



**U.F.B.A**

UNITED FIRE BRIGADES'  
ASSOCIATION OF NEW ZEALAND

# **CONSTITUTION AND RULES**

**OF**

**THE UNITED FIRE BRIGADES' ASSOCIATION  
OF NEW ZEALAND (INCORPORATED)**

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## 1. NAMES, DEFINITIONS AND INTERPRETATIONS

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1.1 The name of the Association shall be “**THE UNITED FIRE BRIGADES’ ASSOCIATION OF NEW ZEALAND INCORPORATED**”.

1.2 In this Constitution and associated Regulations unless the context other requires:

**Accident Assurance Scheme:** means the plan administered by the Association to assist NZFS volunteer personnel injured in the course of their duties.

**Act:** means the Fire Service Act 1975 and amendments.

**Association:** means The United Fire Brigades’ Association of New Zealand Incorporated a society registered under the Incorporated Societies Act 1908 under No. 544376 and under the Charities Act 2005 under No. CC27476.

**Attendance Year:** (which will also be the financial year of the Association) means the period from the 1<sup>st</sup> day of July in any year until the 30<sup>th</sup> day of June in the following year.

**Benevolent Trust Fund:** means the charitable trust established to assist Enrolled Members, Life Members, Past Presidents and their families in times of personal hardship.

**Board:** means the body established by Rule 12.

**Challenges:** means any National Challenge event(s) conducted from time to time by the Association.

**Chief Executive Officer:** means the person for the time being appointed by the Board to that position under Rule 15.3.

**Conference:** means the Annual General Meeting of the Association.

**Communications Centre:** means a New Zealand Fire Service Communications Centre.

**Delegate:** means an Enrolled Member elected to represent a Fire Brigade Member at a Conference or General Meeting of the Association.

**Director:** means a person holding for the time being an elected or appointed position to the Board.

**Eligible Person:** means anyone eligible under the Association’s Constitution and Rules to stand for elected office within the Association.

**Enrolled Member:** means a person for the time being enrolled in a Fire Brigade Member of the Association.

**Fire Brigade:** means a group of Enrolled Members organised and trained for the prevention, suppression, and extinction of fire and attending other emergency incidents.

**Fire Brigade Member or Brigade:** means a Fire Brigade admitted to membership of the Association under Rule 6.

**Fire Region:** means a Fire Region constituted under Section 24 of the Fire Service Act.

**Life Member:** means a person elected as a Life Member of the Association in accordance with Rule 5 and includes Life Honorary Members elected prior to the adoption of this Constitution.

**Model Rules of Association:** means the document issued jointly by the New Zealand Fire Service and the United Fire Brigades' Association setting out "best practice" for the conduct of each fire brigade's administration and affairs.

**Muster:** means each and every time that a Fire Brigade Member assembles for regular training and general, regular or special meetings. It does not include responding to incidents

**NZFBI:** means "The New Zealand Fire Brigades' Institute".

**New Zealand Fire Service:** means the New Zealand Fire Service established under Section 3 of the Act.

**New Zealand Fire Service Commission, Fire Service Commission or Commission:** means the New Zealand Fire Service Commission constituted under Section 4 of the Act.

**NZFS Fire Brigade:** means a Fire Brigade responsible to the National Commander.

**NZFS National Commander:** means the National Commander appointed under Section 17M of the Act.

**Officer(s):** means the President, Vice President and Patron of the Association.

**President:** means the President for the time being of the Association.

**Provincial Association:** means an association of Fire Brigades from within a defined region that has been approved by the Board as a Provincial Association under Rule 15.15.

**Remit:** means a formal motion to be proposed at a general meeting or Conference of the Association pursuant to Rule 17.5,

**Sub-Association:** means a Sub-Association of a Provincial Association consisting of Fire Brigade Members from within a defined regional boundary inside a Provincial Association region.

**Technical Panel:** means the panel established under Rules 15.9.

**Volunteer Fire Brigade:** means a Volunteer Fire Brigade as defined in Section 34(1) of the Act.

**Volunteer Firefighter:** means an Enrolled Member who volunteers and is not paid as an employee for being an Enrolled Member of a Volunteer Fire Brigade which is a Fire Brigade Member of the Association.

**Voluntary Rural Fire Force:** means a fire force formed pursuant to Regulation 36 of the Forest and Rural Fire Regulations 2005 and registered with the National Rural Fire Authority.

## **2. OBJECTS**

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To advance the charitable purposes of Fire Brigade Members within New Zealand in the following ways:

- 2.1 To assist Fire Brigade Members:
  - 2.1.1 To protect life and property from injury or damage by fire or in other situations of emergency.
  - 2.1.2 To undertake fire protection and prevention activities with the highest level of safety and efficiency in organisation, staffing, equipment, discipline and training.
- 2.2 To advance the collective interests and status of member brigades and the safety and welfare of Enrolled Members.
- 2.3 To advocate for and represent Volunteer Fire Brigades and Volunteer Firefighters generally and specifically in relation to disputes or grievances under S.34(5) of the Act and where appropriate provide a mediation service to Volunteer Firefighters in relation to any dispute or grievance.
- 2.4 To promote and monitor Fire Brigade standards and performances to achieve the highest possible level of best practice and to encourage technical training and examinations.
- 2.5 To do such other things as are incidental or conducive to the attainment of any of the above objects.

### **3. FUNCTIONS AND POWERS**

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To advance its objects the Association may exercise the following powers in addition to all other powers conferred by law:

- 3.1 To purchase, lease, exchange, hire or acquire, and to sell, surrender, mortgage, charge, manage, subdivide, develop and deal with, every kind of real or personal property.
- 3.2 To construct, maintain, restore, repair, alter and replace any buildings or other structures.
- 3.3 To borrow or raise money and secure the payment of monies borrowed in such manner as the Board shall think fit and in particular, by the issue of debentures or by way of mortgage charged upon any of the Association's property.
- 3.4 To apply the funds of the Association in furthering its objects and pending such application to invest such funds in any manner authorised by the Board.
- 3.5 To employ such staff and to engage such professional services as the Board shall think desirable.
- 3.6 To effect insurances in respect of any undertaking activity or assets of the Association as the Board may think fit.
- 3.7 To indemnify any person or company against debts, liabilities, claims and proceedings incurred on behalf of, or in the course of, providing any services for the Association and for this purpose to charge any of the assets of the Association.
- 3.8 To guarantee the payment or repayment of moneys and performance of other obligations.
- 3.9 To arrange local, regional and international Challenges and Events.
- 3.10 To promote and support Provincial Associations of Fire Brigade Members.
- 3.11 To operate an Accident Assurance Scheme for Volunteer Firefighters.
- 3.12 Generally to carry out such other powers and functions as the Board may deem necessary for the advancement of the objects of the Association.

## **4. MEMBERSHIP**

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4.1 Membership of the Association shall include:

4.1.1 Life Members

4.1.2 Fire Brigade Members

4.1.3 Associate Members

## **5. LIFE MEMBERSHIP OF THE ASSOCIATION**

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- 5.1 Any person who has rendered outstanding service to the Association nationally shall be eligible for election as a Life Member of the Association and such election shall be conducted in the following manner:
  - 5.1.1 Nomination of any person as a Life Member shall be made in writing with the written support of at least six Fire Brigade Members and three Members of the Board including the Board Members who intend proposing and seconding the nomination.
  - 5.1.2 The Nomination shall be submitted to the Board for approval setting out the full name and address of the Nominee and include the fullest possible information in support of the nomination and the grounds upon which it is considered Life Membership should be granted.
  - 5.1.3 If at a Board meeting at least four Board Members approve the nomination, the person nominated shall be advised that the Association wishes to confer Life Membership subject to endorsement at the Annual Conference of the Association. Members of the Board unable to attend the meeting considering the Life Membership nomination may record their vote in writing.
  - 5.1.4 The person shall be nominated by the President at Annual Conference, the motion seconded and if passed by a 95% (ninety five per cent) majority the person shall be elected and the President will present a Life Member's medal with appropriate ceremony.
- 5.2 A Life Member shall be entitled to attend and speak at any General Meeting of the Association but shall not be entitled to vote unless they are a Delegate.
- 5.3 Nothing in this Rule 5 shall affect the award of Life Membership to any person by a Fire Brigade Member, an Associate Member, a Provincial Association or Sub-Association, which awards shall be governed by the rules of Fire Brigade Member, Associate Member or Association bestowing the award.
- 5.4 Honorary Life Members elected as such prior to the adoption of this Constitution may elect to be referred to as Life Members or Life Honorary Members.

## **6. FIRE BRIGADE MEMBERS**

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- 6.1 The following organisations established and trained for the prevention, suppression and extinction of fires and attending other emergency incidents shall be eligible for Fire Brigade Membership of the Association:
- 6.2 Any Organisation which is:
  - 6.2.1 A Fire Brigade established by the Fire Service Commission and responsible to the NZFS National Commander for discipline and duty.
  - 6.2.2 A volunteer Fire Brigade registered under Section 34 of the Act which has entered into a binding agreement of service with the Commission.
  - 6.2.3 A volunteer Fire Police Unit established under Section 33 of the Act.
  - 6.2.4 A Fire Brigade Auxiliary Unit established under Section 35 of the Act.
  - 6.2.5 An Industrial Fire Brigade registered with the Commission under Section 36 of the Act.
  - 6.2.6 A Defence Fire Brigade established under Section 36A of the Act.
  - 6.2.7 Executive Officers and Firefighters not part of an operational Brigade and constituted into a Brigade under Section 63 of the Act.
  - 6.2.8 A voluntary Rural Fire Force established under Regulation 36 of the Forest and Rural Fires Regulations 2005.
  - 6.2.9 A Communication Centre established by the New Zealand Fire Service.
- 6.3 Fire Brigade Members may elect a Delegate to any General Meeting of the Association including the annual Conference pursuant to Rule 18.1. Every Delegate shall be an Enrolled Member elected at a regular or scheduled meeting of Enrolled Members of the Fire Brigade Member of which due notice has been given.
- 6.4 Fire Brigade members shall be entitled to the following privileges and benefits:
  - 6.4.1 To nominate any Eligible Person for election as an elected member of the Board, as an elected officer, or as a member of the Technical Panel or for any other position within the Association.
  - 6.4.2 To elect a Delegate to vote by ballot at the Annual Conference for an elected officer or for any elected Board Member or member of the Technical Panel and to vote on all other matters arising at any general meeting (including the Annual Conference) or on any referendum.
  - 6.4.3 To participate in Association Challenges.
  - 6.4.4 To be affiliated members of the NZFBI.
  - 6.4.5 To propose any remit under Rule 17.5 which has been authorised by a regular or scheduled meeting of Enrolled Members of the Brigade.
- 6.5 Enrolled Members of a Fire Brigade Member shall be entitled to the following privileges and benefits:

- 6.5.1 To receive Service Awards and Diplomas.
  - 6.5.2 To participate in the Accident Assurance Scheme.
  - 6.5.3 In the case of Fire Brigade Members contributing to the Benevolent Trust to make application for assistance and, if approved, receive benefit from such Trust.
  - 6.5.4 To receive benefits arranged under the Identification Card Scheme.
- 6.6 Fire Brigade Members and Enrolled Members shall be entitled to such other privileges and benefits as shall be decided by the Board.

## **7. ASSOCIATE MEMBERSHIP**

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- 7.1 Associate Membership of the Association may be granted by the Board to any of the following Organisations:
- 7.1.1 Provincial Associations
  - 7.1.2 Rural Fire Authorities
  - 7.1.3 Organisations and Societies with interests in common with the Association such as AFAC, ARRO, Fire Brigade Credit Union, Fire Brigade Welfare Society, Ex-Firefighters' Associations, Fire and Rescue Industry Training Organisation (FRSITO) and Federation of Rural Fire Authorities of New Zealand (FRANZ).
- 7.2 Associate Members may attend General Meetings of the Association and may be invited to speak. They shall not have voting rights. Associate Members or any category of Associate Member may be required to pay such subscription in accordance with Rule 10 as may be fixed by the Conference of the Association after receiving a recommendation of the Board.

## **8. ADMISSION TO AND TERMINATION OF MEMBERSHIP**

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- 8.1 Application for admission to membership as a Fire Brigade Member or Associate Member shall be made on the prescribed form. Such application shall be forwarded to the Chief Executive Officer with the prescribed application fee (if any) plus one year's subscription. The Board reserves the right to decline any application. All applications are subject to approval by the Board and, if approved, the applicant will become a Fire Brigade or Associate Member effective from the date of the application.
- 8.2 Termination:
- 8.2.1 Any Fire Brigade Member remaining unfinancial for two successive years shall cease to be a member.
- 8.2.2 If a subscription shall have been fixed for Associate Members or any category of Associate Member any such Associate Member remaining unfinancial for two successive years shall cease to be a member.
- 8.3 Resignation:
- 8.3.1 Any Fire Brigade Member wishing to resign from the Association shall conduct a secret ballot of all persons entitled to vote in decisions of the Member. If more than 75 percent of those persons vote in favour of the Resolution, the Member may forward to the Chief Executive Officer its resignation in writing, together with the result of the secret ballot certified by the Officer in Charge and payment of all outstanding subscriptions and accounts (if any). Upon such resignation being declared valid by the Board, the membership shall terminate.
- 8.3.2 Any Associate Member may resign from the Association by notice in writing to the Chief Executive Officer.
- 8.4 Suspension or Expulsion:
- 8.4.1 Should a Fire Brigade or Associate Member act in a manner which, in the opinion of the Board, brings ridicule or disgrace upon the Association or is in breach of these Rules or is guilty of conduct contrary to the objects or interests of the Association, the Board may suspend such Member from membership and privileges of membership.
- 8.4.2 A Member suspended in accordance with Rule 8.4.1 may by notice in writing to the Chief Executive Officer (given not later than one month from the date of notification to the member of suspension), have the right of appeal against the Board's decision. Such appeal may at the discretion of the Board be either to:
- 8.4.2.1 An Appeal Committee of not less than three Enrolled or Life Members of reputable standing appointed by the Board; or
- 8.4.2.2 The next Annual Conference of the Association.
- The decision of the Appeal Committee or the Delegates at the Conference shall be final.
- 8.4.3 Should any Enrolled Member act in a manner which is in breach of these rules or in the opinion of the Board is guilty of conduct contrary to the

objects or interests of the Association or brings ridicule or disgrace upon the Association at a time when that Member is:

8.4.3.1 Representing the Association; or

8.4.3.2 In service uniform; or

8.4.3.3 Representing a Fire Brigade Member.

Such Enrolled Member may at the direction of the Board be suspended from all privileges until the Fire Brigade Member involved has examined the evidence and consulted with the Board regarding appropriate action.

8.4.4 In the event that the Fire Brigade Member declines to comply with Rule 8.4.3 within fourteen days of being advised that the Board considers that the Enrolled Member brought ridicule or disgrace upon the Association, then the Board shall proceed to decide the appropriate action which may involve suspension or expulsion of the Enrolled Member.

8.4.5 Should an Enrolled Member or the Fire Brigade Member be dissatisfied with the action taken under either Rules 8.4.3 or 8.4.4 then the right of appeal set out in Rule 8.4.2 shall be available to the Enrolled Member or the Fire Brigade Member.

## **9. ENROLLED MEMBERS ON FIRE BRIGADE MEMBER ROLLS**

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- 9.1 No Fire Brigade shall admit or retain on its roll any Enrolled Member who is unable to attain and maintain the required medical standards applicable to the position any such person is appointed to within the Fire Brigade. In the case of each NZFS Fire Brigade, the applicable medical standards shall be those determined from time to time by the New Zealand Fire Service principal medical officer for each position within that brigade. In the case of other Fire Brigades the applicable medical standards shall be those determined by that Fire Brigade's controlling authority.
- 9.2 Personnel holding New Zealand Fire Service rank and who are attached to the National Office shall be placed on the roll of the Fire Brigade Member established under Section 63 of the Act.
- 9.3 Personnel holding New Zealand Fire Service rank and who are attached to a Fire Region office shall be placed on the roll of the Fire Brigade in the town where the Fire Region office is located.
- 9.4 Enrolled Members ceasing membership of a Fire Brigade Member shall be entitled to a service certificate giving a complete record of their service in that Fire Brigade.
- 9.5 No Enrolled Member who ceased membership of one Fire Brigade Member and joins another Fire Brigade Member shall be placed on the Association roll of the new Fire Brigade without the production of a service certificate under Rule 9.4 unless the prior approval of the Board has been obtained.
- 9.6 In the case of a NZFS Fire Brigade this Rule 9 shall be subject to the provisions of that Fire Brigade's Model Rules of Association agreed between the Fire Service Commission and the NZFS Fire Brigade.
- 9.7 Each Fire Brigade Member shall maintain a roll or an electronic record of its Enrolled Members and send if required to the Association by July 31 in each year an attendance roll or electronic record containing the information for each attendance year prescribed by the Board under Rule 15.6.3. Attendance rolls pursuant to this Rule shall specify within the roll new Enrolled Members and those persons who have ceased to be Enrolled members during that year.

## **10. ASSOCIATION SUBSCRIPTION**

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- 10.1 The annual subscriptions payable by all Fire Brigade and Associate Members (or any category of Associate Members) shall be determined by Conference after receiving the recommendation of the Board.
- 10.2 The subscription rates as determined by Conference will be for the next Attendance Year. Should a Fire Brigade Member join the Association after 1<sup>st</sup> of January in any year, the subscription until the following 30<sup>th</sup> of June shall be reduced by one half.
- 10.3 In the case of NZFS Fire Brigades, the annual subscriptions shall be paid in four equal instalments deducted quarterly from each Fire Brigade's annual grant prior to the quarterly grant payments by the New Zealand Fire Service. All other Members required to pay a subscription shall pay in four equal quarterly instalments by way of automatic bank direct credit to the bank account of the Association.
- 10.4 All subscriptions must be paid before any of the privileges of membership can be granted including the issue to Enrolled Members of medals and awards.

## **11. OFFICE AND OFFICERS OF THE ASSOCIATION**

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- 11.1 The office of the Association shall be located where specified by the Board.
- 11.2 The Officers of the Association shall comprise:
  - 11.2.1 The President who shall be an Enrolled Member;
  - 11.2.2 The Vice President who shall be an Enrolled Member;
  - 11.2.3 The Patron who need not be an Enrolled Member.
- 11.3 No Enrolled Member on the roll of the same Fire Brigade Member as an existing officer of the Association shall be eligible for election as an officer.
- 11.4 The Officers of the Association may attend meetings of the Board and speak but shall not vote.
- 11.5 A Vice President and Patron of the Association will be elected at each Annual Conference in accordance with Rule 13. No Past President may be elected Vice President.
- 11.6 At each Annual Conference the person who has served as Vice President since the immediate preceding Annual Conference shall be appointed President until the following Annual Conference. In the event that for any reason such person is unavailable to be appointed as President, then the Vice President elected under Rule 11.5 at that Annual Conference shall be appointed President. Nominations for election as Vice President shall then be called and a postal ballot conducted under Rule 15.22 within three months of the Annual Conference.
- 11.7 The duties and responsibilities of the President of the Association shall be to:
  - 11.7.1 Preside at the AGM and Annual Conference of the Association;
  - 11.7.2 Represent the Association at award presentations, honours events, and ceremonial activities;
  - 11.7.3 Carry out the presentation of Fifty year Service Medals and Gold Stars.
  - 11.7.4 Delegate his functions to the Vice President or such other suitable person of reputable standing to ensure that the Association is appropriately represented on formal and ceremonial occasions.
- 11.8 The duties and responsibilities of the Vice President shall be to understudy the President and to undertake such activities as are delegated by the President.
- 11.9 Any Officer of the Association shall be deemed to have vacated office if the Member:
  - 11.9.1 Resigns office by notice in writing to the Board or the Chief Executive Officer;
  - 11.9.2 In the case of the President or the Vice President ceases for any reason to be an Enrolled Member.
  - 11.9.3 Is suspended or removed by a unanimous resolution of the Board, such suspension or removal to be referred to a referendum pursuant to Rule 15.20 for confirmation.

- 11.9.4 Is the subject of a personal or property order made under the Protection of Personal and Property Rights Act 1988;
  - 11.9.5 Is convicted of a criminal offence punishable by imprisonment;
  - 11.9.6 Is adjudicated bankrupt.
- 11.10 Should a vacancy for any office of the Association occur during the year for any reason then:
- 11.10.1 If such vacancy shall be that of the President then the Vice President shall take office as President.
  - 11.10.2 If the vacancy is that of Vice President the position shall remain vacant until the next Annual Conference or in the event that the next Annual Conference will not be held within six months of the vacancy occurring a special postal ballot will be held to fill the vacancy under Rule 15.22.
  - 11.10.3 If the vacancy is that of the Patron the position shall remain vacant until the next Annual Conference.

## **12. THE ASSOCIATION BOARD OF GOVERNANCE**

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- 12.1 The governance of the Association shall be vested in the Board and be conducted in accordance with these Rules.
- 12.2 The Board of the Association shall comprise:
  - 12.2.1 Three (3) persons who shall be Enrolled Members, elected by Fire Brigade Members at the Annual Conference of the Association.
  - 12.2.2 Two (2) persons appointed by the Board who need not be Enrolled Members but shall possess skills or experience necessary to contribute to the proper governance of the Association.
- 12.3 Members of the Board, whether elected or appointed, shall not be enrolled in the same Fire Brigade Member.
- 12.4 Every Director shall be entitled to one vote at Board meetings.
- 12.5 The term of office for each position on the Board held by both elected and appointed Directors shall be two years and they shall be eligible for re-appointment for not more than two further terms of two years, that is, not exceeding six years.
- 12.6 Elected Directors shall be elected by a ballot at the Annual Conference of the Association and such ballot shall be conducted in accordance with Rule 13.
- 12.7 For each vacancy for an appointed Director one person shall be appointed as a Director by the Board each year for a two (2) year term to commence on the 1<sup>st</sup> July of that year.
- 12.8 Should a vacancy on the Board occur during the year for any reason, then:
  - 12.8.1 If the vacancy is for an appointed Director of the Board then the Board shall fill that vacancy as soon as it is reasonably practicable to do so; or
  - 12.8.2 If the vacancy is for an elected Director of the Board the position shall remain vacant until the next Annual Conference or in the event that the next Annual Conference will not be held within six (6) months of the vacancy occurring a special postal ballot under Rule 15.22 shall be held to fill the vacancy.
- 12.9 The Board shall each year elect a Chairperson and Deputy Chairperson from within the members of the Board.
- 12.10 Any member of the Board shall be deemed to have vacated office if the member:
  - 12.10.1 Is elected as an Officer of the Association;
  - 12.10.2 Resigns office by notice in writing to the Board or the Chief Executive Officer;
  - 12.10.3 Is absent from three consecutive Board meetings unless leave of absence has been obtained;
  - 12.10.4 In the case of an elected member ceases for any reason to be an Enrolled Member but may continue as a member of the Board until the expiration of such members current term;

- 12.10.5 Is suspended or removed by resolution of all other Members of the Board, such suspension or removal to be referred to a referendum of the Association for confirmation;
- 12.10.6 Is removed from office by resolution of a General Meeting of the Association;
- 12.10.7 Is the subject of a personal or property order made under the Protection of Personal and Property Rights Act 1988;
- 12.10.8 Is convicted of a criminal offence punishable by imprisonment;
- 12.10.9 Is adjudicated bankrupt.

## **13. ELECTIONS**

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- 13.1 Nominations for election of an Enrolled Member as an Officer of the Association, or as an elected member of the Board or as a member of the Technical Panel, must be made by a Fire Brigade Member and accompanied by the written consent of the person nominated, on the appropriate form available from the Association handbook. Completed forms must be delivered to the Chief Executive Officer no later than three months prior to the Annual Conference and shall include a photograph and a short resume of the nominee. Details of the candidates shall be notified by the Chief Executive Officer to Fire Brigade Members not less than one month prior to the Conference.
- 13.2 The election shall take place by ballot(s) at the Association Conference and if a ballot is held, the process shall be as follows:
  - 13.2.1 A ballot paper shall be distributed to all Delegates entitled to vote.
  - 13.2.2 The first ballot shall contain the names of all eligible candidates who have been validly nominated.
  - 13.2.3 Candidates will be offered time to address the Conference prior to the first ballot.
  - 13.2.4 The first ballot shall be counted by the Scrutineers and if a candidate has secured more than half of the votes cast that candidate shall be declared elected.
  - 13.2.5 If no candidate secures more than half of the votes cast then further ballots will be held until one candidate secures more than half of the votes cast with the bottom polling candidate being removed from the next ballot in every case.
- 13.3 Whenever a ballot is required, five scrutineers shall be appointed by the Delegates to count the ballot. A Delegate shall not be appointed a scrutineer. The total number of votes cast and the number of votes cast for each candidate shall be advised to the meeting.
- 13.4 No persons other than the scrutineers will be permitted to leave the Conference room while the ballot is in progress.
- 13.5 Fire Brigade Members shall if possible be notified at least five months prior to Annual Conference of vacancies to be filled by election.
- 13.6 Rule 13.2 shall not apply to any postal ballot whether under Rule 11.6 or otherwise, which ballot shall be governed by Rule 15.22.
- 13.7 Rules 13.1 to 13.5 shall not apply to the office of Patron who shall be elected at each Annual Conference on the nomination of the President.

## **14. PROCEEDINGS OF THE BOARD**

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- 14.1 A meeting of the Board may be called at any time by the Chairperson, or any three members of the Board.
- 14.2 The Board shall meet at such times and places as it shall determine and may regulate its own proceedings.
- 14.3 Three members of the Board including at least one appointed Director present at any duly convened meeting shall form a quorum.
- 14.4 Any question arising at any meeting of the Board shall be decided by a majority of votes of the Directors present and, in the case of an equal number of votes, the Chair shall not have a casting vote.
- 14.5 At all meetings of the Board, the Chairperson or if absent, the Deputy Chairperson shall preside and in the absence of them both a member of the Board will be elected to chair that meeting.
- 14.6 Anything that may be done by the Board by resolution passed at a meeting may be done by Memorandum without a meeting or any previous notice being required signed by at least three members of the Board. A copy of the Memorandum shall be sent to any Board member by whom the Memorandum has not been signed.
- 14.7 A Board meeting may take place:
  - 14.7.1 in person; or
  - 14.7.2 by telephone conference, video conference or similar telecommunications or internet based device provided that:
    - 14.7.2.1 each of the members taking part in such a meeting must be able to hear each of the other members taking part throughout the meeting;
    - 14.7.2.2 at the commencement of the meeting each member must acknowledge his or her presence for the purpose of a meeting of the Board to the other members taking part; and
    - 14.7.2.3 a member may not leave the meeting by disconnecting unless the consent of the meeting has been given and a member shall be conclusively presumed to have been present and to have formed part of the quorum at all times at such meeting unless the consent of the meeting to leave the meeting has been given. Neither the meeting nor any business conducted at the meeting shall be invalidated if a member does leave a meeting conducted in this manner without the consent of the meeting.

## 15. POWERS AND FUNCTIONS OF THE BOARD

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- 15.1 Subject to any directions from a General Meeting of the Association the Board may exercise all powers of the Association not by these rules reserved to the Association in general meeting and without limiting the scope of its powers shall have authority-
- 15.2 To conduct and manage the affairs of the Association.
- 15.3 To appoint a Chief Executive Officer upon such terms and conditions as the Board shall think fit and incorporate such terms and conditions in an employment contract. The Chief Executive Officer shall ex officio be secretary of the NZFBI and Association Benevolent Fund.
- 15.4 To deal with any breach of rules or any misconduct on the part of Brigade Members or Enrolled Members and impose penalties including disqualification, suspension or removal from membership.
- 15.5 To appoint an **Appeal Committee** pursuant to Rule 8.4.2 to hear appeals and make recommendations to the Board in relation to any disciplinary actions.
- 15.6 To prescribe the qualifying service and eligibility for **Association Service Awards**, the Association Valour Medal and all other medals, badges, honours awards and certificates. Such eligibility and qualification conditions shall be those in force at the time of adoption of these rules and shall be incorporated in the Association Handbook which will be available to any Fire Brigade Member or Enrolled Member upon request. The Handbook will also prescribe:
  - 15.6.1 Protocols for the official functions at which such awards shall be presented including invitations, reimbursement of expenses and procedures to be followed.
  - 15.6.2 Approved or recommended protocols for the wearing of medals and badges of office.
  - 15.6.3 The information to be provided in the attendance roll to be provided annually by the Brigade Members under Rule 9.7.
- 15.7 To prescribe the protocols for official invitations and presentations of the Association.
- 15.8 To administer an **Accident Assurance Scheme** on behalf of the New Zealand Fire Service to provide adequate financial assistance to Volunteer Enrolled Members arising from accident while undertaking Fire Brigade activities. The conditions of eligibility and claims procedures shall be those applying at the time of adoption of these Rules and shall be incorporated in the Association Handbook.
- 15.9 To establish a **Technical Panel** of four persons to assist and advise it in all matters relating to Challenges. Only Enrolled Members who are not officers of the Association or members of the Board shall be eligible for the Panel. Members of the Technical Panel will be appointed for a term of four years and be eligible for re-appointment for one further term. One member shall be elected to the Panel at each Annual Conference of the Association in accordance with Rule 13. The Panel shall elect a Chairman from among its number at its first meeting after each Conference. Should a vacancy on the Technical Panel occur during a term of office for any reason, then the Board may fill that vacancy for the remainder of the term, and in doing so the Board shall offer the position to the unsuccessful candidates in

order of highest polling before proceeding to fill the vacancy. The terms of reference and all other matters relating to the activities of the Panel shall be those applying at the time of adoption of these Rules and shall be prescribed by the Board and incorporated in the Association Handbook.

- 15.10 To appoint a **Challenges Committee** (which will include all members of the Technical Panel) at the first Board meeting following the Annual Conference. The composition of the Committee, its terms of reference, powers and responsibilities, Challenge event rules, conditions, specifications, penalties and awards shall be those in force at the time of adoption of these Rules and shall be incorporated in the Association Handbook.
- 15.11 To prescribe or recommend the uniform, emblems and apparel appropriate for all Association Conferences and functions and the parade obligations of members attending such functions.
- 15.12 To prescribe requirements for the operations of the Association bank accounts, the payment of accounts owing and the method of lodgement of funds to such accounts.
- 15.13 To manage and arrange benefits for Enrolled Members under the Identification Card Scheme and to prescribe the conditions and benefits in the Association Handbook.
- 15.14 To convene the Association's Annual Conference which shall be the Annual General Meeting of the Association and to prescribe the travel and accommodation reimbursement to be made to Life Members and Past Presidents of the Association attending such Conference. Such reimbursement shall not exceed the allowances made to Board Members for their attendance.
- 15.15 To establish Provincial Associations of Fire Brigade Members and in consultation with the officers of such Associations fix the boundaries of each Association and to regulate and prescribe audit requirements, financial reporting and other organisational matters relating to Provincial Associations.
- 15.16 To amend any of the matters to be prescribed by Rules 15.6 to 15.15 inclusive following such consultation with Fire Brigade Members as the Board shall consider appropriate. The conditions, rules and protocols regulating all of the matters referred to in Rules 15.6 to 15.15 shall be those in force at the time of adoption of these Rules. Any amendment to be made by the Board shall be notified to Fire Brigade Members in the Association monthly newsletter. Fire Brigade Members shall have a period of one (1) month from notification to object to the proposed variation. In the event of objection from not fewer than three Fire Brigade Members, the variations shall not proceed but shall be referred to the next Annual Conference of the Association for consideration as a remit. If no valid objections are received within one month of notification, the variation shall become operative at the expiry of that period.
- 15.17 To convene a special general meeting or conduct a referendum to authorise a levy on Fire Brigade Members if the financial position of the Association so requires.
- 15.18 To undertake representations to and consultation with the NZ Fire Commission in accordance with Section 17D(a), Section 34(4) and Section 34(5) of the Act.
- 15.19 To control the use of the Common Seal of the Association (which shall be affixed to appropriate documents in the presence of the Chairperson and any other one Director of the Board). The safe keeping of the Common Seal shall be delegated to the Chief Executive Officer.

- 15.20 To refer any issue of significance to a referendum of Fire Brigade Members and to prescribe the procedure under which such referendum will be conducted and whether the result of the referendum shall be binding upon the Board.
- 15.21 To prescribe the rules of debate to apply at all general meetings and the Annual Conference of the Association and in the absence of any specific rule, the Standing Orders of the House of Representatives or the recommendation of Pitchforth; Meetings; Practice and Procedure in New Zealand: CCH New Zealand may be adopted.
- 15.22 To prescribe the procedures for conduct of any postal ballot required by Rules 11.6, 12.8.2 or otherwise.

## **16. ACCOUNTS AND AUDIT**

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- 16.1 The financial year of the Association shall be the Attendance Year, that is July the First to June the Thirtieth.
- 16.2 The Board shall prepare audited financial statements for submitting to the Conference for approval and adoption following the completion of each financial year.
- 16.3 The Annual Report including the audited financial statements will be sent to Fire Brigade Members not less than one month prior to a Conference.
- 16.4 No part of the income or property of the Association shall be given directly or indirectly to any Fire Brigade Member, Life Member, past or present Officer, Board Member or Enrolled Member but this rule shall not prevent reasonable payments for services rendered or for travel and accommodation costs as may be fixed by the Board. Any such payments shall be reasonable and relative to that which would be paid on the basis of open market value. No member of the Association or any Enrolled Member or any person associated with an Enrolled Member shall participate in or materially influence any decision made by the Association or the Board in respect of any payment to on or behalf of that member or associated person of any income, benefit or advantage whatsoever.
- 16.5 The Association's financial statements for the twelve months ended 30<sup>th</sup> of June each year shall be audited by the auditor elected at the annual Conference who shall be a member of the Institute of Chartered Accountants of New Zealand or in the case of a firm shall include such members.

## **17. ANNUAL AND GENERAL MEETINGS OF THE ASSOCIATION**

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- 17.1 The Annual Conference which shall be the Annual General Meeting of the Association shall take place in each calendar year at a time and place approved by the Board. The Board shall have the power to alter such timing should exceptional circumstances dictate. Invitations to host the Conference and/or Challenges shall where practicable be received and approved by the Board at least two years in advance.
- 17.2 Fire Brigade Members shall be given one month's notice in writing specifying the date, time and place of General Meetings including the Conference and the nature of the business to be dealt with. Such notice shall include any proposed alteration to the Rules, any Remit and any proposed variation under Rule 15.16 which shall require referral in accordance with that provision.
- 17.3 At all Conferences and special meetings a quorum shall consist of Delegates and proxies representing not less than forty percent of the Fire Brigade Members of the Association eligible to vote.
- 17.4 The following business shall be dealt with at the Annual Conference:
- 17.4.1 President's Report;
  - 17.4.2 Patron's Report;
  - 17.4.3 A Board Report;
  - 17.4.4 Presentation of financial statements;
  - 17.4.5 Reports from Provincial Associations;
  - 17.4.6 A report on previous Conference remits;
  - 17.4.7 Benevolent Trust Fund Report;
  - 17.4.8 Consideration of Remits of which due notice has been given;
  - 17.4.9 Election of Officers;
  - 17.4.10 Election of Directors;
  - 17.4.11 Election of Technical Panel;
  - 17.4.12 Appointment of Auditors;
  - 17.4.13 Confirmation of Minutes;
  - 17.4.14 General Business.
- 17.5 Remits may be brought before the Conference for consideration by the Board or by any Fire Brigade Member and such Remits shall be sent to the Chief Executive Officer at least three months before the Conference and to each Fire Brigade Member at least one month before commencement of the Conference. Remits must be signed by the Fire Brigade Member proposing and by another Fire Brigade Member as seconder and be accompanied by a brief summary of the reasons. Remits must be authorised by a majority of the Enrolled Members of the Fire Brigade Member proposing such Remit. The Remit shall be moved by the Delegate

of the Fire Brigade Member proposing the Remit or by any other Delegate authorised by such Fire Brigade Member.

- 17.6 At general meetings of the Association no business except routine business shall be dealt with unless such business shall have been specified in the notice of meeting or it is so agreed by not less than three-fourths of those present and entitled to vote. The matters listed in Rule 17.4 shall be deemed to be routine business within the meaning of this Rule. This provision shall not apply to any Alteration to Rules under Rule 19.
- 17.7 Any Remit that has been defeated at two consecutive Conferences shall not be eligible for further consideration until after two further Conferences.
- 17.8 Delegates shall not leave the Conference for any reason prior to its conclusion without leave of absence from the President or Chairperson of the Conference.
- 17.9 The Chairperson of the Conference shall be the President or if the President is absent, the Vice President or in the absence of both, the Chairperson of the Board.
- 17.10 A special general meeting of the Association may be convened by the Board and shall be convened upon receiving a petition to do so from not less than 200 Fire Brigade Members. The meeting shall be held within two months of receipt of any such requisition.
- 17.11 The Minutes of each day's business shall be circulated to and confirmed by Conference Delegates on the following day of Conference except those of the last day which will be confirmed by the Board at its next meeting. No discussion shall arise out of the Minutes except their accuracy of record.

## **18. CONFERENCE REPRESENTATION AND PROXY VOTING**

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- 18.1 Each Fire Brigade Member shall be entitled to have one Delegate, who may vote, at Conference or any other general meeting of the Association. Such Delegate must be an Enrolled Member on the roll of the Fire Brigade Member represented and be elected in accordance with Rule 6.3.
- 18.2 A numbered Delegate's conference card will be issued to all Delegates along with the order paper and first ballot paper for any elections to be conducted at the Conference.
- 18.3 Any Fire Brigade Member not able to send a Delegate to a Conference or general meeting shall have the right to be represented by a proxy Delegate being the Delegate of another Fire Brigade Member. No Delegate can act as proxy for more than one Fire Brigade Member.
- 18.4 Fire Brigade Members not able to attend Conference and wishing to use another Member's Delegate as a proxy must notify the Chief Executive Officer on the numbered Delegate conference card which is to be completed by the non-attending Member showing the name of the proxy Delegate and signed by the Fire Brigade Member's officer in charge. In exceptional circumstances the Board may prior to the commencement of the Conference approve a replacement Delegate or proxy.
- 18.5 The President, the Vice President and the Directors of the Board shall not by virtue of that position be entitled to vote at a Conference, or at any special general meeting but may move or second motions. The Chairperson of the Conference shall have a casting vote but no deliberative vote.

## **19. ALTERATION TO RULES**

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- 19.1 No alteration, amendment, addition or rescission of the rules of the Association shall be made which alters the charitable nature of the Association.
- 19.2 Subject to the provisions of Rule 19.1, the Board or Fire Brigade Member wishing to alter any of the Association rules shall, at least three months before a Conference, send a copy of the proposed alteration or addition to the Chief Executive Officer, who shall send copies of the same to all Members one month prior to the Conference. The Chief Executive Officer may include comments and/or explanations from the Board or Fire Brigade Member proposing the alteration.

## **20. WINDING UP OF THE ASSOCIATION**

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- 20.1 If it is necessary to wind up the Association the requirements of Section 24 of the Incorporated Societies Act 1908 shall be complied with by the Board. This will require all Fire Brigade Members to receive notice in writing of the intention to wind up, and two meetings will be called for this specific purpose.
- 20.2 At the first meeting the resolution to wind up the Association will require a simple majority. The second meeting (held not earlier than thirty days after the first meeting) will be called to confirm the resolution.
- 20.3 The disposal of assets after payment of all costs, debts and liabilities will be to the successor of the Association provided such successor is an organisation having charitable objectives within New Zealand, and is set up to support and foster the Fire Brigades of New Zealand. If no such organisation can be found then to an organisation registered under the Charities Act 2005 with objects as close as possible to those of the Association.