

Current Constitution

THE OTAGO ASSOCIATION FOR DEAF CHILDREN INCORPORATED

Constitution and Regulations

NAME

1. THE name of the Association shall be The Otago Association for Deaf Children Incorporated.

REGISTERED OFFICE

2. THE registered office of the Association shall be at such office as the Committee may from time to time determine.

INTERPRETATION

3. IN these rules, unless such meanings are excluded by the context, the meanings hereinafter shall be assigned to the following terms respectively:-
 - a) "Deaf Child" means any child or young person within the Otago area, with a hearing impairment. For the avoidance of doubt "deaf child" includes any child with a hearing impairment as described below, who uses an assistive hearing device such as a cochlear implant or hearing aid, or uses NZSL as a primary means of communication.
 - b) "Parent" shall extend to and include the legal guardian(s) or other person(s) having the care and custody of a deaf child.
 - c) "The Committee" means the Committee as voted in by the Association or co-opted.
 - d) "The Association" means "The Otago Association for Deaf Children Incorporated."
 - e) "Hearing Impairment" includes any hearing impairment or hearing loss within the professionally recognised range of mild to profound impairment or loss and includes any impairment arising from any cause whatsoever
 - f) "Family" refers to the spouses and dependants of the "Parent". This includes children not living at home
 - g) "Child" refers to an individual up to the age of 21
 - h) "Association Meeting" refers to Annual or Special General Meetings, but excludes Committee Meetings

FUNDS

4. FUNDS shall be derived from subscriptions, donations, grants, legacies, endowments, insurances, investments of every description and any other lawful means.

OBJECTS

5. THE objects of the Association shall be:-
 - a) to promote and to take all such steps as may be desirable to assist in the educational, recreational and social well-being of deaf children;
 - b) to provide assistance and encouragement to parents of deaf children;
 - c) To raise funds and take and accept gifts, devices and bequests for the purposes of achieving or carrying out any of these purposes.
 - d) to lobby, enlist the support of, government departments, public bodies, charitable trusts, educational authorities, professional advisors or associations, or councils, whose activities are wholly or partly related to the needs of deaf children. The Association may affiliate with such organisations or bodies and shall endeavour to ensure that provision is made for adequate representation of parents on all bodies or organisations directly concerned with the welfare of deaf children;
 - e) to support and to contribute towards the costs of training of people undertaking the education or support of deaf children;
 - f) to maintain, with the consent of parents, a record of deaf children in the Otago area, their ages, their residences, and their parents;
 - g) to endeavour to ensure that all available assistance and information is offered to deaf children and their parents;
 - h) for all or any of the above objects, or for any purposes related to them, to obtain professional services; and to borrow, invest and expend in such manner and in such amounts as the Association or its Committee may from time to time determine or approve;
 - i) to do any act or thing incidental or conducive to the attainment of any of the above objects.

Notwithstanding the above objects:

- i) any income, benefit, or advantage must be used to advance the charitable purposes of the Association;
- ii) no member of the Association nor anyone associated with a member, is allowed to take part in, or influence any decision made by the Association in respect of payments to, or on behalf of, the member or associated person, of any income, benefit or advantage;
- iii) any payment made to a member of the Association, or person associated with a member, must be for goods or services that advance the charitable

purpose and must be reasonable and relative to payments that would be made between unrelated parties.

MEMBERSHIP

6. ANY person body corporate or Registered Society interested in the work or objects of the Society, may become a member of the Society.
7. TYPES of Members
 - a. Membership may comprise different classes of membership as decided by the Association. Memberships are for a Family.
 - i. Full members – Families with a “deaf child”
 - ii. Associate members – any interested Family or individual with no “deaf child”, or body corporate with an interest in deaf children
 - iii. Life members – A member who has rendered conspicuous service to the cause of the “deaf child” and elected to Life Membership at a General Meeting. Life members retain all rights and responsibilities of full members
 - b. Where any doubt exists the committee will determine at its complete discretion the membership type of an applicant. Associate members may be excluded or charged more from certain activities that are specifically for the benefit of deaf children. This will be at the discretion of the committee
 - c. Each “parent” in a “family” has voting rights accorded to their Membership type up to a maximum of two votes per “family”. For the avoidance of doubt; a family of two parents receives one vote for each parent, and a single parent family receives one vote.
- b) ALL Members have the rights and responsibilities set out in these Rules
8. TO become a Member, a person (“the Applicant”) must:
 - a. Complete an application form; and
 - b. Supply any other information the Committee requires.
 - c. pay the relevant membership fee

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

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.

REGISTER OF MEMBERS

9. A register of members shall be kept by the Secretary which shall contain the names and addresses of members. Additions, transfers and removals shall be periodically notified to the Secretary. A fresh register shall be compiled at the end of each

financial year by the Secretary. The membership roll shall be open to the inspection of financial members.

CESSATION OF MEMBERSHIP

10. A member may resign from the Association at any time by sending his or her resignation in writing to the Secretary.
11. THE Committee may call upon a member to resign if:
 - a. his or her annual subscription is in arrear for a period of three months or
 - b. if the Branch Committee has reason to believe that he or she has been guilty of or party to conduct contrary to these rules or inimical to the objects or interest of the Association.

Before a member's resignation is called for he or she shall be given notice in writing by the Committee of the matters charged against him or her and shall be given reasonable opportunity of being heard in his or her own defence by the Committee. A member desirous of being so heard in his or her own defence must give notice in writing to the committee within 14 days of the notification to him or her of the matters charged against him or her. If the resignation of a member is requested and not received within four (4) weeks of such request, then, by direction of the Committee, his or her name shall be removed from the roll of members.

12. THE removal or resignation of a member shall not be a release from antecedent liability to the Association.

LIFE MEMBERS (HONARARY)

13. ANY member of the Association shall forward to the Committee the name of any member who has rendered conspicuous service to the cause of the deaf child for election as a Life Member. The election to life membership of the Association shall be considered by two full meetings of the Committee which, if it thinks fit, shall bring the name of the member before the next Annual General Meeting for election to life membership.

14. LIFE Members are exempt from Annual Subscription fees

ADMINISTRATION

15. THE administration of the Association shall be vested in a Committee elected from members at the Annual General Meeting of the Association.
The Committee may exercise all such powers of the Association as are not required by this Constitution or the Incorporated Societies Act 1908 to be exercised at

General Meetings and the Committee may from time to time employ such staff at such remuneration as they shall from time to time think fit.

16. THE Annual General Meeting shall be composed of financial members of the Association. No voting shall take place by proxy.
17. THE Annual General Meeting of the Association shall be held in the six months following the end of each financial year. At least fourteen days' notice of the date, time and place of such meeting shall be: given to all members.
18. A Special Meeting of the Association may be convened at such time or place as may be determined by the Committee such meeting to be convened by notice to the members at least ten days prior to the meeting and the notice shall specify the business to be transacted thereat.
19. THE Secretary shall convene a Special General Meeting of the Association upon receiving a request so to do from no fewer than three members. Such meeting shall be held within 21 days of the receipt of any such requisition. A notice in writing convening the meeting shall be sent at least ten days prior to the meeting and shall specify the business to be transacted thereat.
20. IN addition to the Annual General Meeting, general meetings may be held during the year, with the emphasis on deaf education and parent guidance.

VOTING

21. VOTING at meetings of the Association shall be by show of hands except in the case of election of officers or expulsion of a member when the voting shall be by ballot. Voting shall also be by ballot demanded by any one member present and entitled to vote. The president or in his or her absence a member appointed by the meeting shall preside at all general meetings of the Association and shall have a deliberative and in case of equality of votes a casting vote also.
22. EIGHT members shall be a quorum at any General or Special Meeting of the Association.
23. NO member of the Association or the Committee as the case may be, may vote in respect of matters in which the member has a personal interest. Any personal interest must be declared.

THE COMMITTEE

24. THE Committee shall consist of a President, Secretary, Treasurer (or one person holding the two offices of Secretary and Treasurer) and a committee of members to be elected by the Annual General Meeting. The immediate past-president shall for the ensuing twelve months be ex officio a member of the Committee.

The committee shall consist of no more than nine (9) members including Officers

The positions of Secretary or Treasurer, or Secretary / Treasurer, may be shared by one or more persons. In the case of a vacancy in the Committee occurring for any reason the remaining Committee members may at their discretion appoint a person to fill the vacancy until the close of the next Annual General Meeting. Such officers and the committee shall take office immediately after appointment and shall hold meetings at least quarterly. A quorum shall be half the number of Committee members rounded up. For example: if the committee has 9 members, the quorum shall be 5

25. ANY member of the Committee who absents himself or herself from three consecutive meetings shall forfeit his seat unless he or she has obtained leave of absence from the Committee.

ASSURANCE OF FINANCIAL STATEMENTS

26. THE committee may choose to either review or audit the annual accounts by majority vote. No more than two reviews may occur successively before an audit is completed
 - a. The committee may appoint an Accountant to review the financial statements of the Association (“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 Association’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 association.
 - b. The Association may appoint an Auditor to audit the financial statements of the Association. The Auditor shall report on whether the financial statements are prepared in all material aspects in accordance with the Association’s accounting policies. The Auditor 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 association.

DUTIES OF OFFICERS

27. THE President shall preside at all meetings of the Association and the Committee. In his or her absence, the meeting shall elect one of its members to act who while acting shall be invested with the powers of President. The President or any member deputed in his or her stead shall have a deliberative as well as a casting vote.

28. THE Secretary shall attend and record the minutes of the Annual General Meeting and any Special Meetings of the Association and the Committee; conduct the general correspondence of the Association keep the books, prepare reports for the Association and the Committee, and carry out such other duties as may be allotted to him or her by the Committee. The Secretary or Treasure may record rolls of members as determined by the committee.
29. THE Treasurer shall receive all moneys on behalf of the Association and lodge them in a Bank approved by the Committee. He or she shall keep the accounts and prepare financial statements and annual balance sheets and shall pay all accounts passed by the Committee and such payments shall be by cheque or internet banking. The Treasurer shall produce all books of account, bank passbook or statements of account as may be required by the Committee. The Secretary or Treasure may record rolls of members as determined by the committee.
30. THE Association shall adopt a common seal which shall be in the custody of the Committee or such person as they shall appoint. The Seal shall not be affixed to any documents except in pursuance of a resolution of the Committee or a General or Special General Meeting of the Association and shall be affixed by two members of the Committee nominated in the resolution and in the presence of the Secretary.

ASSETS

31. THE assets of the Association shall be vested in the Association and shall be administered by the Committee in accordance with this Constitution.

SUBSCRIPTIONS

32. SUBSCRIPTIONS shall be of such amount as fixed by the Annual General Meeting of the Association.

Membership Fees are due by March 31st for the upcoming year

Membership fees are set each year at the Annual General Meeting

BORROWING

33. THE Committee shall have full power to borrow money either on bank overdraft or otherwise and with or without security.
Alternative Vote: Remain as is or wording as below
ANY borrowing of either on bank overdraft or otherwise and with or without security, requires a majority vote at a General Meeting

ALTERATION OF RULES

34. NO new rules shall be made nor shall any rule be altered or rescinded except at an Annual or Special General Meeting of the Association. Notice of any alterations,

additions, or rescissions of any rule shall be given in writing to all members not less than twenty-one days prior to the General Meeting.

35. A majority of the members personally present at a General Meeting of the Association convened for the purpose may resolve that the Association be dissolved as from a date to be named in such resolution and may also by such resolution direct the method of disposing of the assets and property of the Association after the dissolution thereof and upon such resolution being confirmed at subsequent General Meeting called for the purpose and held not earlier than thirty days after the date on which such resolution was passed the Association shall be dissolved. A notice of such resolution and the confirmation thereof shall be sent to the Registrar of Incorporated Societies. The funds of the Association shall upon dissolution be payable to such person, persons, institutions or societies that are charitable under New Zealand Law as the meeting of dissolution shall determine.