

**THE CANTERBURY MASTER PLASTERERS
AND TILERS EMPLOYERS ASSOCIATION (INC)**

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RULES

1. NAME

The name of the Association will be "The Canterbury Master Plasterers and Tilers Employers Association (Incorporated) ("the Association"). The Association will be incorporated under the Incorporated Societies Act 1908 ("the Act").

2. OBJECTS

The objects of the Association will be:

- 2.1 To protect the interests of Members and the plastering and tiling industry in general by all lawful means.
- 2.2 To raise funds by means of subscriptions from Members in the amounts and the manner provided for in these Rules and to use the funds as the Association may consider necessary in proper payment of costs and expenses and in furthering the objects of the Association in any way the Association may see fit.
- 2.3 To enter into any arrangements with any person which will promote the Association's objects.
- 2.4 To seek the advantages of preferential business arrangements for Members.
- 2.5 To promote means and measures to maintain and improve the standards of the plastering and tiling industry, to increase the status of Members with the general public, and to ensure the general public, fair and reasonable treatment in dealing with the plastering and tiling industry.
- 2.6 To promote a higher standard of training within the industry.
- 2.7 To protect both the public and the Members of the Association against dishonest and corrupt purposes.

3. REGISTERED OFFICE

- 3.1 The Association will have a registered office to be decided from time to time by the Association or Committee.
- 3.2 The Secretary will notify Members and any other interested person of any change in address of the office.

4. MANAGEMENT

- 4.1 There will be a management Committee ("the Committee") consisting of a President, a vice President, a Secretary and a Treasurer (who will be deemed to the officers of the Association) and one other Member of the Association.
- 4.2 The officers and other Member of the Committee will be elected and will hold office in accordance of Rule 10.
- 4.3 The Committee will manage the business and affairs and control and invest the funds of the Association subject to the provisions of paragraph 4.4 of this Rule.

- 4.4 The Committee may exercise all of the powers of the Association which are not required by the Act or by these Rules to be exercised by a meeting of the Association or by ballot of all Members or in any other way.
- 4.5 The Committee will do all lawful things which may be required to be done by it at any meeting of the Association.

5 MEMBER CATEGORIES

- 5.1 The Association shall provide Membership for all bona fide persons or businesses who are practising External Plasterers and/or Tilers, who apply for Membership and pay the subscription as set by the Association and who are approved by the Committee at its discretion. There shall be two classes of Membership; **“MASTER PLASTERER AND/OR MASTER TILER”** and **“ASSOCIATE MEMBER”**.

6 ASSOCIATE MEMBERS

- 6.1 The Association shall provide Associate Membership for all bona fide persons or businesses who are involved in or affiliated to the plastering and/or tiling industry, but who are not practising Plasterers and/or Tilers, who apply for such Membership and pay the subscriptions as set by the Association. Associate Members have no voting rights.
- 6.2 Associate Membership shall confer only such rights and privileges and be subject to such restrictions as defined by the Association.

7 LIFE MEMBERS

- 7.1 The Association may confer Association Life Membership on any person in recognition of outstanding service to the Association or the plastering and/or tiling industry at a local or regional level.
- 7.2 Nominations for Life Membership may be made by any Member of the Association of which the nominee is a Member. Nominations must have the prior approval of the Committee and the final approval at an Annual General Meeting.
- 7.3 Nominations shall be made to the Association Committee at least forty (40) days prior to the date of the Annual General Meeting and shall include Curriculum Vitae of the nominee detailing the nominee’s credentials.
- 7.4 The Life Membership shall be presented to the nominee at the Annual General Meeting.
- 7.5 Life Members will not be required to pay any subscriptions or levies.

8. MEMBERSHIP

- 8.1 Any master Plasterer and/or Tiler within the CANTERBURY/WESTLAND /MARLBOROUGH/NELSON and SOUTH CANTERBURY provincial areas may apply in writing to the Secretary for Membership.
- 8.2 Any applicant must return the completed application form to the Secretary along with any applicable joining levy which shall be set by the Association. The Secretary will bring any application before the Membership Committee who will decide whether the applicant will be given Membership.

8.3 If the Committee decides to give the applicant Membership, the applicant may immediately join the Association, by paying the subscription to the Treasurer

8.4 By paying the joining fee the applicant:

8.4.1 Acknowledges that the applicant has read and understood the Association's Rules and agrees to abide by them; and

8.4.2 Agrees in the case of any complaint that the applicant has produced inferior workmanship that the applicant will either;

(a) Make good or replace the work which is the subject of the complaint; or

(b) Renegotiate the charge to the satisfaction of the complainant; or

(c) Have the case investigated by an arbitrator to be appointed by agreement between the complainant and the applicant and abide by the arbitrator's decision as to the need for any reduction in charge or remedial work which may be required.

FAILURE TO DO SO MAY RESULT IN EXPULSION FROM THE ASSOCIATION AT THE ASSOCIATION'S DISCRETION UNDER RULE 8.6.

8.5 Any Member may withdraw from the Association by giving at least one month's written notice to the Secretary of intention to do so. The withdrawing Member will pay all monies due to the Association up to the expiry of the notice. At the expiry of the notice Membership will cease.

8.6 The Association may vote at a special meeting called in accordance with Rule 16 to expel any Member from the Association.

8.7 Any Member resigning or expelled will return any documents held in relation to the Association and any other property of any kind belonging to the Association to the Secretary immediately on resignation or expulsion.

9. **ANNUAL SUBSCRIPTIONS AND LEVIES**

9.1 Annual subscription of the Association will be the sum the Association determines from time to time at a general meeting. The annual subscription will be payable on the 20th of the month following invoicing and within 3 months of the date of invoice

9.2 Until a change in the subscription is made by the Committee and endorsed at the Annual General Meeting the subscription already fixed shall remain in force.

9.3 The Association may by resolution impose a levy on Members for any purpose which the Association considers expedient or necessary for furthering the interests of the Association and its Members. Every Member will pay any such

levy to the Treasurer on notice of the passing of such a resolution at an annual meeting.

- 9.4 Failure to pay any subscription or levy within the stated time and after a notice in writing from the Secretary stating the Member has seven working days to pay the outstanding sums in full, will result in the Members being expelled from the Association.

10. **ELECTION OF OFFICERS**

The officers and other Members of the Committee:

- 10.1 Will be elected annually at the annual meeting provided in Rule 15;
- 10.2 And will hold office until they die or their successors are elected whichever occurs first subject to the provisions of Rule 16; and
- 10.3 Will be eligible for re-election.

11. **COMMITTEE MEETINGS**

- 11.1 It will be the duty of the Secretary to call a Committee meeting at the date and time and place requested by the President or by any two Members of the Committee.
- 11.2 The Committee will meet at times and places it may see fit subject to the provisions of paragraph 11.1.
- 11.3 Three Committee Members present will be a quorum.

12. **DUTIES AND POWERS OF PRESIDENT**

- 12.1 It will be the duty of President to:
- 12.1.1 Supervise the business and affairs of the Association; and
- 12.1.2 Attend and preside over all meetings of the Association and the Committee to keep order, conduct business and decide all points of order at those meetings; and
- 12.1.3 Obey any lawful instructions which may be given by a meeting of the Association or the Committee or which are required by the Act or these Rules; and
- 12.1.4 Perform any other lawful duties required by the office of President.
- 12.2 When presiding at any meeting of the Association the President will have the power to;
- 12.2.1 Exercise a deliberative vote and in the case of tied voting to exercise a casting vote in addition; and

- 12.2.2 Decide the order of business put motions and to declare the result of voting; and
 - 12.2.3 Order the removal of any person from a meeting if in the officer's opinion that person is obstructing business or behaving in a disorderly manner or is not entitled to be present; and
 - 12.2.4 Declare a meeting closed by a resolution of the meeting or without a resolution in the absence of a quorum; and
 - 12.2.5 Generally do all lawful things which may be necessary or desirable to carry on the business of a meeting in an orderly way.
- 12.3 The President will not be required to pay an annual subscription for the duration of his time in office.

13. DUTIES AND POWERS OF VICE PRESIDENT

- 13.1 It will be the duty of the Vice President to:
- 13.1.1 Assist the President in carrying out the duties of the President's office; and
 - 13.1.2 In the President's absence to preside over any meeting and to exercise all of the powers of the office of President.
 - 13.1.3 In the event of the President ceasing to hold office then the Vice President shall take office until the next annual general meeting and shall then be eligible for election.
- 13.2 If the President and the Vice President are both absent a Member of the Committee chosen at the meeting will preside and will have all of the duties of the President.

14. DUTIES AND POWERS OF SECRETARY AND TREASURER

- 14.1 The Secretary will have the following secretarial duties:
- 14.1.1 To call and attend all general and Committee meetings and to take minutes; and
 - 14.1.2 To conduct the Association's correspondence and affairs; and
 - 14.1.3 Make provision for the safe custody of the Common Seal of the Association and its books, records, documents and personal property; and
 - 14.1.4 To keep a register of the names, occupations and addresses of Members together with the dates of their joining and their withdrawal; and
 - 14.1.5 To send the annual return required by the Act to the registrar; and

- 14.1.6 To prepare an annual report on the business and proceedings of the Association during the preceding 12 months immediately prior to the annual general meeting and present that report for approval; and
 - 14.1.7 To obey any lawful instructions given by the Association or the Committee and to do any lawful things which may be required by the Act or these Rules; and
 - 14.1.8 To do any other lawful duties which may be required by the office of Secretary.
- 14.2 The Secretary and Treasurer will be paid as the Association may decide from time to time.
- 14.3 The Treasurer will have the following financial duties:
- 14.3.1 To collect and receive all money due to the Association and to issue receipts in a form approved by the Committee; and
 - 14.3.2 To bank any money received in the name of the Association in the bank account usually operated by it. In no case may the Treasurer keep any of the Association's money in hand exceeding \$1000.00 for longer than two weeks; and
 - 14.3.3 To keep the Association's accounts; and
 - 14.3.4 Assist the Accountancy firm appointed by the Committee with all matters pertaining to the Associations accounts
 - 14.3.5 Together with the Accountancy firm prepare the Statement of Income and Expenditure and the Balance Sheet required to be submitted by the Committee at the annual general meeting and if required submit the accounts for audit and obtain the auditors certificate required in respect to them.
 - 14.3.6 To obey any lawful instructions given by the Association or the Committee and do any lawful things which may be required by the Act or these Rules; and
 - 14.3.7 To do any lawful things which may usually attend the office of Treasurer.

15. **AUDITOR**

- 15.1 The Association will appoint an auditor if a majority vote at an annual general meeting requires such at an annual general meeting. The auditor will be a Member of the New Zealand Society of Accountants and subject to the provisions of Rule 16 will hold office until his/her death or resignation or until a successor is appointed, whichever occurs first. The auditor will be eligible for reappointment.
- 15.2 The auditor will audit the Association's books and accounts as required in accordance with Clause 12.1 immediately after the annual general meeting and at other times the Committee or Association may require.

- 15.3 The Treasurer will give the auditor access to all the Association's books and papers which may be necessary and will give the auditor any other information and assistance required for audit purposes.

16. REMOVAL OF OFFICERS

- 16.1 If any Member desires that any officer, Committee Member or auditor be removed from office or position in the Association that Member may move at any meeting that a special meeting be called to consider the matter.
- 16.2 Not less than fourteen (14) days notice in writing of the intention to move for the removal as an officer shall be given to that officer concerned.
- 16.3 The officer whose removal is to be considered shall be given full opportunity of answering any charges brought against him and of calling evidence before such special meeting.
- 16.4 If such a motion is passed the Secretary will immediately call a special meeting in accordance with Rule 18. If seventy five per centum of Members present at such a special meeting pass a resolution that the officer, Committee Member or auditor, the subject of the vote should be removed from office or from the position then each office or position by the person removed will immediately become vacant.
- 16.5 The voting at the meeting shall be by secret ballot and the voting papers are to be destroyed immediately after the special meeting.
- 16.6 If any officer, Committee Member or auditor is a representative of a firm or company at the time of appointment and later ceases to represent that firm or company the office or position occupied by that person will immediately become vacant.

17. CASUAL VACANCIES

- 17.1 If any office or position becomes vacant for any reason a meeting may fill that vacancy in any manner it thinks fit.
- 17.2 Any person appointed under Rule 17.1 will hold the office or position for the unexpired portion of the predecessor's term (subject to the provisions of Rule 16). The person appointed under Rule 17.1 will be eligible for re-election.

18. MEETINGS

- 18.1 The Association will hold a general meeting at least once every three months, at a time and place to be decided by the President. One of the meetings will be the annual general meeting and shall be held within four months of the end of the previous financial year.
- 18.2 The Secretary will call a special meeting:
- 18.2.1 When required to do so by these Rules; and

- 18.2.2 On receipt of written notice to do so stating the business to be transacted at the meeting signed by either the President or one Committee Member or three Members.
- 18.3 Except as otherwise provided by the ACT or these Rules every annual general meeting and special meeting will be called by the Secretary by notification to each Member at least seven (7) days prior to the meeting. The notification will state the time and place and the business to be transacted. In the case of a special meeting no other business will be taken other than that specified in the notice of meeting.
- 18.4 If the Secretary fails to call a special meeting when required to do so in accordance with Rule 18.2 within two days of receiving notice, any two Committee Members or three Members may call a meeting. Any meeting called in this way will be deemed to have been validly called as if it had been called by the Secretary.
- 18.5 Subject to Rule 12 and 18.3 if any officers are absent from any meeting the Members present may elect a Member to Act instead of the absent officers. The person elected for that purpose will have and may exercise all the powers and duties of the absent officers.
- 18.6 Every question at a meeting will be decided by a majority of the Members present and voting on the question at the meeting except as otherwise provided in these Rules.
- 18.7 Every financial Master Plasterer or Master Tiler Member will have one vote. Voting will be by a show of hands, but any Member may request that any question be decided by a secret ballot of Members present. The President will then immediately direct that a secret ballot be taken.
- 18.8 A quorum for a general meeting will be three Members.
- 18.9 The President will decide any question that may arise as to the conduct, adjournment or termination of a meeting or as to the right of a Member to move a motion or to speak, subject to the decision of the meeting.
- 18.10 A general meeting will have and may exercise all the powers of the Association not required by the Act or by these Rules to be exercised by an annual meeting or a special meeting or by ballot of all Members.
- 18.11 An annual general meeting will have and may exercise all the powers of the Association not required by the Act or by these Rules to be exercised by a special meeting or by ballot of all Members.
- 18.12 A special meeting will have, and may exercise all the powers of the Association not required by the Act or by these Rules to be exercised by an annual general meeting or by ballot of all Members, subject to the provisions in this Rule in relation to special meetings.

19. **BALLOTS**

- 19.1 If a secret ballot is required by these Rules the Committee will appoint a Member as a returning officer. In the case of an election the returning officer may not be a candidate for office.

- 19.2 At least two scrutineers will be appointed by Members present at a meeting. The scrutineers may not be candidates for office.
- 19.3 The returning officer will ensure that every Member present and entitled to vote is given a ballot paper and will inform the Members of the matters to be voted on and the method of voting.
- 19.4 The returning officer will declare the ballot closed after a reasonable time for voting has elapsed and will direct that the ballot papers be collected and given to the scrutineers. The scrutineers will immediately count the votes and setting aside all informal ballot papers and will count the number of votes received by each candidate. They will then notify the returning officer of the results of the ballot
- 19.5 The returning officer will then declare the candidates who have received the highest number of votes to be duly elected.
- 19.6 Where the voting is tied the returning officer will decide which candidate is successful by the toss of a coin.
- 19.7 The ballot will be conducted so as to ensure secrecy of voting
- 19.8 All ballot papers, envelopes, lists and other documents used in connection with an election for any office or position will be destroyed immediately after the election.

20. **COMMON SEAL**

- 20.1 The Association will have a common seal which will be kept by the Secretary who will fix it to any document requiring the Association's common seal.
- 20.2 The common seal will be altered or renewed only by a resolution of the Committee.

21. **LEGAL DOCUMENTS**

- 21.1 Any agreement, deed or other document will be made in such a way and will contain such provisions as may be approved by resolution of a special meeting. All such documents will be executed under the Association's common seal by the President and the Secretary or by such other Members as the Association or Committee may appoint from time to time.

22. **REPRESENTATIVES**

- 22.1 The Association may be represented before any body or agency by any person, the Committee appoint from time to time.

23. **INSPECTION OF BOOKS**

- 23.1 Every person having an interest in the Association's funds may inspect the books of account and the register of Members at the registered office at any reasonable time after making application to the Treasurer.

24. **PURGING THE REGISTER**

- 24.1 The Treasurer may purge the register from time to time by striking off the name of any Member in arrears of subscription for four months.
- 24.2 Removal from the register under this Rule will not free the struck off Member from the obligation to pay any arrears due.

25. **FUNDS**

- 25.1 The Committee may invest any surplus funds in the name of the Association in any legal manner it may decide.
- 25.2 The Treasurer and the President will operate the Association's bank account. No money will be spent for any purposes other than those set out in Rule 2 and no sum over \$1000.00 may be expended except under a resolution of the Association or the Committee or by a decision of the Treasurer and the President together in urgent circumstances, such expense to be ratified as required by this clause at the meeting.

26. **NOTICES**

- 26.1. Each Member shall provide to the Association in writing its address for service and shall notify the Association of any change of address.
- 26.2 A notice may be given by the Association to any Member either personally or by sending it by post or electronically to the Member at its registered address.
- 26.3 Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice and, to have been effected in the case of a notice of meeting on the day after the date of its posting, and in any other case at the time at which the letter would be delivered in the ordinary course of post.
- 26.4 The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by, any Members shall not invalidate the proceedings at any meeting.

27. **DISPUTE RESOLUTION**

- 27.1 If any dispute, difference or question arises between any Members of the Association, or between the Committee and any Member in respect of anything contained in or arising out of these Rules or as to the rights, duties or liabilities hereby created, the parties will, without resorting to litigation, make a genuine effort to resolve the dispute.
- 27.2 If the parties fail to resolve their dispute then the matter in dispute shall be referred to the award of a single arbitrator, or two arbitrators if the parties cannot agree on a single arbitrator and their umpire, and in either case in accordance with the provisions of the Arbitration Act 1996 and its amendments or any statutes enacted in substitution for it.
- 27.3 Pending resolution of any dispute the parties shall continue to perform their respective obligations under the Rules.

28. **INDEMNITY OF FEDERATION OFFICERS AND EMPLOYEES**

- 28.1 The Association shall indemnify an officer or employee of the Association or a related entity for any costs incurred by him in any proceeding:

- (a) that relates to liability for any Act or omission in his capacity as an officer or employee; and
 - (b) in which judgment is given in his favour, or in which he is acquitted, or which is discontinued.
- 28.2. The Association shall indemnify an officer or employee of the Association or a related entity in respect of:
- (a) liability to any person other than the Association or a related entity for any Act or omission in his capacity as an officer or employee: or
 - (b) costs incurred by that officer or employee in defending or settling any claim or proceeding relating to any such liability, not being criminal liability in the case of an officer or, in the case of an employee, of any fiduciary duty owed to the Association, or a related entity.

29. **AMENDMENT OF RULES**

- 29.1 If any Member wishes that these Rules be amended that Member may move at any meeting that a special meeting be called to consider the matter. If the motion is passed the Secretary will immediately call a special meeting for the purpose, giving thirty (30) days notice in writing to each Member of the proposed amendment and the time and place of the special meeting.
- 29.2 If the proposed amendment is passed at the special meeting by seventy five percent centum majority the Secretary will immediately notify the registrar as required by the Act.
- 29.3 The amendment will come into action as soon as it is recorded by the registrar.

30. **WINDING UP**

- 30.1 If a majority of Members wish to cancel the Association's registration the Secretary will immediately apply to the registrar to wind up the Association. The Association will be wound up when its registration has been cancelled by the registrar.
- 30.2 Before cancellation is effective the Treasurer will realise the Association's assets and pay all of its liabilities. If there are any surplus funds they will be disposed of pursuant to the Association's objects in such a way as it may decide.

31. **PRELIMINARY MANAGEMENT**

- 31.1 Any person holding office or any position in the Association at the time of these amended Rules are registered will continue in that office or position until they die, resign or their successor is elected in accordance with these Rules whichever occurs first (subject to Rule 16). Such a person will be eligible for re-election.