



# Rules of Methamphetamine Federation of New Zealand Incorporated

## The Society

### 1.0 Name

- 1.1 The name of the Society is Methamphetamine Federation of New Zealand Incorporated ("the Society").
- 1.2 The Society is constituted by resolution dated 16 August 2016.

### 2.0 Registered Office

- 2.1 The Registered Office of the Society is 711 Mt Albert Road, Royal Oak Auckland 1023.

### 3.0 Purposes of Society

- 3.1 The purposes of the Society are to:
  - a. Advocate the positions and viewpoints of our members to ensure fairness and equality in improving the current NZS 8510:2017 Standard for sites contaminated with methamphetamine and to attempt to regulate the industry.
  - b. Educate our members and the community on developments regarding improvements made to the NZS 8510:2017 Standard.
  - c. Ensure associate members include specialists in specific fields such as but not limited to: electrical, plumbing, structural engineering, asbestos, lead, and mould. Ensure committee members and associate members form sub-committees and dedicate time to provide information relating to their specialised field of knowledge.
  - d. To provide assistance, educate and update Society members and the community.
  - e. Ensure any forms of contamination e.g. asbestos and mould etc. found on site are dealt with in compliance with any legislation, or using appropriate process and procedures, and that these

forms of contamination and appropriate process and procedures are introduced into the NZS8510:2017 Standard.

- f. Ensure that the isolation of the electricity supply to a contaminated property and ALL electrical fittings and fixtures are removed by a registered licensed electrical worker, and that appropriate process and procedures for electrical works are introduced into the NZS8510:2017 standard.
- g. Provide open and honest support to members, the community and industry workers.
- h. Ensure free access to information is available via the Society website.
- i. Ensure visibility in all dealings.
- j. Comply with the Code of Ethics.
- k. Do anything necessary or helpful to the above purposes.

3.2 Business gain is not a purpose of the Society.

3.3 Current authorised members are the only persons who may legally use the society logo. (\*\*\*)needs to go somewhere else – this isn't a purpose)

## **MANAGEMENT OF THE SOCIETY**

### **4.0 Managing Committee**

4.1 The Society shall have a managing committee ("the Committee"), comprising the following persons: The Chair/President, the Secretary, the Treasurer ("the Officers"); and

- a. Such other Members as the Society shall decide.

4.2 Only Members of the Society may be Committee Members.

4.3 There shall be a minimum of three Committee Members, in addition to the Officers.

### **5.0 Appointment of Committee Members**

5.1 Via written notice or meeting the Members may decide by majority vote:

- a. How large the Committee will be;
- b. Who shall be the Chair/President, Secretary, and Treasurer;
- c. Whether any Committee Member may hold more than one position as an officer;
- d. How long each person will be a Committee Member ("the Term").

### **6.0 Cessation of Committee Membership**

6.1 Persons cease to be Committee Members when:

- a. They resign by giving written notice to the Committee.
- b. They are removed by majority vote of the Society at a Society Meeting as set out in clause 7.0 below.
- c. A committee member fails to abide by the rules of the society, or brings the society name into disrepute, and their membership will be immediately terminated.
- d. Their Term expires.

6.2 If a person ceases to be a Committee Member, that person must within one month give to the Committee all Society documents and property.

### **7.0 Expulsion of a member**

- 7.1 Subject to giving a member an opportunity to be heard or to make a written submission, the committee may resolve to expel a member upon a charge of misconduct detrimental to the interests of the association.
- 7.2 Particulars of the charge shall be communicated to the member at least one month before the meeting of the committee at which the matter will be determined.
- 7.3 The determination of the committee shall be communicated to the member, and in the event of an adverse determination the member shall, (subject to 7.4 below), cease to be a member 14 days after the committee has communicated its determination to the member.
- 7.4 It shall be open to a member to appeal the expulsion to the association at a general meeting. The intention to appeal shall be communicated to the secretary or public officer of the association within 14 days after the determination of the committee has been communicated to the member.
- 7.5 In the event of an appeal under 7.4 above, the appellant's membership of the association shall not be terminated unless the determination of the committee to expel the member is upheld by the members of the association in general meeting after the appellant has been heard by the members of the association, and in such event membership will be terminated at the date of the general meeting at which the determination of the committee is upheld.

### **8.0 Nomination of Committee Members**

- 8.1 Nominations for members of the Committee shall be called for at least 28 days before an Annual General Meeting. Each candidate shall be proposed and seconded in writing by Members and the completed nomination delivered to the Secretary. Nominations shall close at 5pm on the fifth day before the Annual General Meeting. [See also rule 21.4(b)] All retiring members of the Committee shall be eligible for re-election.
- 8.2 If the position of any Officer becomes vacant between Annual General Meetings, the Committee may appoint another Committee Member to fill that vacancy until the next Annual General Meeting.

- 8.3 If the position of any Committee Member becomes vacant between Annual General Meetings, the Committee may appoint another Society Member to fill that vacancy until the next Annual General Meeting.
- 8.4 If any Committee Member is absent from three consecutive meetings without leave of absence the Chair/President may declare that person's position to be vacant.

## **9.0 Role of the Committee**

9.1 Subject to the rules of the Society ("The Rules"), the role of the Committee is to:

- a. Administer, manage, and control the Society;
- b. Carry out the purposes of the Society, and Use Money or Other Assets to do that;
- c. Manage the Society's financial affairs, including approving the annual financial statements for presentation to the Members at the Annual General Meetings;
- d. Set accounting policies in line with generally accepted accounting practice;
- e. Delegate responsibility and co-opt members where necessary;
- f. Ensure that all Members follow the Rules;
- g. Decide how a person becomes a Member, and how a person stops being a Member;
- h. Decide the times and dates for Meetings, and set the agenda for Meetings;
- i. Decide the procedures for dealing with complaints;
- j. Set Membership fees, including subscriptions and levies;
- k. Seek sponsorship or donations for the non-profit society (to maintain and update website, accounting software, auditor, stationary etc.; and make regulations.

9.2 The affairs of the Society shall be managed and controlled by the Committee which, in addition to any powers and authorities conferred by these Rules, may exercise all such powers and do all such things as are within the objects of the Society, and are not by the Act or by these Rules required to be done by the Society in general meeting.

9.3 The Committee has all of the powers of the Society, unless the Committee's power is limited by these Rules, or by a majority decision of the Society.

9.4 All decisions of the Committee shall be by a majority vote. In the event of an equal vote, the Chair/President shall have a casting vote, that is, a second vote.

9.5 Decisions of the Committee bind the Society, unless the Committee's power is limited by these Rules or by a majority decision of the Society.

9.6 The Committee shall have the authority to interpret the meaning of these rules and any other matter relating to the affairs of the Society on which these rules are silent.

## **10.0 Roles of Committee Members**

10.1 The Chair/President is responsible for:

- a. Ensuring that the Rules are followed;
- b. Convening Meetings (webinar or the like) and establishing whether or not a legal minimum attendance (half of the Committee) is present;
- c. Chairing Meetings, deciding who may speak and when;
- d. Overseeing the operation of the Society;
- e. Providing a report on the operations of the Society at each Annual General Meeting.

10.2 The Secretary is responsible for:

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

10.3 The Treasurer is responsible for:

- a. Keeping accurate accounting records of the Society's financial transactions to allow the Society's financial position to be readily ascertained;
- b. Preparing annual financial statements for presentation at each Annual General Meeting. These statements should be prepared in accordance with the Societies' accounting policies (see 8.1.d).
- c. Providing a financial report at each Annual General Meeting;
- d. Providing financial information to the Committee as the Committee determines.

### **11.0 Committee Meetings**

11.1 Committee meetings may be held via webinar, video or telephone conference, or other formats as the Committee may decide;

11.2 No Committee Meeting may be held unless more than half of the Committee Members attend;

11.3 The Chair/President shall chair Committee Meetings, or if the Chair/President is absent, the Committee shall elect a Committee Member to chair that meeting;

11.4 Decisions of the Committee shall be by majority vote;

11.5 The Chair/President or person acting as Chair/President has a casting vote, that is, a second vote;

11.6 Subject to these Rules, the Committee may regulate its own practices;

11.7 The Chair/President or his nominee shall adjourn the meeting if necessary.

## **Society membership**

### **12.0 Types of Members**

12.1 Membership may comprise different classifications of membership as decided by the Society.

12.2 Members have the rights and responsibilities set out in these Rules.

### **13.0 Admission of Members**

13.1 To become a Member, a person ("the Applicant") must:

- a. Complete an application form, if the Rules, Bylaws or Committee requires this; and
- b. Supply any other information the Committee requires.

13.2 The Committee may interview the Applicant when it considers Membership applications.

13.3 The Committee shall have complete discretion when it decides whether or not to allow the Applicant become a Member. The Committee shall advise the Applicant of its decision, and that decision shall be final.

### **14.0 The Register of Members**

14.1 The Secretary shall keep a register of Members ("the Register"), which shall contain the names, the postal and email addresses and telephone numbers of all Members, and the dates at which they became Members and (if applicable) the date of and reason(s) for termination of membership.

14.2 If a Member's contact details change, that Member shall give the new postal or email address or telephone number to the Secretary.

14.3 Each Member shall provide such other details as the Committee requires.

14.4 Members shall have reasonable access to the Register of Members.

### **15.0 Cessation of Membership**

15.1 Any Member may resign by giving written notice to the Secretary.

15.2 Membership terminated in the following way:

- a. If, for any reason whatsoever, the Committee is of the view that a Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Society, the Committee may give written notice of this to the Member ("the Committee's Notice"). The Committee's Notice must:
  - i. Explain how the Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Society;
  - ii. State what the Member must do in order to remedy the situation; or state that the Member must write to the Committee giving reasons why the Committee should not terminate the Member's Membership.
  - iii. State that if, within 14 days of the Member receiving the Committee's Notice, the Committee is not satisfied, the Committee may in its absolute discretion immediately terminate the Member's Membership.

- iv. State that if the Committee terminates the Member's Membership, the Member may appeal to the Society.
- b. Fourteen days after the Member received the Committee's Notice, the Committee may in its absolute discretion by majority vote terminate the Member's Membership by giving the Member written notice ("Termination Notice"), which takes immediate effect. The Termination Notice must state that the Member may appeal to the Society at the next Meeting by giving written notice to the Secretary ("Member's Notice") within 14 days of the Member's receipt of the Termination Notice.
- c. If the Member gives the Member's Notice to the Secretary, the Member will have the right to be fairly heard at a Society Meeting held within the following 28 days. If the Member chooses, the Member may provide the Secretary with a written explanation of the events as the Member sees them ("the Member's Explanation"), and the Member may require the Secretary to give the Member's Explanation to every other Member within 7 days of the Secretary receiving the Member's Explanation. If the Member is not satisfied that the other Society Members have had sufficient time to consider the Member's Explanation, the Member may defer his or her right to be heard until the following Society Meeting.
- d. When the Member is heard at a Society Meeting, the Society may question the Member and the Committee Members.
- e. The Society shall then by majority vote decide whether to let the termination stand, or whether to reinstate the Member. The Society's decision will be final.

#### **16.0 Obligations of Members**

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

16.2 All members shall refrain from making comment or providing advice on subjects outside of their expertise.

16.3 All members shall strictly adhere to the requirement that at no point in time whilst a member of this Society shall a member be both a Sampler and a Decontaminator. All members agree they will be either a Sampler OR a Decontaminator, not both.

16.4 All members shall refrain from making any comment or action which may bring the methamphetamine contamination industry into disrepute.

16.5 All members shall be respectful, empathetic and provide visibility in all dealings.

16.6 All members shall, faced with any ethical dilemma, put the issue in writing immediately to the committee so that the committee is able to make the other members aware of the issue. This may be a situation where a customer requests the members to cut corners on jobs, e.g. therefore failing to comply with the standard. This information can then be noted to provide a history on the job should issues arise in the future, therefore protecting the sampling or decontamination company.

16.7 All members shall ensure their employees have been provided and fully understand the industry standards/ society expectation.

16.8 All members shall comply with the Code of Ethics.

## **Money and other assets of the society**

### **17.0 Use of Money and Other Assets**

17.1 The Society may only Use Money and Other Assets if:

- a. It is for a purpose of the Society;
- b. It is not for the sole personal or individual benefit of any Member; and
- c. That Use has been approved by either the Committee or by majority vote of the Society.

### **18.0 Joining Fees, Subscriptions and Levies**

18.1 If any Member does not pay a Subscription or levy by the date set by the Committee or the Society, the Secretary will give written notice that, unless the arrears are paid by a nominated date, the Membership will be terminated. After that date, the Member shall (without being released from the obligation of payment of any sums due to the Society) have no Membership rights and shall not be entitled to participate in any Society activity.

### **19.0 Additional Powers**

19.1 The Society may:

- a. Employ people for the purposes of the Society;
- b. Exercise any power a trustee might exercise;
- c. Invest in any investment that a trustee might invest in;
- d. Borrow money and provide security for that if authorised by Majority vote at any Society Meeting.

### **20.0 Financial Year**

20.1 The financial year of the Society begins on 1 April of every year and ends on 31 March of the next year.

### **21.0 Assurance on the Financial Statements**

Explanation: The organisation needs to consider what assurance over the financial statements it wants or needs. If a reviewer is required, use paragraph 20.1, if an auditor, use paragraphs 20.2, or use 20.3.

21.1 The Society shall appoint an accountant to review the annual financial statements of the Society ("the Reviewer"). The Reviewer shall conduct an examination with the objective of providing a report that nothing has come to the Reviewer's attention to cause the Reviewer to believe that the financial information is not presented in accordance with the Society's accounting policies. The Reviewer must be a suitably qualified person, preferably a member of the New Zealand Institute of Chartered Accountants, and must not be a member of the Committee, or an employee of the Society. If the Society appoints a Reviewer who is unable to act for some reason, the Committee shall appoint another Reviewer as a replacement.



The Committee is responsible to provide the Reviewer with:

- a. Access to all information of which the Committee is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters
- b. Additional information that the reviewer may request from the Committee for the purpose of the review; and
- c. Reasonable access to persons within the Society from whom the reviewer determines it necessary to obtain evidence.

21.2 The Society shall appoint an Auditor to audit the annual financial statements of the Society. The Auditor shall report on whether the financial statements are prepared in all material respects in accordance with the Society's accounting policies. The Auditor must be a suitably qualified person, and preferably be a member of the New Zealand Institute of Chartered Accountants, and must not be a member of the Committee, or an employee of the Society. If the Society appoints an Auditor who is unable to act for some reason, the Committee shall appoint another Auditor as a replacement.

The Committee is responsible to provide the auditor with:

- a. Access to all information of which the Committee is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters
- b. Additional information that the auditor may request from the Committee for the purpose of the audit; and
- c. Reasonable access to persons within the Society from whom the auditor determines it necessary to obtain evidence.

21.3 No review or audit of the annual financial statements is required unless a review or audit is requested by 5% of the Members at any properly convened Society Meeting.

## **Conduct of meetings**

### **22.0 Society Meetings**

22.1 A Society Meeting is either an Annual General Meeting or a Special General Meeting.

22.2 The Annual General Meeting shall be held once every year no later than five months after the Society's balance date. The Committee shall determine when and where the Society shall meet within those dates.

22.3 Special General Meetings may be called by the Committee. The Committee must call a Special General Meeting if the Secretary receives a written request signed by at least 10% of the Members.

22.4 The Secretary shall:

- a. Give all Members at least 14 days Written Notice of the business to be conducted at any Society Meeting

- b. Additionally, the Secretary will provide, appropriate:
- i. A copy of the Chair/President's Report on the Society's operations and of the Annual Financial Statements as approved by the Committee,
  - ii. A list of Nominees for the Committee, and information about those Nominees if it has been provided. (The Secretary must not provide Members with information exceeding one side of an A4 sheet of paper per Nominee)
  - iii. Notice of any motions and the Committee's recommendations about those motions.
  - iv. If the Secretary has sent a notice to all Members in good faith, the Meeting and its business will not be invalidated simply because one or more Members do not receive the notice.

22.5 All Members may attend and vote at Society Meetings.

22.6 No Society Meeting may be held unless at least 25% of eligible Members attend. (This will constitute a legal minimum attendance.)

22.7 All Society Meetings shall be Chaired by the Chair/President. If the Chair/President is absent, the Society shall elect another Committee Member to Chair that meeting. Any person Chairing a Society Meeting has a casting vote.

22.8 On any given motion at a Society Meeting, the Chair/President shall in good faith determine whether to vote by:

- a. Voices;
- b. Show of hands; or
- c. Secret ballot.
- d. Email or other approved electronic methods that the members shall agree to in a majority vote.

However, if any Member demands a secret ballot before a vote by voices or show of hands has begun, voting must be by secret ballot. If a secret ballot is held, the Chair/President will have a casting, that is, second vote.

22.9 The business of an Annual General Meeting shall be:

- a. Receiving any minutes of the previous Society's Meeting(s);
- b. The Chair/President's report on the business of the Society;
- c. The Treasurer's report on the finances of the Society, and the Annual Financial Statements;
- d. Election of Committee Members;
- e. Motions to be considered;
- f. General business.

22.10 The Chair/President or his nominee shall adjourn the meeting if necessary.

### **23.0 Motions at Society Meetings**

23.1 Any Member may request that a motion be voted on ("Member's Motion") at a particular Society Meeting, by giving written notice to the Secretary at least 28 days before that meeting. The Member may also provide information in support of the motion ("Member's Information"). The Committee may in its absolute discretion decide whether or not the Society will vote on the motion. However, if the Member's Motion is signed by at least 5% of eligible Members:

- a. It must be voted on at the Society Meeting chosen by the Member; and
- b. The Secretary must give the Member's Information to all Members at least 14 days before the Society Meeting chosen by the Member; or
- c. If the Secretary fails to do this, the Member has the right to raise the motion at the following Society Meeting.

23.2 The Committee may also decide to put forward motions for the Society to vote on ("Committee Motions") which shall be suitably notified.

## **Common seal**

### **24.0 Common seal**

24.1 The Committee shall provide a common seal for the Society and may from time to time replace it with a new one.

24.2 The Secretary shall have custody of the common seal, which shall only be used by the authority of the Committee. Every document to which the common seal is affixed shall be signed by the President and countersigned by the Secretary or a member of the Committee.

## **Altering the rules**

### **25.0 Altering the Rules**

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

25.2 Any proposed motion to amend or replace these Rules shall be signed by at least 10% of eligible Members and given in writing to the Secretary at least 28 days before the Society Meeting at which the motion is to be considered, and accompanied by a written explanation of the reasons for the proposal.

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

25.4 When a Rule change is approved by a General Meeting no Rule change shall take effect until the Secretary has filed the changes with the Registrar of Incorporated Societies.

# Bylaws

## 26.0 Bylaws to govern the Society

26.1 The Committee may from time-to-time make, alter or rescind bylaws for the general management of the society, so long as these are not repugnant to these rules or to the provisions of law. All such bylaws shall be binding on members of the Society. A copy of the bylaws for the time being, shall be available for inspection by any member on request to the Secretary.

# Winding up

## 27.0 Winding up

27.1 If the Society is wound up:

- a. The Society's debts, costs and liabilities shall be paid;
- b. Surplus Money and Other Assets of the Society may be disposed of:
  - i. By resolution; or
  - ii. According to the provisions in the Incorporated Societies Act 1908; but
- c. No distribution may be made to any Member;
- d. The surplus Money and Other Assets shall be distributed to: [see S.27 of the Act]
  - i. The Turning Point New Zealand

# Definitions

## 28.0 Definitions and Miscellaneous matters

28.1 In these Rules:

- a. "Majority vote" means a vote made by more than half of the Members who are present at a Meeting and who are entitled to vote and voting at that Meeting upon a resolution put to that Meeting.
- b. "Money or Other Assets" means any real or personal property or any interest therein, owned or controlled to any extent by the Society.
- c. "Society Meeting" means any Annual General Meeting, or any Special General Meeting, but not a Committee Meeting.
- d. "Use Money or Other Assets" means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any other way deal with, Money or Other Assets.

- e. "Written Notice" means communication by post, electronic means (including email, and website posting), or advertisement in periodicals, or a combination of these methods.
- f. It is assumed that
  - i. Where a masculine is used, the feminine is included
  - ii. Where the singular is used, plural forms of the noun are also inferred
  - iii. Headings are a matter of reference and not a part of the rules
- g. Matters not covered in these rules shall be decided upon by the Committee.