition. In case the Executive Committee for 14 days after the receipt of such a requisition fails to convene an Extraordinary General Meeting to be held within 21 days from the receipt of such a requisition, the members making such a requisition or a majority of them, may themselves convene a meeting to be held not later than three calendar months after the date of the requisition.

- (b) Seven days' notice specifying the place the day and hour of any Extraordinary General Meeting and the purpose for which it is to be held shall be given either by

an advertisement in a newspaper circulating in the area of the local Association or by notice sent by post to each member.

QUORUM AT ANY GENERAL MEETINGS, EXTRAORDINARY GENERAL MEETINGS OR BI-ANNUAL GENERAL MEETINGS

18. (a) The quorum for any General Meeting shall be 20 (twenty) members admitted under Rules 8 (a) and/or 8 (b) and/or 8 (c).
- (b) No business shall be transacted at any meeting unless a quorum of such members is present.
- (c) If within half an hour from the time appointed for any meeting a quorum is not present at the meeting, if an Extraordinary General Meeting it shall be dissolved, in any other case it shall stand adjourned to the same day in the next week at the same time and place and the members present at the adjourned meeting may transact any business as if they constituted a full quorum.

METHOD OF VOTING

19. (a) Every question submitted to any general meeting of the local Association or to any meeting of the Executive Committee shall be decided in the first instance on the voices or by a show of hands. Subject to the provisions of the Fifth Schedule hereto, every member present shall be entitled to record one vote and no more upon every question. In the case of an equality of votes the Chairman shall, whether upon a vote being taken by a show of hands or by a ballot as hereinafter provided for, have a second or casting vote.
- (b) Unless a ballot is demanded by the Chairman or by at least three members present, a declaration by the Chairman that a resolution has been carried or lost and an entry to that effect in the Minute Book shall be conclusive evidence of the fact without proof of the number of the votes recorded in favour of or against such resolution.
- (c) If a ballot is demanded it shall be taken in such a manner and at such a time as the Chairman of the meeting may direct and the result of the ballot shall be deemed to be a resolution of the meeting at which the ballot was demanded.

A demand for a ballot may be withdrawn. The demand for a ballot shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a ballot has been demanded.

- (d) Votes may be given personally or by proxy.

ADJOURNMENTS OF MEETINGS

20. The Chairman of any meeting may with the consent of that meeting adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

NOTICES OF MOTION

21. Any notice of motion must be in the hands of the Secretary at least 21 days before the meeting at which the motion is intended to be moved.

PATRON

22. At any Annual General Meeting the members may, on the recommendation of the Executive Committee, elect a Patron of the local Association.

EXECUTIVE COMMITTEE

23. Financial members of the local Association admitted under Rules 8(a) and/or 8(b) and/or 8(c) shall be eligible for election to the Executive Committee.

The Executive Committee shall consist of a:

President

2 Vice President(s)

Honorary Secretary) except if appointed under provisions of

Honorary Treasurer), rule 33(b)

and 8 members of the local Association

all of whom shall be elected at the Annual General Meeting of the local Association and shall hold office until the conclusion of the next Annual General Meeting and shall be eligible for re-election from year to year.

One Representative of the Women's Section to the East Coast Bays R.S.A.(Inc).

- (a) The President shall be the Chairman of the Executive Committee or, in his absence, a Vice President.
- (b) Only members admitted under Rules 8(a) and/or 8(b) and/or 8(c) shall be eligible:
- (i) for election as Officers of the local Association or to the Executive Committee of a local Association.
- (ii) to vote for those standing for election as set out in (i) above.

OFFICERS

24. The Officers of the local Associations shall be:

the President

the Vice Presidents

Honorary Secretary

Honorary Treasurer

and the immediate Past President (if any) who shall hold office for a period of one year only.

ELIGIBILITY FOR MEMBERSHIP OF THE EXECUTIVE COMMITTEE

25. (a) No person who is employed by the local Association shall be eligible for election as an Officer or other member of the Executive Committee.

- (b) No person who is an undischarged bankrupt shall be eligible for election to the Executive Committee.
- (c) Any person standing for election to the Executive Committee shall, at the time of his nomination, disclose to the membership the existence of any criminal conviction for serious offence, in his past. "Serious" shall include, but is not necessarily limited to, any conviction for fraud, theft, assault, sexual offence, or any offence involving illegal drugs, drinking and driving or driving while disqualified, but shall not include traffic infringement matters, or offences which do not carry a possible term of imprisonment.
- (d) No person shall be eligible for the office of President or Vice President unless he/she has served for not less than one year on the Executive Committee during the five (5) years immediately preceding the election.
- (e) No President may serve as President for more than three (3) consecutive Terms, this does not restrict the said persons eligibility at a later date.

ELECTION OF THE EXECUTIVE COMMITTEE

- 26. Nominations for Officers and other members of the Executive Committee shall be called for by the Secretary at least 42 days prior to the date of the Annual General Meeting and the final date for receipt of nominations shall be the final date set aside for the receipt of Notices of Motion.
- 27. (a) Each of the candidates for election as:
 - (i) President and Vice President(s) shall be financial members admitted under Rules 8(a) and/or 8(b) and/or 8(c) and shall be proposed and seconded by financial members admitted under Rules 8(a) and/or 8(b) and/or 8(c) on the form to be provided.
 - (ii) A member of the Committee, shall be financial members admitted under Rules 8(a) and/or 8(b) and/or 8(c) and shall be proposed and seconded by financial members admitted under Rules 8(a) and/or 8(b) and/or 8(c) on the form to be provided.
- (b) Financial members admitted under Rules 8(a) and/or 8(b) and/or 8(c) may vote for all positions as defined in Rule 23 of these Rules.
- 28. Prior to the date of the Annual General Meeting the Secretary shall have printed ballot papers bearing the surname and forenames of each candidate in alphabetical order. The ballot papers shall also contain details of the number of vacancies to be filled and instructions on the method of voting.
- No other information is to appear on the ballot paper.
- 29. The voting shall be by postal ballot. Booths shall be set up for the purpose in the rooms of the Association between the hours of 4pm to 7pm on the two Fridays and 11am to 4pm on the two Saturdays immediately prior to the AGM. The count shall be taken immediately on the closing of the ballot.

30. The Committee shall appoint the scrutineers who shall give a written report to the Returning Officer who shall announce the results of the election, including the number of votes, recorded for each candidate, prior to the close of business at the A.G.M.
31. In the event of there being an equality of votes for any vacancy the Chairman shall determine the result by lot among the candidates concerned.
32. Where the number of persons nominated is no greater than the number called for, those persons so nominated shall be declared duly elected and the Chairman shall call for nominations at the Annual General Meeting for persons to fill any remaining vacancies. In the event of nominations exceeding vacancies, a ballot shall be conducted during the meeting.

POWERS OF THE EXECUTIVE COMMITTEE

33. (a) The management and control of the local Association and its properties real and personal shall be vested in the Executive Committee.
- (b) The Executive Committee may appoint a Secretary and/or Treasurer of the local Association. The Secretary and or the Treasurer may be a paid employee of the local Association and the Executive Committee may fix his/her remuneration and the period of his/her engagement and such other terms and conditions of employment as the Executive Committee shall think fit.
- (c) The Executive Committee shall also appoint such other staff as are deemed necessary for the efficient management of local Association affairs.
- (d) The Executive Committee may exercise all such powers and do all such acts and things as may be exercised or done by the local Association as are not hereby or by Statute expressly directed or required to be exercised or done by the local Association in General Meeting.
- (e) The Executive Committee may appoint such sub-Committees as are necessary to carry out the business of the local Association.
- (f) The Executive Committee may delegate such of its powers as it deems fit.

MEETINGS OF THE EXECUTIVE COMMITTEE

34. (a) The Executive Committee shall meet at least once per calendar month at such place and time as the Executive Committee shall determine. At least three clear days' notice in writing shall be given to each member of the Executive Committee.
- (b) The Chairman or any three members of the Executive Committee may at any time convene a meeting of the Executive Committee upon giving three days notice to the members of the Executive Committee.

METHOD OF VOTING AT EXECUTIVE COMMITTEE MEETINGS

35. Voting at any meeting of the Executive Committee shall be in accordance with Rule 19 hereof.

QUORUM OF THE EXECUTIVE COMMITTEE

36. (a) The quorum for any meeting of the Executive Committee shall be five (5) members.
- (b) No business shall be transacted at any meeting unless a quorum of members is present.
- (c) If within half an hour from the time appointed for any meeting a quorum is not present at the meeting it shall stand adjourned to the same day in the next week at the same time and place and the members present at the adjourned meeting may transact any business as if they constituted a full quorum.

* **VACATION OF, OR REMOVAL FROM, OFFICE**

37. (a) Any member of the Executive Committee shall vacate his office:-
- (i) If he is absent from three consecutive meetings without leave of the Executive Committee.
 - (ii) During any period of bankruptcy, or if he becomes of unsound mind.
 - (iii) If by notice in writing to the Secretary he resigns his office.
 - (iv) Becomes an employee of the Association.
- (b) (i) A member of the Executive Committee may be removed from office, by a resolution of a majority of the other members of the Committee, if he is, during any period in office, convicted of any serious criminal offence. "Serious" shall include, but is not necessarily limited to, convictions for fraud, theft, assault, sexual offence, or any offence involving illegal drugs, drinking and driving or driving while disqualified, but shall not include traffic infringement matters, or offences which do not carry a possible term of imprisonment.
- (ii) Any member of the Executive Committee so convicted shall notify the Committee of such conviction, and shall stand aside whilst the Committee considers the matter. A reasonable opportunity to provide an explanation to the Committee shall be given him, before any decision to remove him from Office is made.
- (c) Any vacancies on the Executive Committee shall be filled by appointment by the Executive Committee and the appointee shall hold office until the conclusion of the next Annual General Meeting of the local Association.
- (d) Any member or members of the Executive Committee, or the Executive Committee in toto, may be removed from office by a resolution passed by not less than two thirds of valid votes cast at any general meeting, of which proper notice and the purpose of the meeting was given, in accordance with these Rules.
- (e) Any vacancy or vacancies on the Executive Committee resulting from action taken under (d) above shall be filled in accordance with (c) above.
- (f) Notwithstanding the provisions of Rules 23 to 32 of these Rules, in the event that the Executive Committee is removed in toto, then at that same meeting members

shall call for nominations, and shall elect an interim committee to conduct the affairs of the association, pending fresh elections to be held within three (3) months or at the next annual general meeting, whichever event occurs first.

SUBSCRIPTIONS

38. (a) The annual subscription for all members, except for Youth members, shall be such sum or sums as may be determined by the members in General Meeting from time to time, provided however that the annual subscription payable by members admitted under Rule 8 (c) shall not be less than that payable by members admitted under Rules 8 (a) and/or 8 (b).

The subscription payable by a "Corporate Member" admitted under Rule 8(h) of these Rules shall be not less than three (3) times that payable by members admitted under Rule 8(c).

- (b) Subscriptions shall be due and payable on the first day of January of each year.
- (c) In the case of a newly elected member the Executive Committee shall determine the subscription to be paid for the balance of the financial year.
- (d) The Executive Committee at its discretion shall have power to remit subscriptions in whole or in part for any member or any particular class of member.
- (e) The Executive Committee at its discretion shall have full power to remit arrears of subscriptions.
- (f) No person who from any cause whatsoever ceases to be a member shall have any claim upon the local Association for a refund of the whole or any part of any subscription paid by him to the local Association.
- (g) Only financial members shall be entitled to the privileges of membership.
- (h) Those financial members of the Women's Section to the East Coast Bays RSA(Inc) who elect to join the East Coast Bays RSA (Inc) as members shall have their annual subscription fixed by the Executive Committee which may vary such annual subscription to that payable by "Associate" members admitted under Rule 8(c) of these Rules.
- (i) The Annual Subscription payable by Youth Members of the East Coast Bays RSA (Inc) shall be fixed by the Executive Committee which may vary such annual subscription to the payable by "Associate" members admitted under Rule 8(c) of these rules, but subject to the Fourth Schedule of these Rules.

ACCOUNTS

39. The financial year of the local Association shall begin on the first day of July in each year and shall expire on the last day of June of the following year.
40. (a) The Executive Committee shall keep true accounts:-
- (i) of all sums of money received and expended by the local Association and of the matters in respect of which such receipts and expenditure takes place.

- (ii) of all assets, credits and liabilities of the local Association including all mortgages, charges and securities of any description affecting any property of the local Association.
- (b) At least once in each year the accounts of the local Association shall be audited.
- (c) The books of account shall be kept at the office of the local Association or at any such other place as the Executive Committee may determine and they shall be open to the inspection of members of the local Association at such reasonable times and places as shall be determined by the Executive Committee. All monies received after being entered in the Books of the local Association as being received shall be forthwith paid into a bank to be appointed by the Executive Committee.
- (d) All accounts shall be reported to the Executive Committee for confirmation of all routine payments and for authorisation of all other payments.
- (e) Payment of all monies shall be made by cheque signed by any two of the following:
President, Secretary, Vice President, Honorary Treasurer, or any other person appointed by the Executive Committee. Provided that nothing in this rule shall apply to payments under a petty cash imprest system operated pursuant to a resolution of the Executive Committee.
- (f) At every Annual General Meeting the Executive Committee shall present an Annual Report and an audited Balance Sheet and an Income and Expenditure Account made up to a date not more than four months before that meeting from the time the last preceding Balance Sheets were prepared and in the case of the first Balance Sheet from the date of the Incorporation of the local Association. Every such report shall be accompanied by a report from the Executive Committee on the state of the local Association.
- (g) A copy of the audited financial statements of the local Association, duly certified by the President and Secretary, shall be forwarded to the Chief Executive, RNZRSA before the expiry of four calendar months from the end of the financial year of the local Association.
- (h) The local Association shall duly file the returns required by the Incorporated Societies Act 1908 or by such other statutory provisions for the time being in force and shall comply with all the requirements of such statutes and any regulations thereunder.

AUDITOR

41. An Auditor who should preferably be a member of the Institute of Chartered Accountants of New Zealand and who shall not be a member of the Executive Committee shall be appointed at each Annual General Meeting of the local Association.

The retiring Auditor shall be eligible for re-election. In the case of any vacancy during the year the Executive Committee shall appoint an Auditor.

BORROWING MONEY

42. (a) The Executive Committee shall have power, only if authorised by a resolution passed by not less than two-thirds of valid votes cast at any General Meeting of the local Association, to borrow or raise money and secure payment of the same or to secure the payment of any money owing by the local Association or the satisfaction or performance of any obligation or liability incurred or undertaken by the local Association in such manner as the local Association shall by resolution as aforesaid determine and in particular by the issue of debentures or by mortgage or charge or lien upon the whole or any part of the local Association's property (whether present or future) provided however that the authority of a General Meeting will not be required for the borrowing of amounts not exceeding at any one time the sum of \$50,000:00.
- (b) The Executive Committee may purchase, redeem or pay off any such security or securities.

* **CAPITATION**

43. The local Association shall pay capitation to RNZRSA (Inc) in respect of all local Association and Associate Members in accordance with RNZRSA Rules in force for the time being.

* **BADGES**

44. (a) Every Returned and Service member of the local Association shall be supplied by the local Association with an official RNZRSA badge.
- (b) Every member admitted under Rule 8 (c) shall be supplied by the local Association with an official badge designed by RNZRSA.
- (c) Every member admitted under Rule 8 (d) shall be supplied by the local Association with an official badge designed by RNZRSA.
- (d) All Returned, Service, Associate and Youth members' badges are, and remain, the property of RNZRSA.
- (e) Except as provided in this rule, any member who ceases to be a member shall upon demand in writing from the Secretary, return to the Secretary the badge issued to him.
- (f) No member shall be required to surrender his badge where evidence is produced that he has transferred his membership to another local Association.
- (g) At the discretion of the Executive Committee, a badge may be retained by the relations of a deceased member.
- (h) The Secretary or any member of the Executive Committee is expressly authorised to call upon the wearer of a badge issued under these Rules to produce evidence of his entitlement to wear the same.

AWARDS

45. (a) At a General Meeting of the local Association upon the recommendation of the

Executive Committee any Returned, Service or Associate member may be awarded Life Membership of the local Association or any other such award, in recognition of local service.

A Life Member shall be deemed to be a financial member of the local Association for all purposes without being required to pay an annual subscription.

Life Membership should be awarded sparingly to persons having given exceptional service to the Association.

- (b) Where an award is made in terms of paragraph (a) of this rule the Executive Committee shall arrange for details of the award to be endorsed on an appropriate Certificate for issue to the member.

Any nomination to RNZRSA for a national award may be made at a General Meeting of the local Association, upon the recommendation of the Executive Committee.

* **ALTERATION OF RULES**

46. (a) The Rules of the local Association may be altered, added to or rescinded at any General Meeting of the local Association by Notice of Motion in accordance with Rule 21.
- (b) No amendment of any Rule shall be made without the prior consent in writing of the National Executive Committee of RNZRSA (Inc) being first had and obtained provided that such consent shall not be withheld unless such amendment conflicts with, or is not in harmony with the Rules of RNZRSA (Inc) or with the rules of natural justice.
- (c) No addition to or alteration or rescission of the following Rules of the local Association shall be made unless such addition, alteration or rescission is consistent with the charitable purposes of the local Association and unless such addition, alteration or rescission is first approved by the Inland Revenue Department.
- (a) Rule 6(e) and 6(g) ("Objects")
- (b) Rule 7A ("Private Pecuniary Profit")
- (c) Rule 7B ("Interested Persons")
- (d) Rule 46 (c) ("Alteration of Rules")
- (e) Rule 54 (b) ("Liquidation")
- (d) At least 14 days' notice of any proposed amendment to the Rules of the local Association shall be given to the members either by posting the same to each member or by at least one insertion in a newspaper circulating in the area of the local Association. The notice so given shall contain a copy of, or state briefly, the nature of the Notice of Motion to be moved at the General Meeting so called.

- (e) The local Association shall register any alteration of or addition to these Rules as required by any statutory provisions for the time being in force.

CONDUCT OF MEETINGS OF THE LOCAL ASSOCIATION

47. The conduct of meetings of the local Association shall be in conformity with the Fifth Schedule hereto.

MINUTES

48. The Executive Committee shall cause Minutes of all meetings to be duly entered in the Book provided for that purpose.

CHANGES OF ADDRESS

49. Every member shall communicate to the Secretary any change of address and all notices posted to the last notified address shall be valid and deemed to have been given on the day following the day of posting.
- (a) Gifts and bequests made to the Association shall be devoted to the charitable purposes of the Association unless specifically directed otherwise by the terms of the gift or bequest.

*** BRANCHES**

50. The Executive Committee of the local Association shall have the power to form and constitute Branches provided that the prior approval in writing of the formation of any such Branch is first had and obtained from RNZRSA.

SALE OF LOCAL ASSOCIATION REAL ESTATE

51. Subject to the provisions of Rule 54 (b) of these Rules the local Association may dispose of its real estate, in part or in total by way of gift, sale or transfer by a resolution in favour of such gift, sale or transfer of not less than two thirds (2/3) of valid votes returned at either a general meeting or from a postal ballot of financial members admitted under Rules 8 (a) and/or 8 (b) and/or 8 (c).

In relation to a postal ballot the closing date for the receipt of ballot papers at the registered office of the local association shall not be less than 30 or more than 60 days after the day on which the ballot papers were dispatched to members.

The result of the ballot shall be notified to the members at a general meeting called for the purpose or by way of a notice inserted in a newspaper circulating in the area of the association."

*** WITHDRAWAL FROM MEMBERSHIP OF RNZRSA (INC)**

52. The local Association may withdraw from membership of RNZRSA by either:-
- A. a resolution in favour of such withdrawal of not less than two thirds (2/3) of valid votes returned from a Postal Ballot of financial members admitted under 8 (a) and/or 8 (b). The closing date for the receipt of ballot papers at the registered office of the local Association shall be not less than 30 nor more than 60 days after the date on which the ballot papers were dispatched to members.

The result of the Ballot shall be notified to members either at a General Meeting called for the purpose or by way of a notice inserted in a newspaper circulating in the area of the local Association.

or by,

- B. a simple majority of valid votes cast by financial members at a General Meeting in favour of placing the local Association in liquidation. Such resolution for liquidation and to appoint a liquidator must be confirmed by a further Extraordinary General Meeting to be held not earlier than 30 days nor later than 60 days after the date on which the resolution so to be confirmed was passed.
- C. withdrawal from membership under either A or B above shall be subject to compliance with the following conditions:
- (a) 14 days' prior written notice shall be given to the Chief Executive of RNZRSA (Inc) of any Notice of Motion to withdraw from membership which has been given to members pursuant to these Rules.
 - (b) Such notice shall be accompanied by payment in full of all capitation and other sums due by the local Association.
 - (c) Such Notice shall specify:-
 - (i) The date from which it is intended that the withdrawal shall become effective;
 - (ii) Whether the local Association intends voluntarily to be put into liquidation under Section 24 of the Incorporated Societies Act 1908, or
 - (iii) Whether the local Association intends to change its name with consequential Rule amendments under Section 21 of that Act.
 - (d) Immediately after the motion to withdraw from membership has been adopted by the members in General Meeting the Chief Executive of RNZRSA shall be notified of the decision and supplied with the local Association's Certificate of Incorporation.

* **LIQUOR**

53. (a) Under the provisions of the Sale of Liquor Act 1989 or of any amendment or re-enactment thereof, liquor may be consumed on the local Association's premises only in terms of any licence or charter issued in terms of the Act and in compliance with the provisions of the Act and any amendments thereto and any Regulations made thereunder.
- (b) Subject to the provisions of paragraph (a) of this Rule, the operation of the licence or charter shall at all times be conducted in accordance with the Licence Regulations set out in the Seventh Schedule of these Rules.

* **LIQUIDATION**

54. (a) Any decision that the affairs of the local Association be liquidated shall be

governed by the following procedure. Notice of Motion of the proposed liquidation and appointment of a liquidator must be given in accord with the Rules of the local Association and any such resolution for such liquidation and appointment of a liquidator must be confirmed by a further Extraordinary General Meeting, held not earlier than 30 days and not later than 60 days after the date on which the resolution so to be confirmed was passed.

- (b) If upon the liquidation of the local Association there remains, after the satisfaction of all its liabilities, any property whatsoever, the same shall not be paid or distributed among the members of the local Association but shall become vested in and transferred to RNZRSA or any local RSA on such conditions, providing such conditions are not inconsistent with the Aims and Objects of RNZRSA, as shall be determined by a majority of the members admitted under Rules 8(a) and/or 8(b) and 8(c) of the local Association present in person at a General Meeting to be held according to the Rules of the local Association at or before the liquidation.

INDEMNITY

55. The Executive Committee, other Officers and Employees of the local Association shall be indemnified by the local Association against any personal liability incurred in or by reason of the discharge of their duties, except for liability arising by reason of:-
- (a) their own fraudulent act or acts,
 - (b) their own recklessness; or
 - (c) their own gross negligence or dereliction of duty.

SEAL OF THE LOCAL ASSOCIATION

56. The local Association shall have a Common Seal which shall be in the custody and control of the Secretary for the time being and the documents to be executed by the local Association of whatsoever nature shall be executed with the following attestation clause:-

"The Common Seal of The East Coast Bays Returned And Services' Association (Incorporated) was here-unto affixed pursuant to a resolution of the Executive Committee in the presence of:-

..... Executive Committee Member

..... Executive Committee Member

..... Secretary."



REGISTERED OFFICE

57. The local Association shall at all times have a registered office which shall be situated in 13/15 Bute Road of Browns Bay or at such other place as may be determined from time to time by the Executive Committee.

FIRST SCHEDULE

ELIGIBILITY FOR ADMISSION AS A RETURNED MEMBER OF A LOCAL ASSOCIATION

1. In all cases it shall be a prerequisite that the person, at the time of making application for membership:
 - (a)
 - (i) be a New Zealand citizen, or
 - (ii) be a permanent resident of New Zealand in terms of New Zealand Immigration Policy, or
 - (iii) be a citizen of a country belonging to the Commonwealth of Nations;
 - (b) has attained the age of 18 years or the minimum age for the purchase and consumption of alcohol as specified in the Sale of Liquor Act 1989 or any amendments or re-enactments thereof.
2. In all cases it shall be a condition of membership that the person has not been dishonourably discharged from the armed forces or dishonourably dismissed from any merchant navy or other qualifying organisation. A local Association, or NEC, shall have authority to call upon any person to produce evidence of the nature of his discharge.
3. In all cases, it shall be the responsibility of the person concerned to produce satisfactory evidence of his eligible service.
4. Any questions arising between any applicant for membership and any local Association as to whether such person is or is not eligible for membership shall be referred to NEC, whose decision shall be final and binding.
5.
 - (a) Armed OR Defence Forces and Police of New Zealand
 - (i) Any person who served overseas in time of war or emergency.
 - (ii) Any person who served overseas as a member of any unit in an operational or occupational force or multinational observers force, or ad hoc force as determined from time to time by NEC.
 - (iii) Any person who served overseas as a member of a United Nations Peacekeeping Force.
 - (b) Armed Forces of Great Britain

Any person who served overseas in time of war or emergency.

Any person who served overseas as a member of any unit in an operational or occupational force, or ad hoc force as determined from time to time by NEC.

Any person who served in Great Britain in time of war in areas deemed to be under threat PROVIDED such service was marked by the award of the Defence Medal or the Air Crew Europe Star.

Any person who served in Northern Ireland PROVIDED such service was marked by the award of the Campaign Service Medal with clasp "Northern Ireland".

(c) **Armed Forces of Any Other Commonwealth Country**

Any person who served overseas in time of war or emergency.

Any person who served overseas as a member of any unit in an operational or occupational force, or ad hoc force as determined from time to time by NEC.

(d) **Armed Forces of Any Ally of New Zealand**

Any person who served in areas deemed to be under threat, as determined from time to time by NEC, as a member of the Armed Forces of:-

- (i) A country that was a member of the Commonwealth of Nations at the time of service or
- (ii) An ally of New Zealand at the time of service.

(e) **Merchant Navy**

Any person who served as a member of the crew of a merchant vessel under the flag of New Zealand or of any ally of New Zealand who either:-

- (i) during the 1914-18 war or the 1939-45 war served in a theatre of war, PROVIDED such service was marked by the award of the appropriate campaign medals awarded to services personnel for service in that theatre, or
- (ii) served in a vessel engaged in the Falklands war, PROVIDED such service was marked by the award of the South Atlantic Star.

(f) **Wartime Resistance Movements**

Any person who served as a member of an underground or resistance movement of any ally of New Zealand PROVIDED the movement was officially recognised by the Government or authority for the time being accepted by Her Majesty's Government as being the Government or authority of the country concerned and the service has been officially recognised:-

- (i) by the award of a decoration for valour or for service by the Government or authority as aforesaid, or
- (ii) by the award of a commendation for service or a certificate of service or a similar citation by the Government or authority as aforesaid, or

- (iii) by the award of a citation for service by the Officer having overall command of Her Majesty's forces in any particular area designated as a theatre of war.

6. **Savings**

Any person admitted to membership as a Returned member under the Rules of RNZRSA in operation prior to adoption of this Schedule shall be deemed to have been admitted under this Schedule.

SECOND SCHEDULE

ELIGIBILITY FOR ADMISSION AS A SERVICE MEMBER OF A LOCAL ASSOCIATION

1. In all cases it shall be a prerequisite that the person, at the time of making application for membership:
 - (a)
 - (i) be a New Zealand citizen, or
 - (ii) be a permanent resident of New Zealand in terms of New Zealand Immigration Policy, or
 - (iii) be a citizen of a country belonging to the Commonwealth of Nations;
 - (b) has attained the age of 18 years or the minimum age for the purchase and consumption of alcohol as specified in the Sale of Liquor Act 1989 or any amendments or re-enactments thereof.
2. In all cases, it shall be a condition of membership that the person has not been dishonourably discharged from the armed or defence forces or dishonourably dismissed from any other qualifying organisation. A local Association, or NEC, shall have authority to call upon any person to produce evidence of the nature of his discharge.
3. In all cases, it shall be the responsibility of a person concerned to produce satisfactory evidence of his eligible service.
4. Any questions arising between any applicant for membership and any local Association as to whether such person is or is not eligible for membership shall be referred to NEC, whose decision shall be final and binding.
5. Subject to the requirements of paragraphs 1 to 4 above and the provisions of clause 5(c)(ii) the following persons are eligible for admission as Service members.
 - (a) **Armed/Defence Forces and Police of New Zealand**

Any person who has served or is serving as a uniformed member of the Armed/Defence or Police Forces of New Zealand and who does not possess the necessary service qualifications for Returned membership.
 - (b) **Armed/Defence Forces and Police of the Commonwealth of Nations**

Any person who has served or is serving as a uniformed member of the Armed/Defence or Police Forces of any country which was a member of the Commonwealth of Nations at the time of service, and who does not possess the necessary service qualifications for Returned membership.
 - (c) **Armed/Defence Forces of any Other Country**
 - (i) Any person who has served or is serving as a uniformed member of the Armed/Defence Forces of a country which has not taken up arms against New Zealand or any member of the Commonwealth of Nations or an ally of

New Zealand since the 11th November 1918, and who does not possess the necessary service qualifications for Returned membership.

- (ii) All applications for membership made under the provisions of clause 5(c)(i) above, shall in the first instance be referred to the NEC for determination as to eligibility.

(d) **Home Guard, Women's War Service Auxiliary, Women's Land Service**

Any person who has served as a member of:

- (i) the Home Guard, Women's War Service Auxiliary or the Women's Land Service in New Zealand, or
- (ii) an equivalent organisation or organisations within the then British Empire

Any time between September 1939 and August 1945 and who does not possess the necessary qualifications for "Returned" membership.

(e) **New Zealand Cadet Forces**

- (i) Any person being not less than 18 years of age or who has attained the minimum legal drinking age as defined in the Sale of Liquor Act 1989 or any enactment or amendment thereto, and who has served, or is currently serving, as an Officer of the New Zealand Cadet Forces.
- (ii) Any person being not less than 18 years of age or who has attained the minimum legal drinking age as defined in the Sale of Liquor Act 1989 or any enactment or amendment thereto, and who has had a minimum of 3 years service in the New Zealand Cadet Forces as evidenced by a "Cadet Record of Service" Certificate.

6. **Savings**

Any person admitted to membership as a "Service" member under the Rules of RNZRSA in operation prior to adoption of this Schedule shall be deemed to have been admitted under this Schedule.

THIRD SCHEDULE

ELIGIBILITY FOR ADMISSION AS AN ASSOCIATE MEMBER OF A LOCAL ASSOCIATION

1. In all cases it shall be a prerequisite that the person, at the time of making application for membership:
 - (a)
 - (i) be a New Zealand citizen, or
 - (ii) be a permanent resident of New Zealand in terms of New Zealand Immigration Policy, or
 - (iii) be a citizen of a country belonging to the Commonwealth of Nations;
 - (b) has attained the age of 18 years or the minimum age for the purchase and consumption of alcohol as specified in the Sale of Liquor Act 1989 or any amendments or re-enactments thereof.
2. In all cases, it shall be the responsibility for the person concerned to produce satisfactory evidence of his eligibility.
3. Any questions arising between any applicant for membership and any local Association as to whether such person is or is not eligible for membership shall be referred to NEC, whose decision shall be final and binding.
4. Subject to paragraphs 1 to 3 above, the following persons are eligible for admission as ASSOCIATE members:-
 - (a) The spouse or surviving spouse of a member or of a person entitled under the First and Second Schedules to the Rules of RNZRSA.
 - (b) Children or grandchildren of a member or of a person entitled under the First and Second Schedules to the Rules of RNZRSA.
 - (c) Subject to the provisions laid down in paragraphs 30 and 31 of The Guide To Eligibility persons not otherwise entitled may become an Associate Member.

5. Savings

Associate Membership - a number of instances will have occurred where Club membership has been granted to a person who does not meet the Citizenship criteria as set out in Clause 1 of this Schedule. Such persons shall be entitled to transfer to Associate Membership providing they were a Club Member prior to and including 30th June 1992.

FOURTH SCHEDULE

ELIGIBILITY FOR ADMISSION AS A YOUTH MEMBER OF A LOCAL ASSOCIATION

Youth Membership shall be open, subject to the requirements detailed hereunder, to persons who have attained the age of 13 years as at the date of application, and have not attained the age of 18 years or the minimum age for the purchase and consumption of alcohol as specified in the Sale of Liquor Act 1989 or any amendment or re enactment thereof.

1. In all cases it shall be a prerequisite that the applicant, at the time of making application for membership, be:
 - (a) A New Zealand citizen
or
 - (b) A permanent resident of New Zealand in terms of New Zealand Immigration Policy
or
 - (c) A citizen of a country belonging to the Commonwealth of Nations.
2. It shall be the responsibility of the applicant to produce satisfactory evidence of his eligibility.
3. Any questions arising between the applicant for membership and the local Association, as to whether such person is or is not eligible for membership, shall be referred to NEC for decision, which shall be final and binding.
4. Subject to the exceptions detailed below, Youth Members may access the facilities of, and enjoy the privileges of membership of the local Association:
 - (a) Youth members are not eligible for election to any committees of the local Association nor are they entitled to vote or speak at any General Meeting.
 - (b) Youth members are not eligible to nominate and/or second applicants for any class of membership.
 - (c) Youth members are not entitled to either purchase or consume liquor on the premises.
 - (d) Youth members are not permitted to either enter any area set aside or set up for the operation of gaming machines, or to operate or play such gaming machines.

Notwithstanding the provisions of Rules 12 and 13 of the Rules of the local Association, any breach of these conditions, 4(c) and/or (d) shall mean the immediate cancellation of membership.

5. Youth members may sign in one visitor only, on any one day. Such visitor must have attained the age of 16 years. At all times the right to sign in visitors shall be subject to the provisions of the Sixth Schedule to these Rules.
6. The subscription payable by Youth members shall be as determined by the Executive Committee and shall not be subject to the provisions of Rule 38(a) of the local Association rules.
7. On reaching the age of 18 years, or such age being the minimum age for the purchase and consumption of alcohol as specified in the Sale of Liquor Act 1989 or any amendment or re-enactment thereof, Youth membership shall cease.
8. Youth members attaining the age of 18 years, or such minimum age as defined in 7 above, may apply for membership in the category for which they eligible, but without being required to be further nominated or seconded.

In all other respects their application shall be subject to the requirements as detailed in Rule 10A of the local Association rules.

FIFTH SCHEDULE

STANDING ORDERS FOR THE CONDUCT OF GENERAL MEETINGS OF THE LOCAL ASSOCIATION

1. Members will assemble at the time and place appointed. The President shall preside at all meetings, or in his absence the Vice President.

In the absence of both of these Officers, the meeting shall appoint a member to be the Chairman.

2. The Secretary will take the necessary steps to see that none but financial members, Honorary Life Members and Honorary Members of the local Association are present.
3. Full Minutes of all proceedings of the meeting shall be kept by the Secretary or his appointee.

Business of Meeting

4. The business shall be as advertised and the order in which items of business are taken shall be as determined by the Chairman or by resolution of the members present.

Notices of Motion

5. (a) Motions must be fairly written and signed by the members proposing such motions. A motion moved and seconded shall be withdrawn only by leave of the meeting.
(b) Any notice of motion not seconded may not be further debated, but shall forthwith lapse and no entry thereof shall be made in the Minutes.
(c) The terms of a motion may be altered by the proposer with the approval of the seconder, and such amended motion shall be fairly written and delivered to the Chairman.

Superseding Motion

6. A motion may be superseded:-
(a) By the adjournment of a meeting, either on the motion of a member "That this meeting do now adjourn", or on notice being taken, and it appearing, that a quorum is not present.
(b) By a motion being carried "That the meeting proceed to the next business".
(c) By an amendment.

Conduct of Debate

7. Every member shall obey the orders and rulings of the Chairman. If any member refuses to obey any such order or ruling, such member may thereupon, by resolution of the meeting, be held guilty of contempt, and such member may be suspended at the discretion of the meeting.

Time Limit of Speeches

8. The Proposer of a motion shall be allowed ten minutes in which to address the meeting, and his seconder five minutes. All other members shall have five minutes. The Proposer shall be entitled to a reply of five minutes.

Associate Members

9. Financial Associate members may attend all General Meetings of the local Association and shall have, except for the restrictions imposed in Rule 52A of these Rules, the right to speak and vote on all matters.

SIXTH SCHEDULE

LOCAL ASSOCIATION BY-LAWS

1. The Executive Committee shall be the sole responsible authority for the interpretation of these Rules and of the Regulations and By-laws made thereunder, and the decision which shall be given within seven days by the said Executive Committee upon any question of interpretation or upon any matter affecting the local Association and not provided for by the Rules or by the Regulations and By-laws made thereunder, shall be final and binding on the members until set aside or varied by a General Meeting of the local Association to be held within fourteen days of the date of such decision of the said Executive Committee.
2. No member shall give any gratuity to any employee of the local Association.
3. No member shall, except for services rendered or goods supplied at the request of the Executive Committee, or in pursuance of a resolution of a General Meeting on any pretence or in any manner receive any profit, salary or emolument from the funds or transactions of the local Association.
4. Any member removing a book, newspaper or any article or articles which are the property of the local Association from the premises without the consent of the Executive Committee or wilfully breaking, tearing or injuring any property of the local Association and refusing to replace or make good the same shall render himself liable to suspension.
5. Any Member involved in an Act of physical violence or disorderly behaviour, or being intoxicated so as to be a nuisance in the Club's premises may immediately be suspended by an Officer or the Secretary/Manager or any member of the Committee present, and any member of the Committee may instruct the stewards not to serve a member with intoxicating refreshment. Any such suspension must forthwith be reported as above or by any club member in writing to the President giving the reasons therefore and a meeting of the Committee or Disciplinary Committee shall be called with all reasonable speed.
6. Drunkenness, swearing, obscene language and other disorderly conduct shall not be permitted in the local Association's premises, and any member persisting in offending may, after being cautioned by the Duty Manager or by an Officer or member of the Executive Committee render himself liable for suspension.
7. Membership of any party, organisation, local Association or other body, the allegiance and objects of which are inconsistent with the allegiance and objects of this local Association shall be deemed to be misconduct within the meaning of these Rules.
8. No raffles shall be allowed on the premises or goods exhibited for that purpose except with the authority of the Executive Committee.
9. No sectarian or party political discussion shall be allowed in the local Association's premises.
10. No business cards or notices shall be posted or hung on the premises without the sanction of the Executive Committee, nor shall any member give the address of the

local Association in an advertisement or conduct any business on the local Association's premises or use the local Association address for business purposes.

11. Members of the Executive Committee(s) shall at all times render every assistance to the Officers and staff of the local Association to maintain order and to prevent infringement of the Rules, Regulations or By-laws, or the terms of any charter which may be granted from time to time to the local Association.

SEVENTH SCHEDULE
LICENCE REGULATIONS

1. No liquor shall be supplied to any under-age or to otherwise prohibited person (within the meaning of the Sale of Liquor Act 1989 or any re-enactments thereof or any amendments thereto), except those allowed in accordance with the terms of the Sale of Liquor Act 1989 or any re-enactment thereof or amendments thereto.
2. Liquor will be supplied only to members of the local Association, or to financial members of any organisation affiliated to RNZRSA (Inc), or to a member of any organisation which has reciprocal visiting rights with the local Association and such visitors as may be permitted under these Regulations.
3. Liquor will be sold or supplied only in accordance with any Licence held under the provisions of the Sale of Liquor Act 1989 or any re-enactments thereof or amendments thereto.
4. Non-members of the local Association may be admitted as visitors in accordance with the provisions contained in these Regulations.

5. **Definition of Visitors**

- (a) **RSA or RSA Club Visitor** Any financial member of a local RSA, or RSA Club affiliated to RNZRSA (Inc).
- (b) **Local Visitor** Any person not being a financial member of the local Association and being a resident within a radius of twenty (20) kilometres of the licensed premises.
- (c) **Non-local Visitor** Any person not being a financial member of the local Association and being a resident outside a radius of twenty (20) kilometres of the licensed premises.
- (d) **NZDF And NZ Police Personnel** Any person currently serving in the New Zealand Defence Force or the New Zealand Police Force.

6. **Admission of Visitors**

- (a) An RSA visitor may be permitted to enter the licensed premises at any time subject, on request of proof, of financial membership of an RSA but subject to any individual person not becoming a regular or frequent visitor.
- (b) Local visitors may be invited on one day per week only but subject to any individual person not becoming a regular or frequent visitor.
- (c) Non-local visitors may be invited at any time, but subject to any individual person not becoming a regular or frequent visitor.

7. **Conditions of Admission of Visitors**

standard rules look

2009

EAST COAST BAYS
RSA
PRESIDENT
VICE PRESIDENT
SECRETARY/MANAGER

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ROYAL NEW ZEALAND RETURNED AND
SERVICES' ASSOCIATION INC.

- (a) Both local and non-local visitors shall be accompanied by a member who shall sign the visitor's book on each occasion he introduces a visitor, and the member shall have his visitor sign the visitor's book and record his full name and address.
 - (b) An RSA, or RSA Club visitor shall also sign the visitor's book and record his full name and address and the name of his local Association or Club. He need not necessarily be accompanied by a member.
 - (c) No visitor other than an RSA, RSA Club visitor or a person with reciprocal visiting rights shall be supplied with liquor on the licensed premises unless the visitor is present on the invitation, and in the company of a member.
 - (d) Any member inviting a visitor is responsible to ensure that the visitor is suitably attired. The member is also responsible for his visitor's orderly conduct.
 - (e) The wife and or husband of a financial member of the Association is regarded as part of the members membership, and is permitted into these premises at any time whilst in the company of that member. Paragraph 7© and (d) apply.
 - (f) The sons and daughters of a financial member may be permitted to enter the premises at any time, provided they are in the company of a parent.
 - (g) Overseas visitors, (excluding para.7 (f)) can be issued a "Visitors Card" from the Secretary/Manager, if they are residing in the area temporarily.
 - (h) Luncheon Club Card – the wife of a financial member of the Association can on request to the Secretary/Manager be accorded the privilege of using the Club facilities for dining. This card is valid up till 3p.m. on days the Restaurant is open.
8. Reunions and social gatherings may be held in the licensed premises under the following conditions:-
- (a) That the prior permission of the Executive Committee has been given.
 - (b) That such functions are organised and controlled by the local Association or Club or by some local Association of "Servicemen" (within the meaning of the term "Serviceman" in the Rules of the local Association), or by a "Serviceman".
 - (c) That all liquor consumed at such functions is supplied through or by the local Association or Club.
 - (d) That the provisions of the Sale of Liquor Act 1989 or any re-enactments thereof or amendments thereto are complied with.
9. Except at functions or social gatherings permitted by the Executive Committee pursuant to paragraph 8 hereof, liquor will not be served on the premises outside the bar dispensary.

10. No gambling or gaming shall be permitted on the premises other than in accordance with any licence or permit issued pursuant to the Gaming and Lotteries Act or any statute in replacement thereof.
11. Nothing in these Regulations shall be deemed to limit the power of the Executive Committee to make By-laws for the conduct of the licensed premises provided that where necessary approval will be sought from RNZRSA.

EAST COAST BAYS RETURNED AND SERVICES ASSOCIATION

ANY PERSON WHO IS NOT A MEMBER OF EAST COAST BAYS R.S.A. WILL NOT BE PAID A MAJOR PRIZE ON THE GAMING MACHINES UNLESS THEY HAVE SIGNED THE VISITORS BOOK IN ACCORDANCE WITH PROVISIONAL RULES UNDER SCHEDULE 7, CLAUSE 5, 6 AND 7 OF THE EAST COAST BAYS R.S.A. RULES.

THE EXECUTIVE COMMITTEE

EIGHTH SCHEDULE

MODEL TRUST DEED FOR RETURNED AND SERVICES' ASSOCIATION

(Reference DEC Minutes 5.12.78: Item 50)

THIS TRUST DEED made the day of 20 BETWEEN THE
RETURNED AND SERVICES' ASSOCIATION
INCORPORATED a duly Incorporated Society having its registered office at
(hereinafter referred to as "the founder") of the one part AND (names of
trustees)

AND of

ALSO of President

AND Treasurer and the holders for the time being of the aforesaid offices of
President and Treasurer of the founder and the Trustees for the time being hereof thereafter
together with their and each of their successors hereinafter referred to as "the Trustees") of the
other part WHEREAS the parties hereto deem it desirable to establish a special trust fund for
charitable purposes

AND WHEREAS the founder has paid to the Trustees the sum of
\$ as an initial capital sum for the purposes of the trust NOW THIS DEED
WITNESSETH AS FOLLOWS:-

1. INTERPRETATION

- (a) The term "trust fund" shall include the said capital sum and other the real and
personal property from time to time belonging to or vested in or under the control
or management of the Trustee or which shall be vested in them and including
the capital and the income thereof and sums of money and property from time to
time paid or transferred or donated to the Trustees for the purposes hereof
either by the founder or by an RSA Club Inc or by any person or persons or
Corporation or Body or Society whether incorporated or unincorporated or by any
Company or other donor.
- (b) The terms "Returned Serviceman" and "Ex-Serviceman" however used herein
shall have the same meaning as is set forth in respect of those terms in the
Rules of the Royal New Zealand Returned And Services' Association
(Incorporated).
- (c) The singular shall include the plural.
- (d) The trust hereby created may be called and referred to as "The
..... RSA Trust Fund".

2. **THE PURPOSES OF THE TRUST FUND WHICH SHALL BE LIMITED TO NEW ZEALAND SHALL BE AS FOLLOWS:-**

- (a) To assist indigent, aged, sick, disabled or infirm Returned Servicemen and Ex-Servicemen and their wives and dependants.
- (b) To assist indigent, aged, sick or infirm widows of Returned Servicemen and Ex-Servicemen.
- (c) To assist aged or infirm or disabled indigent persons.
- (d) To assist any public charity or any organisation dispensing charity or relieving or caring for the aged or sick or infirm.
- (e) To contribute to any medical research fund or to any school fund or to the education of any person or persons.
- (f) For other charitable purposes as defined in Part IV of the Charitable Trusts Act 1957 and Section 61 (a) thereof or in any Act passed in substitution for the said Act.
- (g) The purposes of the Trust Fund shall in all cases be limited to within New Zealand

3. **CAPITAL AND INCOME**

The Trustees may pay or apply the whole or any part of the trust fund including both the capital and the income thereof in towards all or any of the purposes herein expressed as they may in their absolute discretion decide or they may accumulate any income until the same can in their opinion be usefully applied for all or any of such objects.

4. **SPECIAL TRUSTS**

When property real or personal is accepted by the Trustees upon special trusts declared by the donor thereof all the powers and provisions of these presents shall be deemed to be incorporated in the instrument declaring such special trusts except in so far as the same shall be expressly excluded or modified by or be inconsistent with such special trusts.

5. **The Trustees** may invest the trust fund or any part thereof (with full power to the Trustees from time to time to vary such investments and to substitute and replace the same with others of a different or like nature) in manner following that is to say:-

- (a) Upon such investments as may from time to time be permitted to Trustees by the law for the time being in force in New Zealand relating to the investment of trust funds and in contributory mortgages.
- (b) In the purchase of freehold or leasehold property or personal property of all descriptions in New Zealand.
- (c) In or towards the erection or acquisition of flats or other buildings or the construction or additions or modifications of or to buildings.

- (d) In shares or debentures in any company or companies public or private or on deposit with or through any person firm or company or companies or bank.

6. **The Trustees** shall have full power at their absolute discretion to sell any part or parts of the assets for the time being comprising the trust fund and to invest the proceeds of such sale or any accumulated income in such investments as are hereinbefore authorised and in such manner as they may from time to time determine without being responsible for any loss resulting from such investment.

7. **POWERS OF TRUSTEES**

The Trustees shall (subject to the provisions hereof herein-before contained) have the following general powers that is to say:-

- (a) To sell, exchange, partition, invest, mortgage or otherwise dispose of or deal with any real or personal property or any interest therein as fully and effectively as if they were the absolute owners thereof.
- (b) To borrow money on the security of any property real or personal or any part thereof or without security upon such terms or conditions as to the Trustees shall deem proper.
- (c) To pay all expenses and outgoings incurred in relation to the trusts from time to time repaid in them.
- (d) To let any property for such term or terms at such rent and subject to such conditions as to the Trustees shall appear desirable.
- (e) To accept surrenders of leases upon such terms and subject to such conditions as to the Trustees shall appear desirable.
- (f) To appoint or remove or suspend and to pay or remunerate officers, clerks or servants for services rendered by them as the Trustees may from time to time deem appropriate and to determine the duties and powers and fix the salaries or remuneration of any such persons.
- (g) To repair and maintain or otherwise improve and to insure against loss or damage by fire or otherwise real or personal property held by the Trustees including power to insure for replacement and to discharge out of income or capital all outgoings properly payable in respect of such property without prejudice to the right of the Trustees to make it a condition of letting any person into the possession of any of the property (whether as tenant at will or otherwise) that such person shall pay and discharge all or any part of such outgoings.
- (h) To seek incorporation in accordance with the provisions of the Charitable Trusts Act 1957.
- (i) To do all such other lawful acts and things as are incidental to or conducive to the attainment of the general purposes of the trusts hereby created.
- (j) No benefit or advantage, whether or not convertible into money or any income of any kind shall be afforded to, or received, gained, achieved or derived by any of

the persons as provided for by the Income Tax Act 1994, or therefore, where that person is able, by virtue of that capacity as such person specified therein, in any way (whether directly or indirectly) to determine, or to materially influence in any way the determination of, the nature or the amount of that benefit or advantage or that income or the circumstances in which it is or is to be so received, gained, achieved, afforded, or derived, except as specifically exempted by that section.

8. **MEETINGS**

A meeting of the Trustees may be held at such time or place as may from time to time be determined. It shall not be necessary for the Trustees to act unanimously, and all power and discretions vested in them may accordingly be exercised by a majority of the Trustees present and voting at any meeting, provided however that at least three Trustees present and voting at any meeting shall be necessary to form a quorum. It shall not be necessary to hold a formal meeting of Trustees, and any resolution in writing signed by all the Trustees shall be effectual to record their decision.

9. **MINUTES**

Minutes of the proceedings of all meetings of the Trustees shall be recorded in a book to be kept for that purpose by the Secretary be signed by the Chairman of the meeting or of the meeting at which the minutes are read and confirmed and every such minute purporting to be so signed shall be prima facie evidence of the facts therein stated.

10. **ACCOUNTS**

The Trustees shall keep an account or accounts at such bank or banks (including a savings bank or banks) as they shall from time to time determine and cheques and withdrawals and authorities shall be drawn signed or endorsed as the case may be by such person or persons (including in all instances at least one Trustee) as the Trustees shall from time to time in writing direct.

11. **AUDIT**

The Trustees shall cause true accounts to be kept in such manner as they think fit of all their receipts, credits, payments and liabilities and all other matters necessary for showing the true state and condition of the trust and such accounts shall be audited at least once in each year by an accountant appointed in that behalf by the Trustees

12. **REVOCATION OR ADDITION**

It shall be lawful for the Trustees by unanimous resolution to revoke or vary or add to any of the provisions of these presents so long as such revocation or addition is not inconsistent with the general scope of these presents and does not detract from the charitable nature of the organisation.

13. **SECRETARY**

The Trustees may from time to time appoint a Secretary for such term as the Trustees consider appropriate and may pay to such Secretary such sum by way of remuneration or reimbursement for expenses incurred as they deem fit.

14. It is hereby declared as follows:-

- (a) That assistance may be granted hereunder by the Trustees from time to time by way of grant of money or gift of goods or chattels or other assets.
- (b) That the Trustees may from time to time assist any person or institution or society by way of a loan of money secured or unsecured upon such terms as the Trustees shall decide.
- (c) That the Trustees may in special circumstances contribute to the funeral expenses of any indigent Returned Serviceman or Ex-serviceman.

15. TRUSTEES

- (a) Each of the Trustees hereof being the President or Treasurer of the founder shall cease to be a Trustee upon ceasing to hold such office of President or Treasurer as the case may be.
- (b) The other Trustees shall hold office at the pleasure of the Executive for the time being of the founder and such Executive shall have the power to remove a Trustee and another to appoint.
- (c) Except as otherwise herein provided the powers of appointing a new Trustee or Trustees shall be exercisable by the Executive for the time being of the founder.
- (d) The total number of Trustees shall not at any time exceed

16. In the event of this Trust being wound up then the balance of the Trust Fund shall be given or transferred to one or more institutions or societies having charitable objects similar to those of this trust as shall be determined by a majority of the members of the founder present in person at the general meeting of the founder, and in default thereof to such one or more institution or institutions or society or societies as a Judge of the High Court of New Zealand shall determine, and such determination shall be final provided that in no circumstances shall any part of the Trust Fund be transferred to the founder or distributed among the members of the founder.

IN WITNESS WHEREOF this Deed has been executed the day and year firstly hereinbefore written.