

# CONSTITUTION AND RULES OF THE CANTERBURY FIRE BRIGADES GOLD STAR ASSOCIATION



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**CONSTITUTION AND RULES**  
**of the**

**CANTERBURY FIRE BRIGADES GOLD STAR ASSOCIATION**

**1. NAME**

- (a) The name of the Association shall be: **THE CANTERBURY FIRE BRIGADES GOLD STAR ASSOCIATION.**
- (b) The Association is not and does not intend to be registered as a charitable entity under the Charities Act 2005 nor registered as a Incorporated identity.
- (c) As the Association is neither a charitable entity nor an Incorporated identity any transactions, resulting in the Association being unable to meet its financial responsibilities and obligations, are the responsibility of the individual Committee members.'

**2. PURPOSES**

The purpose of the Canterbury Fire Brigades Gold Star Association shall be to :

- (a) To create a bond of friendship between the Members of the Association.
- (b) Foster a close liaison between all members of this Association and other kindred Associations.
- (c) Welcome and support all new Gold Star recipient's who are entitled to be Members of the Association.
- (d) Generally, promote the interests of Members of the Association.

**3. NO PERSONAL BENEFIT OR PERSONAL GAIN**

The Association must not operate for the purpose of, or with the effect of:

- (a) As a not-for-profit organisation, the officers and members may not receive any distributions of profit or income from it. This does not prevent officers or members:
- (b) Receiving reimbursement of actual and reasonable expenses incurred, or
- (c) Entering into any transactions with the organisation for goods or services supplied to or from them, which are at arms length, relative to what would occur between unrelated parties.
- (d) Provided no officer or member is allowed to influence any such decision made by the organisation in respect of payments or transactions between it and them, their direct family or any associated entity.
- (e) having capital that is divided into shares or stock held by its Members or
- (f) holding, property in which its members have a disposable interest (whether directly, or in the form of shares or stock in the capital of the Association or otherwise).

**4. PRIVILEGES OF MEMBERSHIP**

- (a) Collectively, the advantages of the Association are placing each other in the closest possible communication to inspire a union.
- (b) Voting rights at the annual AGM and any other special meeting.
- (c) Nomination of personnel for election to the Committee.
- (d) Participation in activities run under the auspices of the Association.

## 5. MEMBERSHIP OF THE ASSOCIATION

- (a) Membership shall be open to all recipients of the 25-year Gold Star, as presented by the United Fire Brigades Association of New Zealand, who are resident in the area geographically defined by the Canterbury region.
- (b) Every application for membership must consent in writing to becoming a Member.
- (c) Applications for membership, shall be conditional on confirmation by the members Brigade Secretary or Officer in Charge.
- (d) Transfers to or from other Gold Star Associations, may be arranged, provided the members subscription is current.
- (e) 50 Year Gold Stars  
In addition to the U.F.B.A. award the Canterbury Fire Brigades Gold Star Association, if invited, will present you with a 50-year C.F.B.G.S.A. Lapel pin and your Partner with a 50-year Brooch/Pin. These items also need to have been applied for from the Secretary of the Canterbury Fire Brigades Gold Star Association.  
  
A recipient wishing to receive a 50-year Lapel Pin and a 50-year Brooch must have been a **continuous** member of the Canterbury Fire Brigades Gold Star Association, from the initial 25-year Gold Star presentation.
- (f) Associate Membership will be extended to the recipients Partner, at the same time as the Gold Star is presented. An Associate Member has no voting rights.
- (g) In the event of a change of Partner, then written application to the Committee, through the Secretary for this new person to be considered an associate Member of the Association, can be made.
- (h) 'Life Member'
  - i. All Executive Committee Officers who have completed five years on the Executive Committee may be elected a Life Member of the Association.
  - ii. Any other financial member may be elected a Life Member of the Association in recognition of a special service or services to the Association. Nominations with a mover and seconder and minimum endorsement of five members' names and signatures; for this award are to be forwarded to the Secretary at least 30 Working Days (30) prior to the Annual General Meeting and approved by resolution / remit of an Annual General Meeting, passed by the majority of those Members present and voting (quorum required).
  - iii Life Members shall be presented with the Association's Life Members Badge.

## 6. SUBSCRIPTIONS

- (a) The subscriptions shall be decided at every Annual Meeting. Subscriptions shall cover the period 1st April to 31st March each year.
- (b) Members owing more than 2 years of Subscriptions, will be removed from the roll.
- (c) Paid Up Membership Scheme (PUMS) Information is available from the Secretary. These subscriptions will be calculated at \$1.00 per year less than the yearly subscription, set at the time of applying to join this scheme and up to a maximum of 75 years of age.
- (d) Any Member reaching the age of 75 years, shall not be required to continue to pay their Annual Subscription.

## 7. OFFICE AND OFFICERS OF THE ASSOCIATION

- (a) The Office of the Association shall be at the residence of the Secretary of the Association.
- (b) The Committee of the Association shall consist of:
  - i. President
  - ii. Immediate Past President
  - iii. Senior Vice President
  - iv. Junior Vice President
  - v. Two Committee Members( A total of six, all with voting rights)
- (c) The Senior Vice President shall be the Member either elected first or with the greatest number of votes.
- (d) The term of office for all Officers elected to the Committee shall be 1 year, expiring at the end of the Annual General Meeting.
- (e) No Officer shall serve for more than 6 consecutive terms.
- (f) No President shall serve for more than 1 consecutive year as President.
- (g) The Secretary/Treasurer and the Events Panel Chair shall be members of the Committee. Where the Secretary/Treasurer and Events Panel Chair are financial members, they shall be entitled to vote.
- (h) The Patron shall be elected at each Annual Meeting and shall be an Ex Officio member of the Committee.
- (i) Should a vacancy on the Committee occur during the year for any reason, then the Committee may fill that vacancy for the remainder of the year by electing any active Past President to the position.
- (j) At a Special Meeting called for the purpose, it shall be competent for the financial members present by a majority of votes to remove a part or whole of the Committee and appoint others in their stead.
- (k) The Management of the business and the affairs of the Association and the control of its funds and property shall, subject to these rules, be vested in the Committee.
- (l) The Committee shall meet for the dispatch of business at such times and places as it shall determine and may regulate its own proceedings. A Committee meeting may take place:
  - i. in person; or
  - ii. by participating in the meeting by means of audio, audio and visual, or electronic communication; or
  - iii. a combination of (i) and (ii) above.
- (m) Four (4) members of the Committee present at any duly convened meeting shall form a quorum.
- (n) Any question arising at any meeting of the Committee shall be decided by a majority of votes of members then present, and in the case of an equal number of votes the Chair shall have the casting vote.
- (o) The President or three (3) members of the Committee may call a meeting of the Committee at any time.
- (p) At all meetings of the Committee the President, or if absent the Senior Vice President, or in the absence of both, the senior Committee member present shall preside.
- (q) The Committee shall cause minutes to be regularly entered into the books provided for the purpose, of all Extraordinary General and General Meetings. The minutes of any meetings signed by the Chair of the meeting at which the minutes were confirmed shall be evidence of the facts and the transactions recorded in such minutes.
- (r) No Executive member of the Association can commit the Association to any bills or expenditure exceeding \$500.00, without the prior agreement of at least 3 members of the Committee, 1 of which must be the President.

- (s) No individual member can commit the Association to any bills or expenditure without the prior agreement of at least 3 members of the Committee, 1 of which must be the President.

## 8. ANNUAL GENERAL MEETING

- (a) An Annual General Meeting must be held each calendar year. The Annual General Meeting may be held at such time and place as the Committee determines, provided that the Annual General Meeting occurs:
  - i. within 120 working days of the balance date of the Association; and
  - ii. within 300 working days of the previous Annual General Meeting.
- (b) Every financial member of the Association is entitled to attend and vote. Any financial member not in a position to attend shall have the power to appoint any other financial member to represent them by proxy, but no attending financial member shall have more than one proxy. The Secretary/Treasurer of the Association must be notified in writing prior to the Annual General Meeting of such an appointment.
- (c) The order of business at the Annual General Meeting shall be that which is laid down by the Committee.
- (d) The President of the Association shall preside and shall preserve order and decorum during the sittings and shall have the casting vote as well as a deliberative vote. In the President's absence the Senior Vice President shall take the chair, or if also absent, the senior member of the Committee present shall preside. If no Committee Member is present a financial member appointed by the Annual General Meeting shall preside.
- (e) Motions:
  - i. The Committee may put forward a motion to be voted on at an Annual General Meeting. Such motions shall be sent to Financial Members at least 20 working days prior to the Annual General Meeting unless the Committee determine that exceptional circumstances exist and a shorter period of notice is required.
  - ii. A Financial Member may put forward a motion to be voted on at an Annual General Meeting provided the following matters are complied with:
    - 1. The motion is seconded by another Financial Member; and
    - 2. The seconded motion is received by the Secretary/Treasurer 20 working days prior to the Annual General Meeting.
  - iii. Despite the notice requirements of this clause, the Chairperson may permit a late motion be put to an Annual General Meeting if the subject matter of the motion is, in the view of the Chairperson, of sufficient significance. Such late notice motions must:
    - 1. be from a Financial Member; and
    - 2. The motion is seconded by another Financial Member.

## 9. SPECIAL GENERAL MEETINGS

- (a) Special General Meetings may be called at any time by the Committee by resolution.
- (b) The Committee must call a Special General Meeting if it receives a written request signed by at least 10 percent of Members.
- (c) Any resolution or written request must state the business that the Special General Meeting is to deal with.
- (d) The rules in this Constitution relating to the procedure to be followed at Annual General Meetings shall apply to a Special General Meeting, and a Special General Meeting shall only consider and deal with the business specified in the Committee's resolution or the written request by Members for the Meeting.

## 10. NOTICE OF DATE, TIME AND MANNER

- (a) The date, time and manner for the Annual General Meeting, or a Special General Meeting must be notified to each Financial Member not less than 40 working days before the date of that meeting (except in relation to a Special General Meeting where such notice must be provided within 20 working days or such shorter time if in the view of the Committee such notice period is not practicable).
- (b) Members' Meetings may be held with those participating:
  - i. being assembled together at the time and place appointed for the meeting; or
  - ii. by means of audio and visual, or electronic communication; or
  - iii. by a combination of both of the methods described in paragraphs (i) and (ii) above.

## 11. NOTICE OF BUSINESS TO BE TRANSACTED

- (a) In addition to providing notice of the Members' Meeting, a notice of the business to be transacted at that Members' Meeting must be sent to Members not less than 20 working days before the date of that meeting or as soon as is reasonably practicable in the event that less than 20 working days' notice of the Members' Meeting has been given.
- (b) The notice of business to be transacted must include:
  - i. the nature of the business to be transacted at the meeting in sufficient detail to enable a Member to form a reasoned judgment in relation to it;
  - ii. the text of any resolution or matter of business to be submitted to the meeting; and
  - iii. the time and date and manner of the meeting.

## 12. QUORUM FOR MEMBERS' MEETINGS

- (a) No business may be carried out at a Members' Meeting unless a quorum is present.
- (b) At all Members' Meetings, a quorum shall consist of members' participating and valid proxies entitled to vote representing 10% of the Voting Members.
- (c) If a quorum is not available:
  - i. at an Annual General Meeting, the meeting shall stand adjourned to an advertised date and time as decided by the Committee. If there is no quorum at the second meeting those Members present in person or by proxy shall be deemed to constitute a sufficient quorum.
  - ii. at a Special General Meeting, the Special General Meeting shall lapse.

## 13. ELECTION TO THE COMMITTEE

- (a) To be eligible for nomination as President or Senior Vice President, nominees must have served not less than two years as a Committee Member.
- (b) The nominations for the Committee, except for the position of Secretary/Treasurer, shall be in the hands of the Secretary/Treasurer no less than 20 working days prior to the Annual General Meeting of the Association. All nominations for the positions on the Committee must be accompanied by the written consent of the person nominated.
- (c) In the event of no nominations being received, as in (b) above, for any Committee Office, they may be received at the Annual General Meeting.
- (d) There shall also be elected two Trustees.
- (e) Where more than one nomination is received, then the election shall be by ballot. Voting papers, on which shall be printed the names of all the Candidates, shall be given to the Financial Members eligible for voting. A bare majority of votes shall be necessary to elect.
- (f) Where any ballot is required, not less than two (2) Scrutineers shall be appointed by the members present at the Meeting.

#### **14. POWERS, AUTHORITY AND RESPONSIBILITIES OF THE COMMITTEE**

- (a) The Committee has all the powers necessary for managing - and for directing and supervising the management of - the operation and affairs of the Association, subject to such modifications, exceptions, or limitations as contained in this Constitution.

#### **15. SECRETARY / TREASURER**

- (a) The position of Secretary/Treasurer shall be by appointment by the Committee of the Association. The Committee shall, as and when necessary, seek suitable applicants nominated by a financial member, for the position. The successful applicant will be selected on merit following consideration by a "selection panel" convened by the Committee for that purpose. The Committee may co-opt other suitable person/s to the panel to assist in this process.
- (b) The Secretary/Treasurer shall give a least 60 working days' notice of resignation from the position to enable the process outlined in (a) above to be followed. In the case of the position becoming vacant without notice, the Committee may appoint a suitable person in an acting capacity, until the formal selection process has been completed.
- (c) Shall keep a true and faithful record of all business transacted at Committee, Annual General and Special General Meetings of the Association and to issue receipts as required electronically in the name of the Association. To initiate electronic transactions to be approved by a Trustee and submit all accounts as may be required by an auditor or reviewer provided by the Association.
- (d) Shall prepare a draft Annual Report, Balance Sheet and Accounts, and to submit it through the Committee to Annual General Meeting for approval. The above to be submitted to members not less than 20 working days prior to the Annual General Meeting.
- (e) Shall be responsible for payment of all accounts approved by the Committee.
- (f) Shall carry out all correspondence, to keep a register of all members, and to conduct the affairs of the Association in accordance with the policy of and to the satisfaction of the Committee.

#### **16. ACCOUNTS AND AUDITS**

The Association's financial year shall commence on 01 April of each year and end on 31 March of the following year (the latter date being the Association's balance date).

- (a) The Committee shall cause true accounts to be kept and the money received and expended by the Association, and the matters in respect of which such receipt and expenditure takes place, and of the assets, credit and liabilities of the Association.
- (b) The Books of the account shall be kept at the Office of the Secretary/Treasurer of the Association or at such places as the Committee thinks fit.
- (c) The accounts shall be made up to the last date of the financial year of the Association each year and a Balance Sheet containing a summary of the Properties and Liabilities of the Association on that day shall be made out.
- (d) A suitably qualified person shall be appointed by the Committee to review the current accounts on an annual basis.
- (e) No individual member can commit the Association to any bills or expenditure without the prior agreement of the Committee.

## 17. EVENTS PANEL

- (a) An Events Panel will be formed consisting of a minimum of two (2) persons and not exceeding three (3) persons who shall be elected biennially at the Annual General Meeting of the Association.
- (b) This panel will, under the authority of the Committee, be responsible for the overseeing of all Events, which are run under the auspices of the Association.
- (c) Members of the Events Panel will each serve a maximum of three terms of two years.
- (d) The Chair of the Events Panel will be appointed by the Committee biennially and will serve as such until the next biennial election.
- (e) The panel shall:
  - i. Meet at least two times a year and meet with the Committee at least once a year.
  - ii. Be responsible for the coordination of all Events.
  - iii. Carry out any other functions that the Committee may require of them.
  - iv. Report to the Committee on events planned or in progress as and when required by the Committee.

## 18. WINDING UP / DISTRIBUTION OF SURPLUS ASSETS

- (a) On winding up or dissolution of the organisation any surplus funds or assets shall not be paid or distributed to any members or individuals but shall be:
  - i. Applied to a purpose in line with the organisations objects, or
  - ii. given or transferred to another not-for-profit organisation.

## 19. ALTERATIONS AND AMENDMENTS TO RULES

- (a) These rules may be altered at any Annual General Meeting. Notice of a motion to alter the rules, shall be in the hands of the Secretary/Treasurer at least 20 working days prior to the Annual General Meeting.
- (b) Such alterations or amendments to the rules must be carried by two thirds majority of eligible voting members at the Annual General Meeting of the Association.
- (c) Eligible voting members at the Annual General Meeting shall have the power to alter, revoke, or suspend any Rule without notice, but such resolution shall require to be carried by at least two- thirds majority of the votes of those present and entitled to vote.
- (d) Any minor or technical amendments shall be notified to Members.

No addition to, deletion from or alteration of these rules shall be made which would allow Personal pecuniary profits to any individuals

## 20. COMPLAINTS AND GRIEVANCES PROCEDURES

### 20.1 Disciplinary and complaints committee

- (a) The Association shall establish the Disciplinary Committee.
- (b) The Disciplinary Committee has the power to:
  - i. investigate and/or hear complaints or grievances against any Member referred to it by the President or the Committee;
  - ii. investigate and/or hear complaints or grievances against the Association referred to it by the President or the Committee;
  - iii. make a decision and determine whether a Member or the Association has breached these Rules (including any regulations and policies of the Association);
  - iv. impose any appropriate disciplinary measures on Members who have breached the Rules provided that if the Disciplinary Committee considers that the appropriate disciplinary measure includes termination then the Disciplinary
  - v. Committee shall have the power only to make recommendations to the Committee; and
  - vi. recommend to the Committee that any complaint or grievance against the Association be upheld.
- (c) The complaints and grievances procedures set out in these Rules govern those between Members (in their capacity as Members) and between Members and the Association.

### 20.2 Complaints or Grievances

- (a) A complaint or grievance against any Member or the Association should be made to the President.
- (b) Upon receiving the information as provided in Rule 21.2(a) the President will review the information and providing the complaint or grievance is not deemed to be vexatious or malicious, the complaint will be referred to the Disciplinary Committee for consideration.
- (c) The Committee may on its own volition lodge complaints or grievances against any Member with the Disciplinary Committee without having to refer it to the President.
- (d) If a complainant's complaint or grievance directly involves the President, then the complaint may be made to the Disciplinary Committee without having to refer it to the President.
- (e) If a complainant's complaint or grievance directly involves a member of the Disciplinary Committee then the complaint may be made to the President who shall manage the conflict in such circumstances as they see fit.
- (f) The Disciplinary Committee may decide not to proceed with a matter on reasonable grounds including if the matter in its view is trivial, is insufficiently detailed, is without foundation or the conduct, incident, event, or issue has already been investigated and dealt with by or on behalf of the Association.

### 20.3 Formal Investigations

- (a) The Disciplinary Committee may undertake a formal investigation in any manner and on terms it sees fit.

#### **20.4 Hearings**

- (a) Where a complaint is made against a Member, the Member will be given the opportunity to attend a hearing before the Disciplinary Committee and state his/her/its defence against the charges and any pleas in mitigation. The Member may also, either in substitution of a hearing, or in addition to a hearing provide a written statement or submissions that will be considered by the Disciplinary Committee.
- (b) The Disciplinary Committee may decide that a hearing should be held in the event of a complaint against the Association.
- (c) The Disciplinary Committee may decide that any hearing will be held by telephone conference, video conference or similar telecommunications or internet based device provided that the Member shall be entitled to request that the hearing be held in person, and if such a request is made, then this shall occur.

#### **20.5 Decisions**

- (a) The Disciplinary Committee must make a decision, or, if the potential disciplinary measures include termination, or for any other reason, refer the matter to the Committee for a final decision.
- (b) If the Disciplinary Committee determines that a Member has breached the Rules (including any regulations and policies of the Association), the Disciplinary Committee, or the Committee (if the potential disciplinary measures include termination), may impose a censure or impose conditions on the Member's membership at the Disciplinary Committee's absolute discretion.

#### **20.6 Appeals**

- (a) A Member may appeal a decision within 20 working days of the date of the decision of the Disciplinary Committee.
- (b) The Member's appeal will be heard by the Committee in any manner the Committee sees fit.
- (c) The Committee shall either confirm, amend or overturn the decision of the Disciplinary Committee and provide the parties with the reasons for its decision in writing.
- (d) After a Member has been provided with written reasons for the Committee's decision, the Committee may advise all Members (and any other group or person) of the outcome of a hearing and an appeal and any measures taken against a Member in any manner the Committee see fit.

#### **20.7 Conflicts on complaints or grievances**

- (a) A person may not act as a decision maker in relation to a complaint or grievance if two or more members of the body considering the complaint or grievance consider that there are reasonable grounds to believe that the person may not be impartial or are not able to be able to consider the matter without a predetermined view.

## 21. DEFINITIONS

(a) In this Constitution, unless the context requires otherwise, the following words and phrases have the following meanings:

- ‘Association’ means the Canterbury Fire Brigades Gold Star Association .
- ‘Annual General Meeting’ means a meeting of the Members of the Association held once per year which, among other things, will receive and consider reports on the Association’s activities and finances.
- ‘Brigade’ includes all brigades as defined geographically by the Canterbury region of New Zealand. Any such brigade must also be affiliated to the United Fire Brigades Association of New Zealand. It further includes the Fire Southern Communications Centre. ‘Brigade’ also includes other firefighting groups, which may be admitted to the Association with the prior approval of the Committee.
- ‘Committee’ means the Association’s governing body.
- ‘Constitution’ means the rules in this document.
- ‘General Meeting’ means either an Annual General Meeting or a Special General Meeting of the Members of the Association.
- ‘Matter’ means—
  - the Association’s performance of its activities or exercise of its powers; or
  - an arrangement, agreement, or contract (a transaction) made or entered into, or proposed to be entered into, by the Association.
- ‘Member’ means a person who has consented to become a Member of the Association and has been properly admitted to the Association who has not ceased to be a Member of the Association.
- ‘Notice’ to Members includes any notice given electronically, or by post, or courier.
- ‘Officer’ means a natural person who is:
  - a member of the Committee, or
  - occupying a position in the Association that allows them to exercise significant influence over the management or administration of the Association, including any Secretary.
- ‘President’ means the Officer responsible for chairing General Meetings and committee meetings, and who provides leadership for the Association.
- ‘Register of Members’ means the register of Members kept under this Constitution.
- ‘Secretary’ means the Officer responsible for the matters specifically noted in this Constitution.
- ‘Senior Vice President’ means the Officer elected or appointed to deputise in the absence of the President.
- ‘Special General Meeting’ means a meeting of the Members, other than an Annual General Meeting, called for a specific purpose or purposes.
- ‘Working Days’ mean as defined in the Legislation Act 2019. Examples of days that are not Working Days include, but are not limited to, the following — a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day.