

**Constitution and Rules
Of the
African Communities' Council of Wellington
Incorporated**

**African Communities' Council of Wellington Inc.
17A Balfour Street, Mornington
Wellington 6021**

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Constitution and Rules of the African Communities' Council of Wellington
Incorporated

1. **NAME**

The name of the incorporated Association is: **African Communities' Council of Wellington Incorporated** (in these Rules called "The Association").

2. **INTERPRETATION**

2.1 In these Rules, unless the contrary intention appears: -

"**Council**" means African Communities' Council of Wellington Incorporated.

"**Executive Committee**" means the Committee of Management of the Association.

"**Financial year**" means the year ending 30 June.

"**General Council Meeting**" means a general meeting of members convened in accordance with Rule 12.

"**Member**" means a member of the Association.

"**Executive Members**" means members who are office bearers and non-office bearers of the Executive Committee.

"**The Act**" means the Incorporated Societies Act 1908.

"**The Regulations**" means regulations under the Act.

"**A member organization**" shall be represented by a delegate, particulars of whom shall be notified to the Secretary immediately upon affiliation to the Association. The member organization shall also nominate other person or persons as substitute delegates.

2.2 In these Rules, a reference to the Secretary of an Association is a reference: -

a) where a person holds office under these Rules as Secretary of the Association – to that person;

and

b) in any other case, to the Public Officer of the Association.

2.3 Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Incorporated Societies Act 1908 and the Act as in force from time to time.

3. **MEMBERSHIP**

- 3.1 **Ordinary Membership:** Any organization whose primary object is either of an African or multicultural focus and whose aims and activities are not inconsistent with the attached Statement of Purposes may become a member, provided that such an organization is duly admitted to membership in accordance with the provisions of these Rules and in its own right registered under the Act.
- 3.2 **Associate Membership:** Any organization with an interest in ethnic or multicultural issues (but this not being their primary focus) and whose aims and activities are not inconsistent with the attached Statement of Purposes may be duly admitted to membership in accordance with the provisions of these Rules.
- 3.3 **Individual Membership:** Individuals who abide with the attached Statement of Purposes may be duly admitted to membership in accordance with the provisions of these Rules.

4. **APPLICATION FOR MEMBERSHIP**

- 4.1 An organisation or individual seeking membership to the Association in respect of either category in clause 3 shall be admitted to membership upon: -
- a) submitting a written application for membership as provided in sub-clause 4.2 hereof; and
 - b) admission as a member as approved by the Association at a Council Meeting.
- 4.2 An application of an organization or a person for membership of the Association: -
- a) shall be made in writing in the form set out in Appendix 1; and
 - b) shall be lodged with the Secretary of the Association.
- 4.3 As soon as is practicable after the receipt of an application the Secretary shall refer the nomination to the Executive Committee.
- 4.4 Upon an application being referred to the Executive Committee, the Executive Committee shall consider the application and make recommendations to the Council whether to approve or to reject the nomination.
- 4.5 Upon an application being referred to the Council the Secretary shall, with as little delay as possible: -
- a) notify the applicant in writing that he/she/it has been approved for membership of the association, and
 - b) request payment within the period of 28 days after receipt of the notification of the sum payable under these Rules and the first year's membership fee.

- 4.6 The Secretary shall, upon payment of the amount referred to in sub-clause 4.5 within the period referred to in that sub-clause, enter the applicant's name in the register of members kept by him/her and, upon the name being so entered, the applicant becomes a Member of the Association.
- 4.7 A right, privilege, or obligation of a person or organization by reason of his/her/ membership of the Association: -
- a) is not capable of being transferred or transmitted to another person or organisation;
 - b) terminates upon the cessation of his/her/ membership whether by death or resignation or otherwise.
- 4.8 An **ordinary member organization** shall within 14 days of being notified of its approval for membership forward to the Secretary of the Association the name, address, and occupation of the person (delegate) who is to represent the member organization at meetings of the Association.

An **associate member** shall within 14 days of being notified of its approval for membership forward to the Secretary of the Association the name, address, and occupation of the person (delegate) who is to represent the member organization at meetings of the Association.

5. **VOTING RIGHTS**

- 5.1 An ordinary member organization shall be entitled to one vote at the meetings of the Association provided that at the relevant time it has paid its annual membership fee. An ordinary member vote is to be recorded by the delegate (or substituted delegate) and proxy vote shall not be permitted. A delegate (or substituted delegate) can only represent and vote for one organization.
- 5.2 An associate member organization has no voting rights.
- 5.3 An individual member has voting rights

6. **ANNUAL MEMBERSHIP FEE**

An ordinary member organization, associate member organization and individual members shall pay an annual membership fee of such amount as shall be determined by the Association at its Annual General Meeting.

7. **REGISTER OF MEMBERS**

The Secretary shall keep and maintain a register of ordinary, associate and individual members in which shall be entered the particulars of such members, including particulars of the nominees of the membership organisations.

8. **RESIGNATION AND EXPULSION OF MEMBER**

- 8.1 A member of the Association who has paid all monies due and payable by him/her to the Association may resign from the Association by first giving one

month's notice in writing to the Secretary of his/her intention to resign and upon the expiration of that period of notice, the member shall cease to be a member.

- 8.2 Upon the expiration of a notice given under sub-clause 8.1, the Secretary shall make in the register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member.
- 9.1 Subject to these rules, the Executive Committee may by resolution:
- (a) expel a member from the Association, or
 - (b) suspend a member from membership of the Association for a specified period.
- 9.2 Expulsion or suspension from the Association would be on the basis of a member:
- (a) having refused or neglected to comply with these Rules; or
 - (b) having been guilty of conduct unbecoming a member or prejudicial to the interest of the Association.
- 9.3 A resolution of the Executive Committee under sub-clause 9.1:
- (a) does not take effect unless the Executive Committee, at a meeting held not earlier than 14 and not later than 28 days after the service on the member of a notice under sub-clause 9.4 confirms the resolution in accordance with this clause; and
 - (b) where the member exercises a right of appeal to the Association under this clause does not take effect unless the Association confirms the resolution in accordance with this clause.
- 9.4 Where the Executive Committee passes a resolution under sub-clause 9.1, the Secretary shall, as soon as practicable cause to be served on the member of a notice in writing:
- (a) setting out the resolution of the Executive Committee and the ground on which it is based;
 - (b) stating that the member may address the Executive Committee at a meeting to be held not earlier than 14 and not later than 28 days after service of the notice'
 - (c) stating the date, place and time of that meeting;
 - (d) informing the member that sh/she/it may do one or more of the following:
 - (i) Attend the meeting;
 - (ii) Give to the Executive Committee before the date of that meeting a written statement seeking the revocation of the resolution'

- (iii) Not later than 24 hours before the date of the meeting, lodge with the Secretary a notice to the effect that he/she wishes to appeal to the Associate at a General Council Meeting against the resolution.
- 9.5 At a meeting of the Executive Committee held in accordance with sub-clause 9.3, the Committee:
 - (a) shall give to the member an opportunity to be heard;
 - (b) shall give due consideration to any written statement submitted by the member; and
 - (c) shall by resolution determine whether to confirm or to revoke the resolution.
- 9.6 Where the Secretary receives a notice under sub-clause 9.4 he/she shall notify the Executive Committee and the Executive Committee shall convene a general Council Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 9.7 At a General Council Meeting of the Association convened under sub-clause 9.6:
 - (a) no business other than the question of the appeal shall be transacted;
 - (b) the Executive Committee may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution;
 - (c) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 9.8 If at the General Council Meeting:
 - (a) two-thirds of the members vote in person in favour of the resolution, the resolution is confirmed;
And,
 - (b) in any other case, the resolution is revoked.

GRIEVANCE, DISPUTES AND MEDIATION PROCEDURES

- 10.1 The grievance procedure set out in this rule applies to disputes under these Rules between:
 - (a) a member and another member; or
 - (b) a member and the Association.
- 10.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

- 10.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 10.4 The mediator must be:
- (a) a person chosen by agreement between the parties; or
 - (b) in the absence of agreement:
 - (i) in the case of a dispute between a member and another member, a person appointed by the committee of the Association, or
 - (ii) in the case of dispute between a member and the Association, a person who is a mediator nominated for that purpose by the Mayor of Wellington or the Ministry of Justice.
- 10.5 An individual member of a member organization can be a mediator.
- 10.6 The mediator cannot be a member who is a party to the dispute.
- 10.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 10.8 The mediator, in conducting the mediation, must:
- (a) give the parties to the mediation process every opportunity to be heard;
 - (b) allow due consideration by all parties of any written statement submitted by any party; and
 - (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 10.9 The mediator must not determine the dispute.
- 10.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

ANNUAL GENERAL MEETING (AGM)

- 11.1 The Association shall in each calendar year convene an AGM of its members.
- 11.2 The AGM shall be held on such day as the Executive Committee determines.
- 11.3 The AGM shall be specified as such in the notice convening it.
- 11.4 The ordinary business of the AGM shall be:
- (a) to confirm the Minutes of the last (preceding) AGM and of any General Council Meeting held since that meeting.
 - (b) to receive from the Executive Committee reports upon the transactions of the Association during the last (preceding) financial year.

- (c) to elect officers and the executive members of the Executive Committee of the Association; and
 - (d) to receive and consider the statement submitted by the Association in accordance with the Act.
- 11.5 The AGM may transact special business for which notice is given in accordance with these Rules.
- 11.6 The AGM shall in addition to any other General Council Meetings that may be held in the same year.

SPECIAL GENERAL MEETINGS (SGM)

12. All general meetings other than the AGM shall be called Special General Meetings (SGM).
- 12.1 There shall be at least three Special General Meetings per year to provide an opportunity to discuss and resolve issues of concern to members.
- 13.1 The Executive Committee may, whenever it thinks fit, convene an SGM of the Association and, where, but for this sub-clause, more than 15 months lapse between Annual General Meetings shall convene a Special General Meeting before the expiration of that period.
- 13.2 The Executive Committee shall on the requisition in writing of members representing 5% of the total number of all members, convene a Special General Meeting of the Association.
- 13.3 The requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the members making the requisition and be sent to the address of the Secretary and may consist of several documents in a like form, each signed by one or more of the members making the requisition.
- 13.4 If the Executive Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the Secretary, the members making the requisition, or any of them, may convene a Special General Meeting to be held no later than three months after that date.
- 13.5 Special General Meeting convened by the members in pursuance of these Rules shall be convened by the Executive Committee and all reasonable expenses incurred in convening the meeting shall be refunded by the Association to the persons incurring the expenses.

NOTICE OF MEETING

- 14.1 The Secretary of the Association shall, at least 14 days before the date fixed for holding a general meeting of the Association, cause to be sent to each member of the Association at his/her address appearing in the register of

members, a notice by prepaid post stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

- 14.2 No business other than that set out in the notice convening the meeting shall be transacted at the meeting unless agreed to by a simple majority of the **individual and ordinary** members in attendance.
- 14.3 A member desiring to bring any business before a meeting may give notice of the business in writing to the Secretary, who shall include that business in the notice calling the next general meeting after the receipt of the notice.

PROCEEDINGS AT MEETINGS

- 15.1 All business that is transacted at a Special General Meeting and all business that is transacted at the AGM with the exception of that specially referred to in these Rules as being the ordinary business of the AGM shall be deemed to be special business.
- 15.2 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time when the meeting is considering that item.
- 15.3 Five members personally present (being members entitled under these Rules to vote at a general meeting constitute a quorum for the transaction of the business of a general meeting.
- 15.4 If within half an hour after the appointed time for the commencement of the general meeting, a quorum is not present, the meeting is convened, upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjourned meeting) at the same place and if at the adjourned meeting the quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than three) shall be a quorum.
- 16.1 The Chairperson, or in his/her absence, or one of the Deputy Chairpersons shall preside as Chairperson at each general meeting of the Association.
- 16.2 If the Chairperson and both the Deputy Chairpersons are absent from a general meeting, the **ordinary and individual** members present shall elect one of their number to preside at the meeting.
- 17.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 17.2 Where a meeting is adjourned for 14 days or more, a like notice of the adjourned meeting shall be given as in the case of the general meeting.

- 17.3 Except as provided in sub-clauses 17.1 and 17.2, it is not necessary to give notice of an adjournment of the business to be transacted at an adjourned meeting.
- 18.1 A question arising at a general meeting of the Association shall be determined on a show of hands and unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on show of hands, been carried or carried unanimously or carried by a particular majority or lost, and entry to that effect in the Minute Book of the Association is evidence of the fact, without proof of the number or proportion of the votes in favour of, or against, that resolution.
- 19.1 Upon any question arising at a general meeting of the Association, ordinary and individual members have one vote only. An associate member has no votes.
- 19.2 All votes shall be given personally by the nominated delegate of the ordinary member Association.
- 19.3 In the case of an equality of voting on a question, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 20.1 If at a meeting a poll on any question is demanded by not less than three members, it shall be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 20.2 A poll that is demanded on the election of a Chairperson or on a question of an adjournment shall be taken forthwith and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson may direct.
- 21.1. A member is not entitled to vote any general meeting unless all monies due and payable by his/her organization to the Association have been paid.

EXECUTIVE COMMITTEE

- 22.1 The affairs of the Association shall be managed by an Executive constituted as provided in rule 23.
- 22.1 The Executive Committee:
- (a) shall control and manage the business and affairs of the Association;
 - (b) may, subject to these rules, the regulations and the Act, exercise all such powers and functions as may be exercised by general meetings of the members of the Association; and
 - (c) subject to these rules, the regulations and the Act, has power to perform all such acts and things as appear to the Executive Committee to be essential for the proper management of the business and affairs of the Association.

23.1 **THE OFFICERS OF THE ASSOCIATION** shall be:

- (a) A Chairperson;
- (b) two Deputy Chairpersons;
- © a Treasurer
- (d) a Secretary
- (e) an Assistant Secretary; and
- (f) an immediate past chairperson

23.2 The provisions of rule 25 so far as they are applicable and with the necessary modifications, apply to and in relation to the election of persons to any of the offices mentioned in sub-clause 23.1.

23.3 Each officer of the Association shall hold office for a period of two years until the second Annual General Meeting next after the date of his/her election. The Chairperson is not eligible for re-election to the position of Chairperson after two consecutive terms.

23.4 In the event of a casual vacancy in any office referred to in sub-clause 23.1, the Committee may appoint one of its members to the vacant office and the member so appointed may continue in office up to and including the conclusion of the AGM next following the date of his/her appointment.

24.1 **SUBJECT TO THE INCORPORATED SOCIETIES ACT:**

the Executive Committee shall consist of –

- (a) the officers of the Association;
- (b) 11 Executive members – each of whom shall be elected at the Annual General Meeting of the Association following his/her election.
- (c) an Immediate Past Chairperson, and
- (d) One representative of African affiliated regional ethnic/multicultural communities' Councils selected by affiliated regional ethnic/multicultural communities' Councils, or his or her nominee on an ex officio basis with voting rights. This representative shall not also be an elected executive member.
- (e) Sub-committee conveners who are not Executive Committee members shall be ex-officio members, with no voting rights.

24.2 Each executive member of the Executive Committee shall, subject to these Rules, hold office for a period of two years after his/her election and is eligible for re-election.

24.3 In the event of a casual vacancy occurring in the office of an Executive Member of the Executive Committee, the Executive Committee may appoint a member of the Association to fill the vacancy and the member so appointed

shall hold office, subject to these Rules, until the conclusion of the Annual General Meeting next following the date of his/her appointment.

ELECTION OF OFFICERS AND VACANCY

- 25.1 Nominations of candidates for elections as officers of the Association or as ordinary members of the Committee:
- (a) shall be made in writing, with the written consent of the candidate who must be an **individual member** OR a member of an ordinary member organization and nominated by the organization and seconded by another ordinary member organization.
 - (b) shall be delivered to the Secretary for the Association not less than 28 days before the date fixed for holding the AGM.
- 25.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the AGM.
- 25.3 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 25.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- 25.5 The ballot for the election of officers and executive members of the committee shall be conducted at the Annual General Meeting (AGM) in such usual manner as the Executive Committee may direct.
- 25.6 That no more than three (3) persons of the same ethnic background shall be entitled to be elected as members of the Executive Committee.
- 25.7 That in the event of more than three members of a particular background receiving sufficient votes at an election for a position of the Executive, the three members who record the highest votes shall become members of the Executive Committee and a fresh ballot shall immediately be taken in respect of the vacancies on the Executive Committee arising from the application of sub-clause 25.6.
- 25.8 Council Members who have failed to attend more than one half of the Council meetings between elections are not eligible to vote, other than for regional organizations which have to attend one quarter of the Council meetings.
- 25.9 No paid staff member of the Association shall be entitled to stand for election as a member of the Executive Committee within 12 months of ceasing such employment.

26. FOR THE PURPOSES OF THESE RULES

the office of an officer of the Association or an ordinary member of the Executive Committee becomes vacant if the officer or member:

- (a) ceases to be member of the Association
- (b) becomes an insolvent under administration within the meaning of the Law.
- (c) resigns his/her office by notice in writing given to the Secretary
- (d) stands for State or Federal political office; or
- (e) fails to attend three consecutive Executive Committee meetings without an acceptable apology.

PROCEEDINGS OF EXECUTIVE COMMITTEE

- 27.1 The Executive Committee shall meet at least 10 times in each year at such place and such times as the Executive Committee may determine.
- 27.2 Special meetings of the Executive Committee may be convened by the Chairperson or by any five of the members of the Executive Committee.
- 27.3 Notice shall be given to members of the Executive Committee of any special meeting specifying the general nature of the business to be transacted and no other business shall be transacted at such a meeting unless with the consent of a simple majority of the Executive Members in attendance.
- 27.4 Any nine members of the Executive Committee constitute a quorum for the transaction of the business of a meeting of the Executive Committee.
- 27.5 If there is no quorum, the meeting may proceed but all decisions made are interim decisions until such time that they are confirmed at a later meeting where a quorum is present.
- 27.6 At meetings of the Executive Committee:
 - (a) The Chairperson or in his/her absence one of the two Deputy Chairpersons shall preside, or
 - (b) If the Chairperson and the two Deputy Chairpersons are absent, such one of the remaining members of the Executive Committee as may be chosen by the members present shall preside.
- 27.7 Questions arising at a meeting of the Executive Committee or of any sub-committee appointed by the Executive Committee shall be determined on a show of hands, or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting may determine.
- 27.8 Each member present at a meeting of the Executive Committee or of any sub-committee appointed by the Executive Committee (including the person presiding at the meeting) is entitled to one vote and, in the event of an equality of votes on any question; the person presiding may exercise a casting vote.
- 27.9 Written notice of each Executive Committee meeting shall be served on each member of the Executive Committee by delivering it to him/her at a

reasonable time before the meeting or by sending it by prepaid post addressed to him/her at his/her usual or last known place of abode at least two business days before the date of the meeting.

27.10 Subject to sub-clause 27.4 the Executive Committee may act notwithstanding any vacancy on the Executive Committee.

SECRETARY

28. The Secretary of the Association shall be responsible for the keeping of the Minutes of the resolutions and proceedings of each General Council Meeting and each Executive Committee meeting in books with a record of the names of persons present at the meetings.

ASSISTANT SECRETARY

29. The Assistant Secretary shall have as one of his/her responsibilities the publications produced by the Council.

TREASURER

30.1. The Treasurer of the Association:

- (a) shall collect and receive monies due to the Association and make all payments authorized by the Association; and
- (b) shall keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

30.2 The accounts and books referred to in sub-clause 30.1 shall be available for inspection by members.

EXPULSION FROM EXECUTIVE COMMITTEE

31.1 The Association at a General Council Meeting may by resolution remove any member of the Executive Committee before the expiration of his/her term of office and appoint another member in his/her stead to hold office until the expiration of the term of the first-mentioned member.

31.2 Expulsion from the Executive Committee would be on the basis of an Executive Member:

- (i) having refused or neglected to comply with these Rules; or
- (ii) having been guilty of conduct unbecoming a member or prejudicial to interests of the Association.

31.3 Where the member to whom a proposed resolution referred to in sub-clause 31.1 makes representations in writing to the Secretary of the Association (not exceeding a reasonable length) and requests that they be notified to the members of the Association, the Secretary or the Chairperson may send a copy of the representations to each member of the Association or, if they are not so sent, the member may require that they be read out at the meeting.

CHEQUES

32. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Executive Committee or as determined by the Executive Committee.

SEAL

- 33.1 The custody of the Common Seal of the Association shall be the responsibility of the Secretary.
- 33.2 The Common Seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the Common Seal shall be attested by the signatures either of two members of the Executive Committee or of one member of the Executive Committee and of the Public Officer of the Association.

ALTERATION OF RULES

34. These Rules and the Statement of Purposes of the Association shall not be altered except in accordance with the Act.

NOTICES

- 35.1 A notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at his/her/its address shown in the Register of Members.
- 35.2 Where a document is properly addressed prepaid and posted to a person/organization as a letter, the document shall, unless the contrary is proved, be deemed to have been given to the person at the time at which the letter would have been delivered in the ordinary course of post.

CUSTODY AND INSPECTION OF RECORDS

- 36.1 Except as otherwise provided in these Rules, the Secretary shall keep in his/her custody or under his/her control all books, documents and securities of the Association.
- 36.2 All accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- 36.3 A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.

FUNDS

37. The funds of the Association shall be derived from annual subscriptions, donations and such sources as the Executive Committee determines.

PUBLIC OFFICER

38. The Public Officer of the Association shall be elected at the Annual General Meeting.

AUDITOR

39. An Auditor for the Association is not required.

40. **WINDING UP OR CANCELLATION**

In the event of the winding up or the cancellation of the incorporation of the Association, the assets of the Association shall be disposed of in accordance with the provisions of the Act.