

Kerikeri Open Art Studios Trail (KOAST) Society, Incorporated

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Who we are

1.0 Name

1.1 The name of the Society is Kerikeri Open Art Studios Trail (KOAST)

2.0 Registered Office

2.1 The address of the Registered Office is 52B Amuri Road, Kerikeri 0293

3.0 Purposes

3.1 The purposes of the Society are

(a) To open artists' studios to the public to experience Art at its source;

(b) To create a mutually supportive environment in which local artists can showcase their original work.

(c) To promote Kerikeri as a centre of artistic endeavour and establish it as an Arts tourist destination.

3.2 Pecuniary gain is not a purpose of the Society. If artists are fortunate enough to sell any art work/s because they are a member of the Society none of that income belongs to the Society. No commissions on any art-work will ever be charged by the Society.

Who runs the organization and How do we make rules?

4.0 The Society Powers

4.1 (a) The Society, in a properly constituted general meeting, has the full power of the law under the Incorporated Societies Act 1908 to make rules and decisions for the Society. That means the Society can bring all matters concerning the Society to the meeting and discuss and vote on those matters. All decisions made at such a meeting have the power to bind all members of the Society.

Only the Society has the power to make or change The Rules of the Society.

5.0 Altering The Rules

5.1 It is not possible for The Rules to operate outside the Incorporated Societies Act 1908 nor any other applicable laws.

5.2 The Society may alter or replace these Rules at a Society Meeting by a resolution passed by a two-thirds majority of those members present and voting.

5.3 Any proposed motion to amend or replace these Rules shall be signed by at least 25 % of eligible Members and given in writing to the Secretary at least 28 days before the Society Meeting at which the motion is to be considered, and accompanied by a written explanation of the reasons for the proposal.

5.4 At least 14 days before the General Meeting at which any Rules change is to be considered the Secretary shall give to all Members written notice of the proposed motion, the reasons for the proposal, and any recommendations the Committee has.

5.6 When a Rules change is approved by a General Meeting no Rules change shall take effect until the Secretary has filed the changes with the Registrar of Incorporated Societies. (see S21 Incorporated Societies Act 1908)

The Committee does the management work of the Society.

6.0 The Committee Powers

- 6.1 The Society shall appoint a Management Committee and that Committee shall have the following powers:
- (a) Be responsible for the day-to-day operation of the Society;
 - (b) Carry out the purposes of the Society, and use money or other assets to do that;
 - (c) Manage the Society's financial affairs, including approving the Annual Financial Statements for presentation to the Members at the Annual General Meetings, including advising the Society on Membership, Exhibition, Friend and Advertising Sponsor fees;
 - (d) Set accounting policies in line with generally accepted accounting practice;
 - (e) Decide the times and dates for Meetings, and set the agenda for Meetings;
 - (f) Determine and decide how many Workshops are necessary to ensure the Art Trails Weekend is successfully organized;
 - (g) Delegate responsibility and co-opt members where necessary;
 - (h) Ensure all members are aware of the Purposes of the Society and understand to act within The Rules;
 - (i) Take appropriate action in accordance with the complaint procedures where and when a member acts to the detriment of the Society;
 - (j) Make bi-laws/regulations;
- 6.2 The Committee has all of the powers of the Society, unless the Committee's power is limited by these Rules, or by a majority decision of the Society.
- 6.3 Decisions of the Committee bind the Society, unless the Committee's power is limited by these Rules or by a majority decision of the Society.
- 6.4 Delegate Committee powers as necessary.

The Committee can make the following rules called By-Laws.

7.0 By-Laws to manage the Society

- 7.1 The Committee may make, alter or cancel By-Laws to enhance the general day-to-day operation of the Society. The Committee shall not make rules that are inconsistent with the central purposes of the Society Rules.
- 7.2 All By-Laws are binding on members of the Society. A copy of the By-Laws shall be available for inspection by any member.

How does the Committee get elected?

8.0 Nomination of Committee Members

- 8.1 Nominations for members of the Committee shall be accepted from the beginning of February every year. Any member can nominate a candidate or themselves by email to the Secretary in that time.
- 8.2 Members are welcome to make nominations in person at the AGM.
- 8.3 All retiring members of the Committee shall be eligible for re-election.
- 8.4 The following positions comprise the Management Committee Officers:
- (a) Chairperson;
 - (b) Secretary;
 - (c) Treasurer;

- 8.5 The Committee, after the AGM, will determine what Workshop Coordinator positions are necessary to satisfy the purposes of the Society activities annually.
- 8.6 At an Annual General Meeting, the Members may decide by majority vote:
- (a) How large the Committee will be; subject to S8.4 and S8.7;
 - (b) Who shall be the Chair, Secretary, and Treasurer;
 - (c) Whether any Committee Member may hold more than one position as an officer;
 - (d) How long each person will be a Committee Member ("the Term");
- 8.7 Only Members of the Society may be Committee Members.
- 8.8 There shall be a minimum of three Committee Members, (in addition to the Officers), and a maximum of seven Committee Members, (including the Officers).

What are the roles of the Chairperson, Secretary and Treasurer and Workshop Coordinator/s?

9.0 Committee Roles

9.1 The Chairperson is responsible for:

- (a) Ensuring that the membership conducts itself in accordance with The Rules;
- (b) Convening meetings and establishing whether or not a quorum (half plus one member of the Committee) is present;
- (c) Facilitating meetings;
- (d) Overseeing the operation of the Society;
- (e) Providing a report on the operations of the Society at each Annual General Meeting.

9.2 The Secretary is responsible for:

- (a) Recording and disseminating the Notices, minutes and agendas of Meetings to all members;
- (b) Keeping the Register of Members;
- (c) Holding the Society's records, documents, and books except those required for the Treasurer's function;
- (d) Receiving and replying to correspondence as required by the Committee;
- (e) Forwarding the annual financial statements for the Society to the Registrar of Incorporated Societies upon their approval by the Members at an Annual General Meeting;
- (f) Advising the Registrar of Incorporated Societies of any rule changes;

9.3 The Treasurer is responsible for:

- (a) Keeping proper accounting records of the Society's financial transactions to allow the Society's financial position to be readily ascertained, including an approximate annual budget projection of costs;
- (b) Preparing Annual Financial Statements for presentation at each Annual General Meeting. These statements should be prepared in accordance with the Societies' accounting policies;
- (c) Providing a Financial Report at each Annual General Meeting;
- (d) Providing financial information to the Committee as the Committee determines.

9.4 Workshop Coordinators

- (a) To coordinate the tasks and events delegated to each Workshop in a timely manner;
- (b) To coordinate members who form and participate in each workshop;
- (c) To schedule time-lines and tasks leading up to and including the Arts Trail Weekend;
- (d) To ensure tasks and events are planned and completed satisfactorily;
- (e) To report back to the Committee on Workshop tasks and issues.

What if a Committee member leaves during the year?

10.0 Cessation of Committee Membership

- 10.1 Persons cease to be Committee Members when:
 - (a) They resign by giving written notice to the Committee.
 - (b) They are removed by majority vote of the Society at a Society Meeting.
 - (c) Their Term expires.
- 10.2 If a person ceases to be a Committee Member, that person must within one month, return all Society documents and property.

Vacancies

- 10.3 If the position of any Officer or Committee Member becomes vacant between Annual General Meetings, the Committee may appoint another member to fill that vacancy until the next Annual General Meeting.
- 10.4 If any Committee Member is absent from three consecutive meetings or to the point the position becomes untenable the Committee may declare that person's position to be vacant. The Chairperson will try its best to communicate with the absent member prior to such decision.

What is the Difference between a Society meeting and a Committee Meeting?

11.0 Society Meetings

- 11.1 A Society meeting is either an Annual General Meeting (AGM) or a meeting specially convened by the Committee upon request by 25% of the members (Special General Meetings).
- 11.2 All Members may attend and vote at Society Meetings.
- 11.3 (a) No Society Meeting may be held unless at least **30%** of eligible Members attend. (This will constitute a quorum.)
 - (b) **Adjourned Meetings:** If within half an hour after the time appointed for a meeting a quorum is not present the meeting, (and that meeting was requested by members) the meeting shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the Chairperson of the Society, and if at such adjourned meeting a quorum is not present the meeting shall be dissolved without further adjournments.
 - (c) **Unfinished Meeting Adjournment:** The Chairperson may with the consent of any Society Meeting adjourn the unfinished Society Meeting to another time and 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.

- 11.4 All Society Meetings shall be a person who is most competent in meeting facilitation. The Society shall elect someone at the time to facilitate that meeting. Any person Facilitating a Society Meeting has a casting vote.
- 11.5 On any given motion at a Society Meeting, the Facilitator shall in good faith determine whether to vote by:
- (a) Voices;
 - (b) Show of hands; or
 - (c) Secret ballot.
- However, if any Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by secret ballot. If a secret ballot is held, the facilitator will have a casting, that is, second vote.

12.0 Motions at Society Meetings

- 12.1 (a) Any Member can raise an issue or motion to go to the next society meeting, if a date has already been set. The member should send the Secretary an email with the issue or motion and information about it. The email should be sent in a timely manner so as not to make it impossible for the Secretary to send it to the full membership before the meeting.
- (b) The Secretary must give the Member's Information to all Members at least 14 days before the next Society meeting;
- (c) If the Secretary fails to do this, the Member can raise the motion at the following Society Meeting.
- 12.2 The Committee may also decide to put forward motions for the Society to vote on which shall also be notified in a timely manner.

13.0 Annual General Meetings (AGM)

- 13.1 (a) The Annual General Meeting shall be held once every March within a very short time after the end of the Society's Financial Year. The Committee shall determine when and where the Society shall meet in March.
- (b) The Secretary shall:
- (i) Give all Members at least 14 days Written Notice of the business to be conducted at the AGM (Agenda);
 - (ii) provide a copy of the Chairperson's Report on the Society's operations and of the Annual Financial Statements as approved by the Committee;
 - (iii) provide a list of Nominees for the Committee and information about those Nominees if it has been provided;
 - (iv) provide Notice of any motions and the Committee's recommendations about those motions.
 - (v) Provide Notice of any proposed Rule changes and information about the changes;
- 13.2 If the Secretary has sent a notice to all Members in good faith, the Meeting and its business will not be invalidated simply because one or more Members do not receive the notice.
- 13.3 **The business of an Annual General Meeting shall be:**
- (a) Receiving any minutes of the previous Society's Meeting(s);
 - (b) The Chairperson's report on the business of the Society;

- (c) The Treasurer's report on the finances of the Society, and the Annual Financial Statements;
- (d) Election of Committee Members;
- (e) Motions and/or Rules changes to be considered;
- (f) General business.

14.0 Committee Meetings

- 14.1 There will be a minimum of 3 Committee meetings per annum decided by Committee when and where.

Most Committee Business done by Email

- 14.2 Most decision making of Committee business will usually take place by email to all Committee Members. The procedure for doing so is as follows:
- (a) Committee members will bring the business to Secretary to email to all members in form of questions and decisions to be made with discussion points, if any;
- 14.3 The decisions will be given an appropriate time frame for response;
- (b) Committee members will respond by email within the time frame.
 - (c) A quorum of members needs to respond in the affirmative for a decision to pass.
 - (d) Committee members can discuss the motions via email. Nothing prevents Committee members from discussing the issues with each other by whatever means they wish prior to responding.
 - (e) Decisions will be acted upon by the appropriate workgroup coordinator/s and/or officer/s within an agreed timeline.

How do Committees meetings work?

Committee Meeting Format

- 14.4 Committee Meetings can take place by whatever media is convenient and appropriate at the time, to be decided by the committee.
- 14.5 Committee meetings may be held in person, via video or telephone conference, or other formats as the Committee may decide;
- 14.6 No Committee Meeting may be held unless more than half of the Committee Members attend;
- 14.7 The Committee shall choose the person to facilitate each meeting
- 14.8 Decisions of the Committee shall be by majority vote;
- 14.9 The Chairperson or person acting as Chairperson has a casting vote, that is, a second vote;
- 14.10 Only Committee Members present at a Committee Meeting may vote at that Committee Meeting.
- 14.11 Subject to these Rules, the Committee may regulate its own practices;
- 14.12 The Chairperson or his nominee shall adjourn the meeting if necessary.
- 14.13 Adjourned Meetings: If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned to a day, time, and place determined by the Chairperson of the Society.
- 14.14 Arrangements will be made by email to assure there will be enough people to form a quorum at the further arranged meeting set by the Chairperson. If there is a failure to form a quorum the decision/s will be made by email majority.

How do we organize our Finances

- 1 (See ... Role of the Treasurer)
- 2 Remember we are a non-profit Society so making money is not the aim of our work. We do however have expenses and so we are legally allowed to make money to pay those expenses. Usually we will try to make that money from our membership and exhibition fees as well as cultivating advertisers and sponsors.
In addition, we are not a charity so we have to pay tax and do bookkeeping.

15.0 Use of Money and Other Assets

- 15.1 The Society may only Use Money and Other Assets if:
 - (a) It is for a purpose of the Society;
 - (b) It is not for the sole personal or individual benefit of any Member; and
 - (c) That Use has been approved by either the Committee or by majority vote of the Society.
 - (d) The Society does not borrow money.

16.0 Financial Year

- 16.1 The financial year of the Society begins on 1st March of every year and ends on 28/29th February of the next year.

17.0 Assurance on the Financial Statements

- 17.1 No review or audit of the annual financial statements is required unless requested by 25% of the members at any properly convened group meeting.

Who signs our Legal Documents

A Common Seal is a circle shaped stamp and states Common Seal of Kerikeri Open Art Studios Trail Incorporate. When used on a contract or legal document it shows the Society has, as a legal entity, entered into a legal agreement.

18.0 Common seal

- 18.1 Contracts and Legal documents are to be signed by whomever is authorized by the Committee.
- 18.2 All contracts and legal documents will have the Society' seal affixed.
- 18.3 The Committee shall make appropriate provision for the seal's safe keeping.

What types of membership is there?

19.0 Types of Members

- 19.1 Membership may comprise different classes of membership as decided by the Society and as described below:

20.0 Artists Eligibility Criteria

- 20.1 Applications for Artists and Exhibitor membership status need to meet the following criteria in order to be eligible for membership to the Society:

- (a) Must establish residential or business premises in the geographical location of Kerikeri;
 - (b) Must be a practicing artist with Original works for exhibition.
- 20.2 The Committee, in consultation with the Society Members, will retain the right to decline requests for membership if it is felt the applicant's style, content or medium would not further the objectives of the Society.

21.0 Friends of the Society Membership Class

- 21.1 Anyone with an interest in promoting or supporting the society is welcome to apply to the Society for friend of the Society membership status.
- 21.2 The Friends of Kerikeri Open Art Studios Trail Incorporate Membership fee will be set at a 50% proportion of the artist membership rate.

22.0 Sponsors of the Society Membership Class

- 22.1 Any person, business or organization is welcome to apply to advertise or promote itself in society publications and as a supporter of the society.
- 22.2 An appropriate annual membership fee, will be set by the society (or delegated to the committee) payable prior to any public acknowledgement or publication of the sponsor.

How do I become a Member?

23.0 Admission of Members

- 23.1 To become a Member, a person ("the Applicant") must:
- (a) Complete and submit to the Secretary, the Kerikeri Open Art Studios Trail application form, and;
 - (b) Supply any other information the Committee requires.
- 23.2 The Committee may interview the Applicant when it considers Membership applications.
- 23.3 The Committee may consult with existing Society members in regards to new applicants but they shall have complete discretion when it decides whether or not to allow the Applicant become a Member. The Committee shall advise the Applicant of its decision, and that decision shall be final.
- 23.4 The Applicant pays the approved Membership Fee that can be renewed annually.
- 23.5 Only members within the Artist Membership Class have a voting right at meetings.

How private is my personal information?

24.0 The Register of Members

- 24.1 The Secretary shall keep a register of Members which shall contain the names, the postal and email addresses and telephone numbers of all Members, and the dates at which they became Members and make annual membership payment/s.
- 24.2 If a Member's contact details change, that Member shall give the new postal or email address or telephone number to the Secretary.
- 24.3 Each Member shall provide such other details as the Committee requires.

- 24.4 Members shall have reasonable access to the Register of Members for the bone-fide purposes of the society or to assess how much information the society has about them personally.
- 24.5 The Secretary shall have respect for all the privacy of all Members and will not release personal information, subject to clause 24.6, without consent from the Member in the first instance.
- 24.6 Application to the Society implies free access to the successful applicant's contact and art information for the purposes of furthering the interests of the Society only.

When does my membership finish?

27.0 Cessation of Membership

- 27.1 Any Member may resign by giving written notice to the Secretary of the Society. Any paid fees and/or subscriptions will not be refundable.
- 27.2 The Society may choose to cancel a membership if:
- (a) a Member is breaching The Rules, or;
 - (b) a Member is acting in a manner inconsistent with the purposes of the Society, or;
 - (c) a Member no longer fulfills the Eligibility Criteria, or;
 - (d) a Member is acting in a manner that is likely to bring the Society into disrepute, or;
 - (e) a Member acts in a manner that is likely to be divisive within the Society;
 - (f) a Member fails to attend any meetings or respond to correspondence for a period of 6 months;
 - (g) a Member requests;
 - (h) a Member can take a leave of absence for any length of time and maintain his/her membership as long as fees are paid and the Society is given some reasonable clarity about such.

28.0 Cancelling a Membership: Process

- 28.1 Should the Committee consider terminating a Membership the following procedures should be followed:
- (a) Notice must be sent to the Member at the Member's last known address and/or email address.
 - (b) The Notice should explain the following:
 - (i) Explain how the Member is breaching The Rules or acting in a manner inconsistent with the purposes of the Society;
 - (ii) State what the Member must do in order to remedy the situation; or state that the Member must write to the Committee giving reasons why the Committee should not terminate the Member's Membership.
 - (iii) State that if, within 14 days of the Member receiving the Committee's Notice, the Committee is not satisfied, the Committee may in its absolute discretion immediately terminate the Member's Membership.
 - (iv) State that if the Committee terminates the Member's Membership, the Member may appeal to the Society.

(c) 14 days or longer after the Notice is sent, if the Member has not responded, the Committee may in its absolute discretion, by majority vote, terminate the Member's Membership.

(d) If, within the 14 day period after Notice is sent, the Member responds by:

- (i) providing reasons as to why the membership should not be terminated, or;

- (ii) appealing to the Society;

The Member will have the right to be fairly heard at a Committee Meeting held within the following 28 days.

(e) After receiving such reasons why it should not terminate the member's membership the Committee, in the meeting, may determine as it sees fit.

28.2 Right of Appeal. The Member retains the right of Appeal to a full Society meeting and the process is as follows:

(a) The Member must send a letter of appeal to the Secretary of the Society within 14 days of the Committee's decision to terminate his/her membership, laying out full reasons why the membership should not be terminated and the decision of the Committee should be overturned.

(b) The Secretary must, within 14 days, send 21 days notice of a Society meeting to all members and include a copy of the letter of Appeal.

(c) The Society shall then by majority vote decide whether to let the termination stand, or whether to reinstate the Member. The Society's decision will be final.

(d) Should the member require assistance in presenting his/her reasons to the Committee in the first instance or the Society at appeal, another member may assist or a lay advocate will be welcomed to do so.

What are My Obligations as a Member

29.0 Obligations of Members

29.1 (a) All Members shall promote the purposes of the Society and shall do nothing to bring the Society into disrepute.

(b) All members will work toward mutual support and cooperation with each other.

How do I complain?

30.0 Complaints Procedure

30.1 There are a number of types of complaints:

(a) Aggrieved applicants for membership;

(b) Aggrieved members against another member or against the Committee/Society;

(c) Committee against Members who bring the Society into disrepute or act in violation of the purposes of the Society.

30.2 (a) Aggrieved applicants and members should bring their complaint to the Committee in the first instance in writing to the Secretary or another Committee member by email.

(b) The Secretary or Committee member shall, in a timely manner, bring the complaint to notice of the Committee as a whole by email.

30.3 **Where the complainant is a declined applicant refuting the Committee's decision:** The complaint must go to a Society delegated

sub-Committee to address. No-one on the Committee should be on that sub-Committee.

(a) The sub-Committee shall hear the reasons the Committee rejected the applicant, speak directly with the applicant if it so wishes and make a final decision to overturn the Committee's decision or not.

To form the subcommittee:

(b) The Society as a whole shall be informed by email that there is such a complaint without going into details. The notice of the complaint shall ask for members to volunteer to be on the investigating sub-Committee. (c) Where any member has a conflict of interest (close relationship with applicant or prior knowledge of circumstances) in the matter they must not sit on such Committee.

30.4 Where the complainant is a current member against another member:

The Committee shall, (except in a case of violence or other illegal activity in which case the complaint shall be handed over to the police and the Society ceases all involvement in the matter), authorize 2-3 Committee members to investigate the complaint by the following method:

- (a) Speak to the complainant and get the details of the complaint;
- (b) Speak with the member against whom the complaint is made, outline the complaint and get the person's response;
- (c) Meet with the complainant again and communicate that response;
- (d) Determine if the respondent member needs a further right of reply or if anyone else should be consulted such as witnesses;
- (e) Bring the matter back to the Committee with recommendation/s.
- (f) The Committee will make a decision as to the appropriate action depending on whether the matter has been resolved, needs mediation, and/or whether the matter is ongoing and likely to disturb the harmony of the Society.
- (g) Where the above dispute starts to undermine the cohesiveness of the Society the Committee shall formally warn the members that their membership is in issue. Should any member involved in the dispute continue in such manner, the Committee will determine whether to terminate membership.

30.5 Where the matter is against a Member/s who bring/s the Society into disrepute or acts in violation of the purposes of the Society.

(a) The Committee shall delegate a sub-Committee to investigate the matter by:

- (i) speaking to the person/s involved separately
- (ii) bringing the matter back to the Committee with recommendation/s

(b) Where the Committee determines the members have indeed acted in such manner the Committee shall, depending on the severity of the matter, determine whether to issue a formal warning to the member/s that their membership is in issue, in which case should the member/s continue to act in such manner their membership will be terminated; or terminate the person/s membership immediately.

(c) The decision will be communicated in person and in writing.

What happens if the Society goes broke or no-one wants to run it anymore?

31.0 Winding up

31.1 If the Society is wound up:

- (a) The Society's debts, costs and liabilities shall be paid;
- (b) Surplus Money and Other Assets of the Society may be disposed of:
 - (i) To like minded non-profit local art societie/s, or;
 - (ii) By Society general meeting resolution: sold and monies paid to art based deserving cause/s
- (c) No distribution may be made to any Member.

31.2 Liquidation: Members in a meeting of the Society may resolve to put the society into liquidation (see S24 Incorporated Societies Act 1908).

32.0 Definitions

Convening a Meeting

Society Meeting: must be requested by 25% of members

Disrepute: disregard, ill regard

Frequency of meetings

AGM: every March

Committee: minimum of 3 times per year

In Writing: means by email or where it is not possible to be done by email, by hard copy by prior arrangement with the Secretary.

Nominations

Committee: Accepted from beginning of February every year until AGM commences.

Notice: means by email of upcoming event, usually 14 days must be given.

Pecuniary Gain: An organisation provides "pecuniary gain" for its members if:

- (a) it carries on any activity for the purpose of securing financial gain for its members, or
- (b) it has capital that is divided into shares or stock held by the organisation's members, or
- (c) it holds property in which the organisation's members have a disposable interest (whether directly, or in the form of shares or stock in the capital of the organisation or otherwise), or

Quorum

(a) Committee: half plus one of the membership making up the Committee

(b) Society: 30% of membership must attend

Written Notice: means notice by email of an upcoming event, usually 14 days.