



CONSTITUTION

JUNE 2011

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1. TITLE

(Updated July 2003)

The organisation shall be called Marching New Zealand (Incorporated), hereinafter referred to as Marching New Zealand or MNZ.

2. OBJECTS

(Updated July 2003)

The Objects of Marching New Zealand are to:

- 2.1 Promote, encourage, administer and control the Sport of Marching in New Zealand.
- 2.2 Create opportunities for all participants (eg competitors and non-competitive display performers), both in New Zealand and overseas, to reach their potential and gain maximum enjoyment from their participation.
- 2.3 Create opportunities for all members who participate in a support role (eg coaches, judges, administrators and other officials), both in New Zealand and overseas, reach their potential and gain maximum enjoyment from their participation.
- 2.4 Represent the Sport of Marching in New Zealand in any matter, both in New Zealand and overseas.

3. POWERS

(Updated June 2008)

The Powers of Marching New Zealand are to:

- 3.1 Make and amend Rules of the Constitution, at any Annual Meeting.
- 3.2 Make and amend Policies and/or Rules of Participation, at any Annual Meeting.
- 3.3 Define boundaries within which each Association shall operate.
- 3.4 Establish rules and conditions for the operation of Associations, their Clubs, Teams and Members.
- 3.5 Establish rules and conditions, including drills and judging criteria, for Championships and Competitions conducted by Marching New Zealand and its registered Associations.
- 3.6 Arrange and conduct North Island, South Island and New Zealand Championships, and Displays of Marching, for registered Teams, and invite other individuals or groups to give demonstrations at these events.
- 3.7 Establish rules and conditions, including drills and judging criteria, for International Challenge competitions, in conjunction with the recognised national organisations of the countries involved.
- 3.8 Arrange and conduct an International Challenge competition between registered Teams and those registered with the recognised national organisations of the countries involved.
- 3.9 Subscribe to, affiliate to and co-operate with kindred or other organisations, both in New Zealand and overseas, in furtherance of the Objects of Marching New Zealand.
- 3.10 Develop, organise, deliver and participate in programmes of education and training for competitors, administrators, coaches, chaperons, managers, judges and other officials.
- 3.11 Withdraw, suspend or terminate membership.
- 3.12 Determine, implement and enforce disciplinary procedures, including sanctions and penalties.
- 3.13 Establish tribunals, conduct hearings and hear appeals.

- 3.14 Develop drug testing and other policies and associated disciplinary procedures, including sanctioning individual members and defining who those members are.
- 3.15 Assign functions to and/or enter into agreement with other organisations such as the NZ Sports Drug Agency.
- 3.16 Ensure that in furthering the Objects of Marching New Zealand, that Acts of Parliament and Statutory Regulations are complied with.
- 3.17 Lend, invest, borrow, raise or secure the payment of money by mortgage debentures or debenture stock, charged upon all or any of the undertaking, goodwill, assets, properties and securities of Marching New Zealand.
- 3.18 Enter into any contracts, agreements, leases or arrangements with any person, firm, syndicate, corporation or company, and to surrender or accept surrender of any contract, agreement, lease or arrangement.
- 3.19 Draw, make, accept, endorse, discount, execute, issue and negotiate cheques, bills of exchange, warrants, debentures or other negotiable instruments.
- 3.20 Raise and apply funds through membership fees, grants, donations, sponsorship, and specific fund raising ventures in accord with the Objects of Marching New Zealand.
- 3.21 Enter into appropriate insurance arrangements to cover the property, employees and members of Marching New Zealand.
- 3.22 Develop job profiles for members of the Board and appropriate Board Appointees, and job profiles/job descriptions and appoint and terminate the employment of staff under individual employment contracts.
- 3.23 Delegate duties and co-opt or appoint sub-committees or individuals.
- 3.24 Disseminate information of interest to Associations, Teams, Coaches, Judges and other Officials.
- 3.25 Disseminate private or other information about members with their consent, via written declaration, and subject to the purpose being in accordance with the Objects of Marching New Zealand.
- 3.26 Promote Marching New Zealand and its activities.
- 3.27 Do all such other things as are incidental or conducive to the attainment of the Objects and Powers of Marching New Zealand.

4. MEMBERS

(Updated June 2011)

4.1 Categories of Membership

4.1.1 Life

A person elected at an Annual Meeting of Marching New Zealand, on the nomination of the Board, who has performed special and sterling service in some way in promoting, encouraging, administering and controlling the Sport of Marching in New Zealand.

Life Membership entitles the person to attend and vote at any Annual or Special Meeting of Marching New Zealand, be elected to the Board of Marching New Zealand and to participate in Marching New Zealand activities.

A Life Member is not required to be a member of an Association but may do so if that person so desires.

4.1.2 Team (Competitive)

Each Marcher and Team Official of every competitive Masters, Senior, Under 16, Under 12 and Fernz Grade Team.

A member of a Team must be a member of an Association and of Marching New Zealand.

Team Membership entitles the person to participate in Marching New Zealand and Association marching activities, and providing the person has reached the age of sixteen (16) years of age on or prior to the date of, attend and vote at an Association Annual or Special Meeting, and be elected or appointed to an Association Committee, and to be elected to the Board of Marching New Zealand.

4.1.3 Team (Non-Competitive)

Each Marcher and Team Official of every non-competitive KiwiMarching and Open Grade Team.

A member of a Team must be a member of an Association and of Marching New Zealand.

Team Membership entitles the person to participate in Marching New Zealand and Association marching activities, and, for Open Grade Teams, to enter an Association Competition for Masters Grade Teams held under the auspices of a Masters Games Organisation, and providing the person has reached the age of sixteen (16) years of age on or prior to the date of, to attend an Association Annual or Special Meeting, and be elected or appointed to an Association Committee.

4.1.4 Individual

Any person who becomes an Individual member must be a member of an Association and of Marching New Zealand.

Individual Membership entitles the person to participate in Marching New Zealand and Association activities, and providing the person has reached the age of sixteen (16) years of age on or prior to the date of, to attend and vote at an Association Annual or Special Meeting, and be elected or appointed to an Association Committee, and to be elected to the Board of Marching New Zealand.

4.1.5 Individual (Associate)

Any person who becomes an Individual (Associate) member, attains that status on the decision of the Association Committee, as a volunteer contributing to the Objects of the Association but not requiring a higher level of membership in order to so assist.

Individual (Associate) membership entitles the person to participate in specific Association activities, and if a parent or guardian (who has no other membership status) of a Team (Competitive) member who has not reached the age of sixteen (16) years of age on or before the date of, for the parent or guardian to also attend and vote at an Association Annual or Special Meeting on behalf of that Team (Competitive) member.

4.2 Membership Term

This shall be from 1 October in any year until 30 September in the following year.

4.3 Application for Membership

4.3.1 New applications for membership to an Association shall be in writing, signed by the applicant (except in the case of persons under sixteen years of age at the time of application, in which case the application shall be signed by a parent, guardian or caregiver of the applicant), and shall be in such form as the Board from time to time prescribes.

4.3.2 Renewal applications for membership to an Association shall be in such form as the Board from time to time prescribes.

4.4 Membership Fees

4.4.1 Any membership fees, for each category of membership shall be the sum determined by any Annual Meeting of Marching New Zealand and the Annual Meeting of each Association.

4.4.2 The membership fees for each category of membership shall be payable at the time of application or at any other time determined from time to time by the Board and the Association Committee.

4.4.3 Membership applicable to the period 1 October in any year to 30 September in the following year shall continue for one further month but shall lapse if the annual subscription is not paid within one month of that latter date.

4.4.4 New applications for membership from 1 April and before 1 October in the same year, shall after approval, continue in membership until 30 September the following year.

4.5 Admission to Membership

At the next meeting of the Association Committee (or sub-committee appointed for this purpose) after receipt of any application for membership (new or renewal) and the fee payable for any category of membership, such application is to be considered and a recommendation made and forwarded to the Board, without delay. The Board may grant, or, at its discretion, decline to grant or delay the granting of an application for membership (new or renewal). If the Board declines to grant or delays the granting of an application for membership (new or renewal) the applicant (on request) is to be advised of the reason/s for the decision. Should the Association Committee (or sub-committee appointed for this purpose) decide to recommend to the Board that an application for membership (new or renewal) be declined or delayed, it must advise the applicant in writing of its decision within seven days.

4.6 Resignation of Membership

Any member may resign by notifying the Association Secretary in writing, stating the date on which such resignation is effective. The Association shall notify the Board of such resignation, without delay.

4.7 Withdrawal, Suspension, or Termination of Members

A membership of Marching New Zealand and an Association may be withdrawn, suspended or terminated by the Board if the member:

- (a) is convicted in a Court of Law of an offence that carries a possible sentence of not less than three months imprisonment; or
- (b) fails to comply with any of the provisions of these Rules; or
- (c) acts in a manner considered to be injurious or prejudicial to the character or interests of Marching New Zealand and/or its Associations; or
- (d) fails to pay subscriptions and levies.

4.8 Reinstatement of Membership

A member may make application to the Board, through the Association to which the member was affiliated, to have membership restored, at a time approaching or after the duration of the period for which membership was withdrawn, suspended or terminated.

4.9 Appeal relating to Application for Membership, and, Appeal against Withdrawal, Suspension or Termination of Membership

4.9.1. A person whose application for membership (new or renewal) has been recommended by the Association Committee (or sub-committee appointed for this purpose) to the Board, to be declined or delayed, may, within one month of receiving written notification thereof from the Association Committee (or sub-committee appointed for this purpose), lodge with the Chief Executive Officer of Marching New Zealand, written notice of intention to appeal against the decision of the Association Committee (or sub-committee appointed for this purpose), and, within two months of receiving written notification thereof, lodge with the Chief Executive Officer of Marching New Zealand, written details in support of the appeal. Upon receipt of notification of intention to appeal, the Chief Executive Officer shall, within two months of receipt of such notice, ask the Board to consider the appeal, providing for the appellant to be represented / supported by one other person and the Association Committee (or sub-committee appointed for this purpose) to be represented by up to two persons.

4.9.2. A person whose membership has been withdrawn, suspended or terminated may, within one month of receiving written notification thereof, lodge with the Chief Executive Officer of Marching New Zealand, written notice of intention to appeal against the decision of the Board, and within two months of receiving written notification thereof, lodge with the Chief Executive Officer, written details in support of the appeal.

4.9.3. Upon receipt of notification of intention to appeal, the Chief Executive Officer shall, within three months of the receipt of such notice, set up an Appeal Board hearing to determine the appeal.

At such Appeal Board hearing, the applicant and/or representative shall be given the opportunity to present fully a case and the hearing shall have the opportunity to hear the opposing view as presented by the Chief Executive Officer on behalf of the Board and/or another person representing that Board.

4.9.4. The Appeal Board shall be the NZ Sports Disputes Tribunal, administered by Sport and Recreation New Zealand.

4.9.5. A report on the matter of an appeal and the decision of the Appeal Board shall be included in the report of the Board to the next Annual Meeting.

4.10 Register of Members

The Board shall cause a Register to be kept in which shall be entered the full name, residential address and category of membership of all persons admitted to membership of Marching New Zealand, the dates of their admission and all subsequent changes, and shall keep and maintain the Register in accord with the provisions of the Privacy Act 1993.

5. BOARD

(Updated June 2011)

5.1 Governance

5.1.1 Govern the affairs of Marching New Zealand in furtherance of the Objects and in accordance with the Powers.

5.1.2 Implement the decisions of the Annual and any Special Meeting.

5.2. Composition

The Board shall comprise a President, Director of Finance and four other Board Members.

5.3 Eligibility

- 5.3.1. Members of Marching New Zealand (except Marchers and Team Officials of KiwiMarching and Open Grade Teams and Individual – Associate members) are eligible for election to a position on the Board.
- 5.3.2 At the Annual Meeting, members of the Board retiring in accordance with clause 5.3.3 and 5.3.4 shall be eligible upon nomination for re-election.
- 5.3.3 Commencing with the Annual Meeting in year 2007, two (2) of the existing Board Members (together with any replacement Board Member) shall retire by rotation at each Annual Meeting and shall be eligible for re-election. Election shall be for a period of two (2) years.
- 5.3.4 Commencing with the Annual Meeting in year 2008, the President shall retire after three consecutive years in office, but shall be eligible for re-election.
- 5.3.5 Commencing with the Annual Meeting in year 2012, the Director of Finance shall retire after three consecutive years in office, but shall be eligible for re-election.

5.4 Election

The election of members of the Board shall take place in the following manner:

- 5.4.1. The Chief Executive Officer shall inform Associations, Life Members and members of the Board at least ninety (90) days prior to the date of the Annual Meeting of the positions to be filled.
- 5.4.2 Nominations from Associations shall be in writing, with advice as to the date that the nomination was passed by the resolution of the Association Committee, forwarded by the Association Secretary, and lodged with the Chief Executive Officer at least forty five (45) days prior to the Annual Meeting.
- 5.4.3 A list of the candidates' names in alphabetical order, with the name/s of the nominating Association/s, shall be circulated by the Chief Executive Officer to Associations, Life Members and members of the Board at least thirty (30) days prior to the Annual Meeting.
- 5.4.4 In the event of there being more than one person nominated for a position, a balloting list shall be prepared for each position listing the names of the candidates in alphabetical order, and each member present and entitled to vote at the Annual Meeting shall be entitled to exercise one vote for a person of their choice in each position.
- 5.4.5 Should there not be a nomination for any position, then this position will remain vacant at the Annual Meeting, and the Board will fill the vacancy at the first opportunity.

5.5 Notice

The Chief Executive Officer shall convene meetings of the Board and will include the date and venue of the subsequent meeting on each meeting's agenda. This may subsequently be varied should extenuating circumstances prevail, in which case at least one weeks notice must be given.

5.6 Chairperson

- 5.6.1 The President shall preside. If the President is unavailable, then the persons present shall elect a member of the Board to be the Chairperson of the meeting.
- 5.6.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.

5.7 Voting

- 5.7.1 Every person present and entitled to vote, shall be entitled to one vote, and in the case of an equality of votes the Chairperson shall be entitled to have a second or casting vote.
- 5.7.2 Voting shall be on the voices or by show of hands. If by show of hands, the Chairperson will indicate the number voting for and against the question, matter or resolution.

5.8 Quorum

- 5.8.1 The number required to constitute a quorum shall be two thirds of those eligible to attend.
- 5.8.2 No business shall be transacted unless a quorum of members is present at the time when the meeting proceeds to business.
- 5.8.3 If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, the meeting shall be adjourned to such other time and place as may be determined by the Chief Executive Officer, and, if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, those present shall be a quorum.

5.9 Resignation

Should a member resign from the Board, the Board will fill the vacancy at the first opportunity.

5.10 Management

A Chief Executive Officer will be appointed by the Board, to manage the affairs of Marching New Zealand.

5.11 Indemnity and Limitation of Liability

- 5.11.1 The members of the Board and Staff shall be indemnified by Marching New Zealand for all losses and expenses incurred by them in or about the discharge of their respective duties, except such as shall result from their own respective wilful default.
- 5.11.2 No member of the Board or Staff shall be liable for the acts or default of any other member of the Board or Staff, or for any loss or expense happening to Marching New Zealand, unless the same happens from the person's own wilful default.

6. ANNUAL AND SPECIAL MEETINGS

(Updated June 2006)

6.1 Notice

6.1.1 Annual Meeting

The Chief Executive Officer shall inform Associations, Life Members and members of the Board at least ninety (90) days prior to the Annual Meeting of the date, time and place thereof.

The meeting shall be held by 30 June in each year.

6.1.2 Special Meeting.

The Chief Executive Officer shall inform Associations, Life Members and members of the Board at least thirty (30) days prior a Special Meeting of the date, time and place thereof, and of the business to be transacted thereat. Such notice to be issued within thirty (30) days of receiving the required requisition.

The date of a Special Meeting shall be within sixty (60) days of the Chief Executive Officer receiving the required requisition.

6.2 Eligibility

Annual and Special Meetings of Marching New Zealand shall be open to Associations (represented by two financial members of the Association), Life Members and members of the Board

With the approval of the Board, other financial members of Marching New Zealand may attend without the right to speak or vote, except they may participate in any broken out Group Workshop discussions at the pleasure of the Chairperson.

6.3 Chairperson

6.3.1 The President shall preside. If the President is unavailable, then the persons present shall elect a member of the Board to be the Chairperson of the meeting.

6.3.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.

6.4 Voting

6.4.1 Except for votes to alter any Rule of the Constitution, Policy and/or Rule of Participation or part thereof, as provided in Rules 7 and 9, every question, matter or resolution shall be decided by a majority of votes.

6.4.2 Every person present and entitled to vote, shall be entitled to one vote, and in the case of an equality of votes the Chairperson shall be entitled to have a second or casting vote.

6.4.3 Voting shall be on the voices or by show of hands, unless a secret ballot is requested.

6.4.3.1 If by show of hands, the Chairperson will indicate the number voting for and against the question, matter or resolution.

6.4.3.2 A secret ballot may be demanded by any one person entitled to vote. The Chairperson shall appoint a number of members (preferably persons not entitled to vote) to conduct the secret ballot and the result of the ballot, as witnessed by the Chairperson indicating the number voting for and against the question, matter or resolution, as declared by the Chairperson, shall be deemed to be the resolution of the meeting of which the ballot was demanded.

6.5 Quorum

6.5.1 The number required to constitute a quorum shall be two thirds of those eligible to attend (excluding Life Members).

6.5.2 No business shall be transacted unless a quorum of members is present at the time when the meeting proceeds to business.

6.5.3 If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, the meeting shall be adjourned to such other time and place as may be determined by the Board, and, if at the adjourned meeting a quorum is

not present within thirty (30) minutes from the time appointed for the meeting, those present shall be a quorum.

6.6 Business of Annual Meeting

The business to be transacted, but not necessarily in this order, and which the Chief Executive Officer shall inform Associations, Life Members and members of the Board at least thirty (30) days prior to the date of the Annual Meeting, shall be:

- (a) Confirmation of the minutes of the previous Annual Meeting.
- (b) Receive and adopt the Board's report, prepared by the Chief Executive Officer.
- (c) Receive and adopt the statement of income and expenditure and the balance sheet for the preceding financial year, prepared by the Director of Finance.
- (d) Receive the auditor's report upon the books and accounts for the preceding financial year.
- (e) Receive the report prepared by the President.
- (f) Receive the reports prepared by the Technical Manager, Director of Coaching and Director of Judging.
- (g) Consideration of notices of motion seeking Rule changes to the Constitution.
- (h) Consideration of remits seeking changes to the Policies and/or Rules of Participation.
- (i) Election of members of the Board.
- (j) Appointment of Auditor.
- (k) Appointment of Honorary Solicitor.
- (l) Receive financial budget for the new financial year, prepared by the Board, with the opportunity to discuss.
- (m) Determination of the membership fees.
- (n) Conferral of Life Membership.
- (o) Presentation of Service Certificates/Badges.
- (p) Presentation of Association Membership Trophy.
- (q) Announcement of host Associations for Island and New Zealand Championships the season following the forthcoming one.
- (r) Consideration of General Business (following the submission by the Board or an Association by the prior 30 April, with the proviso that any late General Business item may be discussed if submitted to the Chief Executive Officer in writing at least forty eight (48) hours prior to the commencement of the Annual Meeting, and if the Annual Meeting by a majority is satisfied to discuss the item, and if the Chairperson considers that there is sufficient time. Any General Business item submitted by an Association must be accompanied with advice as to the date that the matter for discussion was passed by resolution of the Association Committee), and any other matters decided upon by the Board in furtherance of the Objects.

6.7 Special Meeting

6.7.1 Requisition

The Chief Executive Officer shall convene a Special Meeting:

- (a) On the decision of the Board; or
- (b) On the requisition in writing signed by not less than four members of the Board or on the requisition in writing signed by the President and Secretary of at least one-third of the registered Associations indicating that a resolution of each of their Association Committees has so resolved. Such requisition shall clearly state the reasons why such meeting is requested and the nature of the business to be transacted thereat.

6.7.2. Business

The business of a Special Meeting shall be as stated in the requisition notice and no other business may be transacted.

7. POLICIES AND/OR RULES OF PARTICIPATION

(Updated July 2003)

- 7.1 The Annual Meeting may, following the submission of an appropriate remit by the Board or an Association by the prior 30 April (if submitted by an Association, must be accompanied with advice as to the date that the remit was passed by resolution of the Association Committee), by a minimum two thirds majority of those voting, make, amend or repeal Policies and/or Rules of Participation, not inconsistent with these Rules, for the internal management of Marching New Zealand, and any Policy and/or Rule of Participation may be set aside by an Annual or Special Meeting.
- 7.2 The Board may from time to time set aside any Policy and/or Rule of Participation, for the internal management of Marching New Zealand, if it is considered essential to the Objects that this be so. Such setting aside will be followed by the presentation by the Board of an appropriate remit for change to the Policy and/or Rule of Participation or a report on the temporary setting aside of the Policy and/or Rule of Participation, to the next Annual Meeting.

8. INTERPRETATION

(Updated July 2003)

If a dispute arises at any time in respect of a matter which is not provided for in the Constitution or Policies and/or Rules of Participation or any doubt exists as to the interpretation of the Constitution or Policies and/or Rules of Participation or any other matter shall arise pertaining to Marching New Zealand, its property or interests, the same shall be determined by the next Annual Meeting and the decision shall be conclusive and binding on all members unless revoked by a Special Meeting held no later than the next following Annual Meeting.

If there is a conflict between the Constitution, Rules of Participation and Policies, the Constitution has precedence.

9. ALTERATIONS OF THE CONSTITUTION

(Updated June 2008)

- 9.1 Subject to the provisions of the Incorporated Societies Act 1908, these Rules may be amended, rescinded or added to by a special resolution, following the submission of an appropriate notice of motion by the Board or an Association by the prior 30 April (if submitted by an Association, must be accompanied with advice as to the date that the notice of motion was passed by resolution of the Association Committee), by a minimum two thirds majority of those voting at an Annual Meeting.
- 9.2 Notice of such resolution shall be circulated to Associations, Life Members and members of the Board not less than thirty (30) days prior to the Annual Meeting at which the resolution by way of notice of motion will be considered.
- 9.3 Alterations to the Constitution will be effective on a date determined by the Board and advised to Associations, subsequent to advice being received from the Registrar of Incorporated Societies, of registration.
- 9.4 No additions to or alteration of the objects, pecuniary benefits clause or the liquidation clause shall be approved without the prior approval of Inland Revenue. The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

10. COMMON SEAL

(Updated July 2003)

Marching New Zealand shall have a Common Seal. Subject to the Incorporated Societies Act 1908, the Board shall determine when the Common Seal is used and make provision for its safe custody.

11. FINANCES

(Updated July 2004)

11.1 Control

The Board shall ensure that the Director of Finance is responsible for:

- (a) Receiving all monies for and on behalf of Marching New Zealand, and bank same to the credit of Marching New Zealand.
- (b) Paying all accounts or advances as directed.

11.2 Audited Accounts

11.2.1 As soon as practicable after the end of each financial year, the Director of Finance shall ensure a statement is prepared containing particulars of:

- (a) the income and expenditure for the financial year ended; and
- (b) the assets and liabilities and of all mortgages, charges and securities affecting the property of Marching New Zealand at the close of that year.

11.2.2 All such statements shall be examined by the auditor who shall present a report upon such audit to the Chief Executive Officer prior to the holding of the Annual Meeting next following the financial year in respect of which such audit was made.

11.3 Financial Year

The financial year of Marching New Zealand shall end on 31 March in each year.

12. DOCUMENTS

(Updated July 2003)

The Board shall provide for the safe custody of books, documents, instruments of title and securities of Marching New Zealand.

13. PECUNIARY BENEFIT

(Updated June 2008)

No member of the organisation or any person associated with a member shall participate in or materially influence any decision made by the organisation in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.

Any such income paid shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value). The provisions and effect of this clause shall not be removed from this document, and shall be included and implied into any document replacing this document.

14. APPEALS

(Updated July 2003)

For other than Appeals covered in Rule 4.9:

14.1 Association Committee

14.1.1 Any member, club or team aggrieved by a decision of an Association Committee may, within two months of the Association Committee meeting which arrived at the decision in respect of the grievance, lodge with the Chief Executive Officer, written notice of intention to appeal against the decision of the Association Committee, supporting such intention with written details in support of the appeal.

14.1.2 The Board shall consider the appeal within two months of receiving the notice of intention to appeal and supporting written details. The appellant/s and/or a representative shall be afforded the opportunity to present fully a case and the hearing shall have the opportunity to hear the opposing view as presented by up to three representatives of the Association Committee.

14.2 Board

Any member, club or team aggrieved by a decision of the Board may, within two months of the Board meeting which arrived at the decision in respect of the grievance, lodge with the Chief Executive Officer, written notice of intention to appeal against the decision of the Board, supporting such intention with written details in support of the appeal.

Upon receipt of the appeal, the Chief Executive Officer will forward it, together with the supporting written details, to the NZ Sports Disputes Tribunal, administered by Sport and Recreation New Zealand.

15. LIQUIDATION

(Updated July 2003)

15.1 Purpose

Marching New Zealand shall be liquidated if:

- (a) It has achieved its purpose and can no longer proceed with the Objects; or
- (b) Cannot pay its debts; or
- (c) Has ceased to operate; or
- (d) Is found to be making a pecuniary gain for members; or
- (e) Has been ordered to do so by the High Court.

15.2 Procedure

15.2.1 An Annual Meeting by way of special resolution through a notice of motion submitted by the Board or an Association, or at a Special Meeting, that passes a resolution to liquidate Marching New Zealand and appoint a Liquidator, by a two thirds majority; and

15.2.2 A Special Meeting subsequently convened for the purpose and held not later than thirty (30) days after the Annual or Special Meeting at which such resolution was passed, confirms by two thirds majority that Marching New Zealand shall be liquidated.

15.3 Surplus Property and Funds

If upon liquidation or dissolution of Marching New Zealand there remain, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid or distributed among the members of Marching New Zealand but shall be allocated by the Board and given or transferred to a charitable organisation/s within New Zealand.

16. ASSOCIATIONS

(Updated June 2011)

16.1 Objects

The Objects of an Association of Marching New Zealand are to:

16.1.1 Promote, encourage, administer and control the Sport of Marching in a geographic area defined in the Rules of Participation.

- 16.1.2 Create opportunities for all participants (eg competitors and non-competitive display performers), within the Association's geographic area, to reach their potential and gain maximum enjoyment from their participation.
- 16.1.3 Create opportunities for all members who participate in a support role (eg coaches, judges, administrators and other officials), within the Association's geographic area, to reach their potential and gain maximum enjoyment from their participation.
- 16.1.4 Represent the Sport of Marching in the Association area.

16.2 Powers

- 16.2.1 Make and amend Rules of the Association Constitution, at any Annual Meeting (except those of a consequential nature as a result of bringing into harmony with the Rules of the Constitution of Marching New Zealand).
- 16.2.2 Make and amend Association Policies and/or Rules of Participation at any Annual Meeting (except those of a consequential nature as a result of bringing into harmony with the Rules of Participation of Marching New Zealand).
- 16.2.3 Ensure that the rules and conditions established by Marching New Zealand for the operation of Associations, their Clubs, Teams and Members are adhered to.
- 16.2.4 Ensure that the rules and conditions, including drills and judging criteria, for competitions conducted within the Association area, are adhered to.
- 16.2.5 Arrange and conduct Championships, Competitions and Displays of Marching, within the Association area, for registered Teams, and invite other individuals or groups to give demonstrations or conduct their competitive activity at these events.
- 16.2.6 Organise, deliver and participate in programmes of education and training for competitors, administrators, coaches, chaperons, managers, judges and other officials.
- 16.2.7 Recommend to the Board, the withdrawal, suspension or termination of membership of any person, team or club.
- 16.2.8 Subscribe to, affiliate and co-operate with kindred or other organisations in the Association area, in furtherance of the Objects of the Association.
- 16.2.9 Ensure that in furthering the Objects of the Association, that Acts of Parliament and Statutory Regulations are complied with.
- 16.2.10 Lend, invest, borrow, raise or secure the payment of money by mortgages, debentures or debenture stock, charged upon all or any of the undertaking, goodwill, assets, properties and securities of the Association.
- 16.2.11 Enter into any contracts, agreements, leases or arrangements with any person, firm, syndicate, corporation or company, and to surrender or accept surrender of any contract, agreement, lease or arrangement.
- 16.2.12 Draw, make, accept, endorse, discount, execute, issue and negotiate cheques, bills of exchange, warrants, debentures or other negotiable instruments.
- 16.2.13 Apply funds raised through membership fees, grants, donations, sponsorship, and specific fund raising ventures in accord with the Objects of the Association.
- 16.2.14 Enter into appropriate insurance arrangements to cover property, employees and members of the Association.
- 16.2.15 Develop job descriptions and appoint and terminate the employment of staff.

- 16.2.16 Delegate duties and co-opt or appoint sub-committees or individuals.
- 16.2.17 Disseminate information of interest to Teams, Coaches, Judges and other Officials.
- 16.2.18 Disseminate private or other information about members with their consent, via written declaration, and subject to the purpose being in accordance with the Objects of the Association.
- 16.2.19 Promote the Association and its activities.
- 16.2.20 Do all such other things as are incidental or conducive to the attainment of the Objects and Powers of the Association.

16.3 Membership

16.3.1 Categories of Membership

16.3.1.1 Life

A person elected at an Annual Meeting of the Association on the nomination of the Association Committee, who has performed special and sterling service in some way in promoting, encouraging, administering and controlling the Sport of Marching in the Association's area.

Life Membership entitles the person to attend and vote at any Annual or Special Meeting of the Association.

16.3.1.2 Team (Competitive)

As per Rule 4.1.2 of the Constitution of Marching New Zealand.

16.3.1.3 Team (Non-Competitive)

As per Rule 4.1.3 of the Constitution of Marching New Zealand.

16.3.1.4 Individual

As per Rule 4.1.4 of the Constitution of Marching New Zealand.

16.3.1.5 Individual (Associate)

As per Rule 4.1.5 of the Constitution of Marching New Zealand.

16.3.2 Membership Term

As per Rule 4.2 of the Constitution of Marching New Zealand.

16.3.3 Application for Membership

As per Rule 4.3 of the Constitution of Marching New Zealand.

16.3.4 Membership Fees

As per Rule 4.4 of the Constitution of Marching New Zealand.

16.3.5 Admission to Membership

As per Rule 4.5 of the Constitution of Marching New Zealand.

Each Association member shall also be a member of Marching New Zealand, and shall undertake to conform to the Rules of the Constitution and Policies and/or Rules of Participation of Marching New Zealand and the Association.

16.3.6 Resignation of Membership

As per Rule 4.6 of the Constitution of Marching New Zealand.

16.3.7 Withdrawal, Suspension, or Termination of Members

As per Rule 4.7 of the Constitution of Marching New Zealand.

16.3.8 Reinstatement of Membership

As per Rule 4.8 of the Constitution of Marching New Zealand.

16.3.9 Appeal against Withdrawal, Suspension or Termination of Membership

As per Rule 4.9 of the Constitution of Marching New Zealand.

16.4 Association Committee

16.4.1 Management

16.4.1.1 Manage the affairs of the Association in furtherance of the Objects and in accordance with the Powers.

16.4.1.2 Implement the decisions of the Annual and any Special Meeting.

16.4.2 Composition

The Association Committee will be comprised according to one of the following:

- a) A President, Secretary, Treasurer, Coaching Co-ordinator, Chief Judge, Membership/Privacy Officer, Promotions/Publicity Officer and up to four other Committee Members.
- b) A President, Secretary, Treasurer, Chief Judge, Coaching Co-ordinator and three Committee Member Convenors of Sub-Committee for Publicity and Promotion, Planning and Development and Technical and Coaching/Judging

16.4.3 Eligibility

16.4.3.1 Members of the Association who have attained the age of 16years (except Individual – Associate members) are eligible for election or appointment to a position on the Association Committee.

16.4.3.2 At the Annual Meeting, members of the Association Committee, shall be eligible upon nomination for re-election.

16.4.3.3 A person may hold no more than two positions on this Committee.

16.4.4 Election

The election of members of the Association Committee shall take place in the following manner:

16.4.4.1 This Committee shall be elected at the Association's Annual Meeting.

- 16.4.4.2 The Secretary shall inform Life Members, members of the Association Committee, Clubs, Teams and other Individual members, at least sixty (60) days prior to the date of the Annual Meeting of the positions to be filled.
- 16.4.4.3 Nominations from members of the Association Committee, Team members and Individual members (except Marchers and Team Officials of KiwiMarching and Open Grade Teams, and Individual - Associate members) shall be in writing, signed by the proposer, acknowledged by the nominated person and lodged with the Secretary at least thirty (30) days prior to the Annual Meeting.
- 16.4.4.4 A list of the candidates' names in alphabetical order, with the name/s of the nominating person/s, shall be circulated by the Secretary to Life Members, members of the Association Committee, Clubs, Teams, other Individual members and Individual (Associate) members at least fourteen (14) days prior to the Annual Meeting.
- 16.4.4.5 In the event of there being more than one person nominated for a position, a balloting list shall be prepared for each position listing the names of the candidates in alphabetical order, and each member present and entitled to vote at the Annual Meeting shall be entitled to exercise one vote for a person of their choice in each position.
- 16.4.4.6 Should there not be a nomination for any position, then this position will remain vacant at the Annual Meeting ,and the Association Committee will fill the vacancy at the first opportunity.

16.4.5 Notice

The Secretary shall convene meetings of the Association Committee and will include the date and venue of the subsequent meeting on each meeting's agenda. This may subsequently be varied should extenuating circumstances prevail, in which case at least one weeks notice must be given.

16.4.6 Chairperson

- 16.4.6.1 The President shall preside. If the President is unavailable, then the persons present shall elect a member of the Association Committee to be the Chairperson of the meeting.
- 16.4.6.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.

16.4.7 Voting

- 16.4.7.1 Every person present and entitled to vote, shall be entitled to one vote, and in the case of an equality of votes the Chairperson shall be entitled to have a second or casting vote.
- 16.4.7.2 Voting shall be on the voices or by show of hands. If by show of hands, the Chairperson will indicate the number voting for and against the question, matter or resolution.

16.4.8 Quorum

- 16.4.8.1 The number required to constitute a quorum shall be one half of those eligible to attend.
- 16.4.8.2 No business shall be transacted unless a quorum of members is present at the time when the meeting proceeds to business.

16.4.8.3 If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, the meeting shall be adjourned to such other time and place as may be determined by the Secretary, and, if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, those present shall be a quorum.

16.4.9 Resignation

Should a member resign from the Association Committee, the Association Committee will fill the vacancy at the first opportunity.

16.4.10 Indemnity and Limitation of Liability

16.4.10.1 The members of the Association Committee and Staff shall be indemnified by the Association for all losses and expenses incurred by them in or about the discharge of their respective duties, except such as shall result from their own respective wilful default.

16.4.10.2 No member of the Association Committee or Staff shall be liable for the acts or default of any other member of the Association Committee or Staff, or for any loss or expense happening to the Association, unless the same happens from the person's own wilful default.

16.5 Annual and Special Meetings

16.5.1 Notice

16.5.1.1 Annual Meeting

The Secretary shall inform Life Members, members of the Association Committee, Clubs, Teams, other Individual members and Individual (Associate) members at least sixty (60) days prior to the Annual Meeting of the date, time and place thereof.

The meeting shall be held by 31 July in each year.

16.5.1.2 Special Meeting.

The Secretary shall inform Life Members, members of the Association Committee, Clubs, Teams, other Individual members and Individual (Associate) members at least fifteen (15) days prior a Special Meeting of the date, time and place thereof, and of the business to be transacted thereat. Such notice to be issued within fifteen (15) days of receiving the required requisition.

The date of a Special Meeting shall be within thirty (30) days of the Secretary receiving the required requisition.

16.5.2 Eligibility

Annual and Special Meetings of the Association shall be open to Life Members and all other members of the Association.

16.5.3 Chairperson

16.5.3.1 The President shall preside. If the President is unavailable, then the persons present shall elect a member of the Association Committee to be the Chairperson of the meeting.

16.5.3.2 The Chairperson shall maintain order and conduct the meeting in a proper and orderly manner.

16.5.4 Voting

16.5.4.1 Every question, matter or resolution shall be decided by a majority of votes of the persons eligible to vote.

16.5.4.2 Every person present and entitled to vote, shall be entitled to one vote, and in the case of an equality of votes the Chairperson shall be entitled to have a second or casting vote.

16.5.4.3 Voting shall be on the voices or by show of hands, unless a secret ballot is requested.

16.5.4.3.1 If by show of hands, the Chairperson will indicate the number voting for and against the question, matter or resolution.

16.5.4.3.2 A secret ballot may be demanded by any one person entitled to vote. The Chairperson shall appoint a number of members (preferably persons not entitled to vote) to conduct the secret ballot and the result of the ballot, as witnessed by the Chairperson indicating the number voting for and against the question, matter or resolution, as declared by the Chairperson, shall be deemed to be the resolution of the meeting of which the ballot was demanded.

16.5.5 Quorum

16.5.5.1 The number required to constitute a quorum shall be one-quarter of those eligible to vote (excluding Life Members).

16.5.5.2 No business shall be transacted unless a quorum of members is present at the time when the meeting proceeds to business.

16.5.5.3 If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, the meeting shall be adjourned to such other time and place as may be determined by the Association Committee, and, if at the adjourned meeting a quorum is not present within thirty (30) minutes from the time appointed for the meeting, those present shall be a quorum.

16.5.6 Business of Annual Meeting

The business to be transacted, but not necessarily in this order, shall be:

- (a) Confirmation of the minutes of the previous Annual Meeting.
- (b) Receive and adopt the Association Committee's report, prepared by the Secretary.
- (c) Receive and adopt the statement of income and expenditure and the balance sheet for the preceding financial year, prepared by the Treasurer.
- (d) Receive the auditor's report upon the books and accounts for the preceding financial year.
- (e) Receive the report prepared by the President.
- (f) Receive the reports prepared by the Chief Judge and Coaching Co-ordinator.
- (g) Consideration of notices of motion seeking Rule changes to the Association Constitution.

- (h) Consideration of remits seeking changes to the Association Policies and/or Rules of Participation.
- (i) Election of members of the Association Committee.
- (j) Appointment of Honorary Auditor.
- (k) Appointment of Honorary Solicitor.
- (l) Receive financial budget for the new financial year, prepared by the Association Committee.
- (m) Determination of the membership fees.
- (n) Conferral of Life Membership.
- (o) Presentation of Service Certificates.
- (p) Consideration of General Business, and any other matters decided upon by the Association Committee in furtherance of the Objects.

16.5.7 Special Meeting

16.5.7.1 Requisition

The Secretary shall convene a Special Meeting:

- (a) On the decision of the Association Committee; or
- (b) On the requisition in writing signed by not less than fifteen members of the Association. Such requisition shall clearly state the reasons why such meeting is requested and the nature of the business to be transacted thereat.

16.5.7.2 Business

The business of a Special Meeting shall be as stated in the requisition notice and no other business may be transacted.

16.6 Constitution, Policies and/or Rules of Participation

16.6.1 Each Association shall ensure that its own Rules of the Constitution record the relevant references to this Rule 16 and its sub-Rules of the Constitution of Marching New Zealand, and, in terms of content, to that alone, apart from the Title.

16.6.2 Each Association shall ensure that its own Policies and/or Rules of Participation (if applicable) are in harmony with those of Marching New Zealand.

If any conflict arises then the application of Marching New Zealand's Policies and/or Rules of Participation take precedence and the Association must effect the appropriate changes to their Policies and/or Rules of Participation to bring into harmony, at the earliest opportunity.

16.6.3 Changes to the Association Constitution, following the submission by the Association Committee, a Club, Team or three Individual Members by a date advised in the Notice of Annual Meeting, must receive the approval of the Board before being forwarded to the Assistant Registrar of Incorporated Societies for incorporation and enactment.

16.6.4 Changes to the Association Policies and/or Rules of Participation, following the submission by the Association Committee, a Club, Team or three Individual Members by a date advised in the Notice of Annual Meeting, must receive the approval of the Board before being enacted.

16.6.5 The Annual Meeting may, by a minimum two thirds majority, make, amend or repeal Policies and/or Rules of Participation, not inconsistent with these Rules, for the internal management of the Association.

16.7 Interpretation

If a dispute arises at any time in respect of a matter which is not provided for in the Association Constitution or Policies and/or Rules of Participation or any doubt exists as to the interpretation of the Association Constitution or Policies and/or Rules of Participation or any other matter shall arise pertaining to Association and, its property or interests, the same shall be determined by the next Annual Meeting and the decision shall be conclusive and binding on all members unless revoked by a Special Meeting held no later than the next following Annual Meeting.

16.8 Alterations of the Constitution

- 16.8.1 Subject to the provisions of the Incorporated Societies Act 1908, these Association Rules may be amended, rescinded or added to by a special resolution, following the submission of an appropriate notice of motion by the Association Committee, by a minimum two thirds majority at an Annual Meeting.
- 16.8.2 Notice of such resolution shall be circulated to, Life Members, members of the Association Committee, Clubs, Teams, other Individual members and Individual (Associate) members not less than fifteen (15) days prior to the Annual Meeting at which the resolution by way of notice of motion will be considered.
- 16.8.3 No additions to or alteration or recession of the Association Constitution can be made that affects the Pecuniary Benefits aspects of Rules 16.12 or 16.14 of the Constitution of Marching New Zealand, without permission of the Inland Revenue Department in order to maintain qualification for an exemption from income tax as an amateur sports promoter under section CB4(1)(h) of the Income Tax Act 1994.

16.9 Common Seal

The Association may have a Common Seal. Subject to the Incorporated Societies Act 1908, the Association Committee shall determine when the Common Seal is used and make provision for its safe custody.

16.10 Finances

16.10.1 Control

The Association Committee shall ensure that the Treasurer is responsible for:

- Receipting all monies for and on behalf of the Association, and bank same to the credit of the Association.
- Paying all accounts or advances as directed.

16.10.2 Audited Accounts

- 16.10.2.1 As soon as practicable after the end of each financial year, the Treasurer shall ensure a statement is prepared containing particulars of :
- (a) the income and expenditure for the financial year ended; and
 - (b) the assets and liabilities and of all mortgages, charges and securities affecting the property of the Association at the close of that year.
- 16.10.2.2 All such statements shall be examined by the auditor who shall present a report upon such order to the Secretary prior to the holding of the Annual Meeting next following the financial year in respect of which such audit was made.

16.10.3 Financial Year

The financial year of the Association shall end on 30 April in each year.

16.11 Documents

The Association Committee shall provide for the safe custody of books, documents, instruments of title and securities of the Association.

16.12 Pecuniary Benefit

No member or husband, wife or other person living at the same household as the member, shall participate in or materially influence any decision in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.

A member shall not receive or obtain pecuniary gain from the property or operations of the Association, unless receiving a salary or honorarium authorised by the Association Committee.

16.13 Appeals

As per Rule 14 of the Constitution of Marching New Zealand.

16.14 Liquidation

16.14.1 Purpose

The Association shall be wound up if:

- (a) It has achieved its purpose and can no longer proceed with the Objects; or
- (b) Cannot pay its debts; or
- (c) Has ceased to operate; or
- (d) Is found to be making a pecuniary gain for members; or
- (e) Has been ordered to do so by the High Court.

16.14.2 Procedure

16.14.2.1 An Annual Meeting by way of special resolution through a notice of motion submitted by the Association Committee, or at a Special Meeting, that passes a resolution to liquidate the Association, and appoint a Liquidator, by a two thirds majority; and

16.14.2.2 A Special Meeting subsequently convened for the purpose and held not later than thirty (30) days after the Annual or Special Meeting at which such resolution was passed, confirms by two thirds majority that the Association shall be liquidated.

16.14.3 Surplus Property and Funds

If upon liquidation or dissolution of the Association there remain, after the satisfaction of all its debts and liabilities, any property whatsoever the same shall not be paid or distributed among the members of the Association but shall be forwarded to the Board of Marching New Zealand to be held for the purposes of promoting the Sport in the Association's geographic area at sometime in the future.

16.15 Disputes

If any dispute arises within or between the Association Committee, Teams or Clubs, which cannot be resolved by the Association Committee, the matter in dispute shall be referred by any party to the dispute to the Board whose decision shall be final.

16.16 Registration

Each Association shall apply to the Board for registration annually. The Board, may grant, or, at its discretion, decline to grant or delay the granting of any application for registration by an Association.

16.17 Incorporation

Each Association shall be incorporated under the Incorporated Societies Act 1908.

16.18 Membership

Each Association member shall also be a member of Marching New Zealand and shall undertake to conform to the Rules of the Constitution and Policies and/or Rules of Participation of Marching New Zealand and the Association.

16.19 Teams

As per Rule 17 of the Constitution of Marching New Zealand.

16.20 Clubs

As per Rule 18 of the Constitution of Marching New Zealand.

16.21 Patron

The Association Committee may appoint a Patron.

17. TEAMS

(Updated June 2010)

Each member of a Team shall be a member of an Association and of Marching New Zealand.

17.1 Competitive

Participation in an activity designed as a healthy, skilful, sporting and recreation exercise involving competing in set routine and own Team devised phase.

17.1.1 Grading

Teams shall be categorised as being either a Masters, Senior, Under 16, Under 12 or Fernz.

17.1.2 Composition

Shall be as per the Rules of Participation.

17.2 KiwiMarching

Participation in an activity designed as a healthy, skilful, sporting and recreational exercise of a display nature.

17.2.1 Grading

A Grading for the introduction of Coaches and young Marchers.

17.2.2 Composition

Shall be as per the Rules of Participation.

17.3 Open

Participation in an activity designed as a healthy, skilful, sporting and recreational exercise of a display nature.

17.3.1 Grading

A Grading for those Marchers wishing to participate in the Sport, other than competitively or in the elementary KiwiMarching display involvement.

17.3.2 Composition

Shall be as per the Rules of Participation.

18. CLUBS

(Updated July 2003)

18.1 Composition

A Team or group of Teams.

18.2 Committee

The Club Constitution will determine that a Club Committee will be comprised according to one of the following:

- a) A President, Secretary, Treasurer and an equal number of representative from each Club Team with the proviso that one of these representatives shall be a Team Coach if that person so desires.

Every other member of each Team within the Club, providing they are at least sixteen (16) years of age or if not, then represented by one parent, guardian or caregiver, shall be entitled to attend each Club meeting with the right to speak but not vote.

or

- b) A President, Secretary, Treasurer and each Coach, Chaperon, Manager and Treasurer of each Club Team.

Every other member of each Team within the Club, providing they are at least sixteen (16) years of age or if not, then represented by one parent or guardian.

or

- c) A President, Secretary, Treasurer and each Coach, Chaperon, Manager and Treasurer of each Club Team.

18.3 Annual General Meeting

An Annual General Meeting shall be convened at a venue and time as determine by the Club Constitution. The business to be conducted thereat will be defined in the Club Constitution, which must include that the President, Secretary and Treasurer shall be elected at this meeting

18.4 Registration

Each Club shall apply to the Association Committee for registration annually.

18.5 Membership

Each Club Committee member shall also be a member of Marching New Zealand and of an Association, and shall undertake to conform to the Rules of the Constitution and Policies and/or Rules of Participation of Marching New Zealand and the Association.

18.6 Constitution and Policies

- 18.6.1 Each Club shall have a Club Constitution (which shall be based on the Club Constitution drafted and approved by Marching New Zealand, unless a Club-designated Constitution was in place prior to 1 January 1999), and ensure that its own rules of the Club Constitution and Policies and/or Rules of Participation (if applicable) are in harmony with those of Marching New Zealand and of its Association, and be approved by the Association.

If any conflict arises then the application of Marching New Zealand's and the Association's Constitution and Policies and/or Rules of Participation take precedence and the Club must effect the appropriate changes to their Constitution or Policies and/or Rules of Participation to bring into harmony, at the earliest opportunity.

- 18.6.2 Changes to the Club Constitution and Policies and/or Rules of Participation, following the submission by a Club Committee, Team or three Individual Members by a date advised in the Notice of Annual General Meeting, must receive the approval of the Association Committee before being enacted.

19. PATRON

(Updated June 2007)

The Board may appoint a Patron.