



CONSTITUTION

JUNE 2023

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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 June 2021)

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 and for all members who participate in a support role (e.g. coaches, judges, administrators and other officials), both in New Zealand and overseas, reach their potential and gain maximum enjoyment from their participation.
- 2.3 Represent the Sport of Marching in any matter, both in New Zealand and overseas.

3. POWERS

(Updated June 2019)

The Powers of Marching New Zealand are to:

- 3.1 Make and amend Rules of the Constitution, at any Annual Meeting and Policies and/or Rules of Participation, at any biennial Annual Meeting.
- 3.2 Define boundaries within which each Association shall operate.
- 3.3 Establish rules and conditions for the operation of Associations, their Teams and Members.
- 3.4 Establish rules and conditions, including drills and judging criteria, for Championships and Competitions conducted by Marching New Zealand and its registered Associations.
- 3.5 Arrange and conduct New Zealand Championships, and Displays of Marching, for registered Teams, and invite other individuals or groups to give demonstrations at these events.
- 3.6 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.
- 3.7 Withdraw, suspend, or terminate membership.
- 3.8 Determine, implement, and enforce disciplinary procedures, including sanctions and penalties.
- 3.9 Establish tribunals, conduct hearings, and hear appeals.
- 3.10 Develop drug testing and other policies and associated disciplinary procedures, including sanctioning individual members, and defining who those members are.
- 3.11 Assign functions to and/or enters into agreement with other organisations such as the NZ Sports Drug Agency.
- 3.12 Ensure that in furthering the Objects of Marching New Zealand, that Acts of Parliament and Statutory Regulations are complied with.
- 3.13 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.
- 3.14 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.

- 3.15 Draw, make, accept, endorse, discount, execute, issue, and negotiate cheques, bills of exchange, warrants, debentures, or other negotiable instruments.
- 3.16 Raise and apply funds through membership fees, grants, donations, sponsorship, and specific fund-raising ventures in accord with the Objects of Marching New Zealand.
- 3.17 Enter into appropriate insurance arrangements to cover the property, employees, and members of Marching New Zealand.
- 3.18 Delegate duties and co-opt or appoint sub-committees or individuals.
- 3.19 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.
- 3.20 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 2023)

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.

4.1.2 Team (Competitive)

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, providing the person has reached the age of eighteen (18) years of age, to be elected to the Board of Marching New Zealand

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, may attend and vote at an Association Annual or Special Meeting on behalf of that Team (Competitive) member.

4.1.3 Team (Non-Competitive)

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 Free Choice 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, providing the person has reached the age of eighteen (18) years of age, 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.

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

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 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, such application will be reviewed and agreed or otherwise. If the application is declined, the applicant will be informed of the reason. Any applicant declined membership by the Association can appeal this decision to Marching New Zealand. The decision of Marching New Zealand will be final.

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.

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 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 Executive Officer of Marching New Zealand, written details in support of the appeal. Upon receipt of notification of intention to appeal, the 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 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 Executive Officer, written details in support of the appeal.
- 4.9.3. Upon receipt of notification of intention to appeal, the 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 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 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, electronic 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 2023)

5.1 Governance

Govern the affairs of Marching New Zealand in furtherance of the Objects and in accordance with the Powers and implement the decisions of the Annual and any Special Meeting.

5.2. Composition

The Board shall comprise elected and appointed Board Members – an elected President and four other elected Board Members, together with a Board appointed Director of Finance, and at the discretion of the Board, only when the Board deems necessary, one Specialist Director (discipline to be inserted in the title on appointment, e.g. Marketing, Communications, Governance or any other discipline of need at the time of appointment).

5.3 Eligibility

- 5.3.1. Members of Marching New Zealand that have reached the age of eighteen (18) years of age, (except Marchers and Team Officials of Introductory and Open Free Choice Grade Teams and Individual – Associate members) are eligible for election to a position on the Board.
- 5.3.2 One (1) of the existing elected Board Members (together with any replacement Board Member) shall retire by rotation at each Annual Meeting. These elected Board Members shall be eligible upon nomination, after two years have lapsed for election. Election shall be for a period of four (4) years.
- 5.3.3 The President shall retire after four consecutive years in office, and shall be eligible upon nomination, after two years have lapsed for election.
- 5.3.4 The Board will appoint the Director of Finance for a four-year term. The Board may re-appoint the same person for any number of subsequent four-year terms.
- 5.3.5 The Board may appoint one Specialist Director as per Rule 5.2, whose tenure will cease at the end of the next Annual Meeting. A Specialist Director may be re-appointed to the end of the subsequent Annual Meeting but will have a maximum term of two consecutive years

5.4 Election

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

- 5.4.1. The Executive Officer shall inform Associations, MNZ Life Members, members of the Technical Working Party, 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 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 Executive Officer to Associations, MNZ Life Members, members of the Technical Working Party, 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 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 and entitled to vote 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 If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, and if those present and entitled to vote agree, the meeting will continue. All business transacted, and decisions made at this meeting shall be confirmed at the next meeting of the Board where a quorum is present.

5.9 Resignation

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

5.10 Management

An 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 2023)

6.1 Notice

6.1.1 Annual Meeting

The Executive Officer shall inform Associations, MNZ Life Members, members of the Technical Working Party, 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, and can, at the Boards discretion, be via alternative means such as using audio/visual and/or electronic technology.

6.1.2 Special Meeting.

The Executive Officer shall inform Associations, MNZ Life Members, members of the Technical Working Party, 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 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 eligible to vote and any number of Observers not eligible to vote or speak unless at the invitation of the Chairperson), MNZ Life Members, members of the Board, and members of the Technical Working Party (not eligible to vote or speak unless at the invitation of the Chairperson).

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 and entitled to vote 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 MNZ Life Members).

6.5.2. If within thirty (30) minutes of the time appointed for the commencement of the meeting, a quorum is not present, and if those present and entitled to vote agree, the meeting will continue.

6.6 Business of Annual Meeting

The business to be transacted, but not necessarily in this order, and which the Executive Officer shall inform Associations, MNZ Life Members, members of the Technical Working Party, and members of the Board not less than 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 Executive Officer.
- (c) Receive and adopt the Financial Performance and Financial Position for the preceding financial year, prepared by the Director of Finance.
- (d) Receive the auditor's report for the preceding financial year.
- (e) Receive the reports prepared by the Technical Manager, Director of Coaching and Director of Judging.
- (f) Consideration of notices of motion seeking Rule changes to the Constitution.
- (g) Consideration of remits seeking changes to the Policies and/or Rules of Participation.
- (h) Election of members of the Board.
- (i) Appointment of Auditor.
- (j) Appointment of Honorary Solicitor.
- (k) Receive financial budget for the new financial year, prepared by the Board, with the opportunity to discuss.
- (l) Determination of the membership fees.
- (m) Conferral of Life Membership.
- (n) Presentation of Service Certificates/Badges.
- (o) Presentation of Association Membership Trophy.
- (p) Announcement of host Associations for Island and New Zealand Championships the season following the forthcoming one.
- (q) 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 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 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.

6.8 Patron

The Board may appoint a Patron.

7. POLICIES AND/OR RULES OF PARTICIPATION

(Updated June 2015)

- 7.1 The Annual Meeting may, following the submission of an appropriate remit by the Board or an Association by the prior 30 April every second year commencing with the 2016 Annual Meeting (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 2019)

- 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, MNZ Life Members, members of the Technical Working Party 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 June 2023)

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 report is prepared containing particulars of:

- (a) the Statement of Financial Performance for the financial year ended; and
- (b) the Statement of Financial Position of Marching New Zealand at the close of that year.

11.2.2 All such statements shall be audited by the auditor who shall present a report upon such audit to the 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 June 2023)

For other than Appeals covered in Rule 4.9:

14.1 Association Committee

14.1.1 Any member 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 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 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 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 Executive Officer will forward it, together with the supporting written details, to the NZ Sports Disputes Tribunal, administered by Sport New Zealand.

15. LIQUIDATION

(Updated July 2019)

15.1 Purpose

Marching New Zealand may 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.

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 wound up.

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.

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

16.2 Powers

- 16.2.1 Make and amend Rules of the Association 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 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.
- 16.2.4 Recommend to the Board, the withdrawal, suspension, or termination of membership of any person or team.
- 16.2.5 Subscribe to, affiliate, and co-operate with kindred or other organisations in the Association area, in furtherance of the Objects of the Association.
- 16.2.6 Ensure that in furthering the Objects of the Association, that Acts of Parliament and Statutory Regulations are complied with.
- 16.2.7 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.
- 16.2.8 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.
- 16.2.9 Draw, make, accept, endorse, discount, execute, issue, and negotiate cheques, bills of exchange, warrants, debentures, or other negotiable instruments.
- 16.2.10 Apply funds raised through membership fees, grants, donations, sponsorship, and specific fund-raising ventures in accord with the Objects of the Association.
- 16.2.11 Enter into appropriate insurance arrangements to cover property, employees, and members of the Association.
- 16.2.12 Delegate duties and co-opt or appoint sub-committees or individuals.
- 16.2.13 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 and implement the decisions of the Annual and any Special Meeting.

16.4.2 Composition

The Association Committee will be a minimum of seven (7) members and up to a maximum of eleven (11) members comprising a President, Secretary, Treasurer, Coaching Co-ordinator, Chief Judge, Membership/Privacy Officer, Promotion/Publicity Officer and up to four (4) other Committee Members.

Any non-member nominated for an Association Committee position will be required to become a member (as per Rules 4.1.1 to 4.1.4 inclusive) prior to the next Association Committee meeting.

16.4.3 Eligibility

16.4.3.1 Members of the Association who have attained the age of 16 years (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, 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 Introductory and Open Free Choice 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, 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 and eligible to vote 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 If within thirty (30) minutes of the time appointed for the commencement of the meeting a quorum is not present, if those present and eligible to vote agree, the meeting will continue. All business transacted, and decisions made at this meeting shall be confirmed at the next meeting of the Committee where a quorum is present.

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, 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, 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 and eligible to vote 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, and if those present and eligible to vote agree the meeting will continue. All business transacted, and decisions made at this meeting shall be confirmed at the next meeting of the Association Committee where a quorum is present.

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 Financial Statements for the preceding financial year, prepared by the Treasurer.
- (d) Receive the Auditor's or Reviewer's report upon the books and accounts for the preceding financial year.
- (e) Receive the reports prepared by the Chief Judge and Coaching Co-ordinator.
- (f) Consideration of remits seeking changes to the Association Policies and/or Rules of Participation.
- (g) Election of members of the Association Committee.
- (h) Appointment of Honorary Auditor or Reviewer
- (i) Appointment of Honorary Solicitor.
- (j) Receive financial budget for the new financial year, prepared by the Association Committee.
- (k) Determination of the membership fees.
- (l) Conferral of Life Membership.
- (m) Presentation of Service Certificates.
- (n) 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 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.

16.6.2 Changes to the Association Policies and/or Rules of Participation, following the submission by the Association Committee, a 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.

16.6.3 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 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 of the Financial Statements for the financial year just ended.

16.10.2.2 All such statements shall be audited or reviewed by the Auditor or Reviewer 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 or Review 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 may 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.

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 for the purposes of promoting the Sport.

16.15 Disputes

If any dispute arises within or between the Association Committee or Teams 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 Patron

The Association Committee may appoint a Patron.

17. TEAMS

(Updated June 2023)

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 Grade

Teams shall be categorised as being either: Masters, Senior, Under 18 and Under 13

17.1.2 Composition

Shall be as per the Rules of Participation.

17.2 Introductory

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

17.2.1 Grade

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 Free Choice

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

17.3.1 Grade

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

17.3.2 Composition

Shall be as per the Rules of Participation.