



\*10041714641\*

The Incorporated Societies Act 1908  
Declaration of

ADOPTION, ALTERATION  
OF RULES

(Section 7 (b) and 21)

(for office use only)

Please note that the information in this form should be either typewritten, printed or neatly handwritten in block capitals  
When completing this form, please refer to notes overleaf

Society  
Name

WAIATARUA RESERVE PROTECTION  
SOCIETY INCORPORATED

Society Number

1246806

I, ANDREW PAUL BERGMAN  
of AUCKLAND

do solemnly and sincerely declare as follows

- 1 That I am\* a member of ~~the Society~~ to the abovenamed Society
- 2 That annexed hereto and marked with the letter A is/are -

\*~~(a) the rules, signed or sealed, which have been adopted by the society a majority of whose members have consented to the application for incorporation, or~~

~~(b) the alteration of rules of the society, which alteration has been made in accordance with the rules of the society.~~

- 3 That the rules comply with section 6 of the Incorporated Societies Act 1908

And I make the solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declaration Act 1957

Declared at Auckland )  
this 8th )  
day of October )  
2002 )  
19 before me )

A Solicitor, Justice of the Peace or other person authorised to take a Statutory Declaration  
DAVID BLEGIO, Solicitor of the High Court of New Zealand.

Presented by A BERGMAN  
Postal Address 35 GRAND DRIVE  
REMUORA AUCKLAND

Account No   
Telephone 522 4365  
Facsimile

NATIONAL PROCESSING CENTRE  
09 OCT 2002  
RECEIVED

P# 03  
- 9 OCT 2002

\*Delete whichever is not applicable

The Incorporated Societies Act 1908  
Application for  
**INCORPORATION OF A  
SOCIETY**  
(Section 7(a))

Document Number

(for office use only)

*Please note that the information in this form should be either typewritten or printed or  
neatly handwritten in block capitals*

*When completing this form, please refer to notes overleaf*

Name of  
Proposed  
Society

**WAIATARUA RESERVE PROTECTION  
SOCIETY INCORPORATED**

Name Reservation  
Number

Proposed  
Address of  
Registered  
Office

**21 TOWLE PLACE, REMUERA, AUCKLAND**

Postal Address  
to which  
Communications  
from the  
Registrar may  
be sent

**21 TOWLE PLACE  
REMUERA, AUCKLAND**

We, the several persons whose names are subscribed hereto, being members of the above-mentioned society,  
hereby make application for incorporation of the society under the rules accompanying this application, in  
accordance with the Incorporated Societies Act 1908

Presented by

**A BERGMAN**

Account No

Postal Address

**35 GRAND DRIVE, REMUERA**

Telephone

**5224365**

Facsimile

# APPLICATION FOR INCORPORATION

Name of Proposed Secretary SOCIETY

WAIATARUA RESERVE PROTECTION SOCIETY INCORPORATED

APPLICANTS The following persons are the applicants of the proposed society

APPLICANT	WITNESS*
1 Full Name <u>Natake Bergman</u> Residential Address <u>35 Grand Drive Remuera</u> Occupation _____ Signature <u>N Bergman</u>	Full Name <u>Bridget Susan Rothbart</u> Residential Address <u>19 Towle Place</u> Occupation <u>Teacher</u> Signature <u>B Rothbart</u>
2 Full Name <u>Andrew Bergman</u> Residential Address <u>35 GRAND DRIVE REMUERA</u> Occupation <u>ACCOUNTANT</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
3 Full Name <u>Innette Johnson</u> Residential Address <u>3/29 Abbotts Way Remuera</u> Occupation <u>Rehab</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
4 Full Name <u>TIMOTHY CRAKE</u> Residential Address <u>3 DOVER PLACE REMUERA</u> Occupation <u>VIOLIN MAKER</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
5 Full Name <u>EUGENE HARVEY</u> Residential Address <u>78 GRAND DRIVE REMUERA</u> Occupation <u>CONSULTANT</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
6 Full Name <u>DAVE DOWDEN</u> Residential Address <u>21 TOWLE PLACE, REMUERA</u> Occupation <u>MANAGER</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
7 Full Name <u>Christine Dowde</u> Residential Address <u>21 Towle Plc Remuera</u> Occupation _____ Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
8 Full Name <u>NEIL ROTHBART</u> Residential Address <u>19 TOWLE PLACE REMUERA</u> Occupation <u>Accountant</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
9 Full Name <u>YOLANDA THORP</u> Residential Address <u>21 TOWLE PL Remuera</u> Occupation <u>Civil Engineer</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
10 Full Name <u>W A Jones</u> Residential Address <u>29, y Alfred Rd St Helens</u> Occupation <u>W A Jones</u> Signature _____	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
11 Full Name <u>JOANNE WEBSTER</u> Residential Address <u>12 TOWLE PLACE, ST JOHNS AUCKLAND</u> Occupation <u>OFFICE MANAGER</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
12 Full Name <u>Brett Webster</u> Residential Address <u>12 Towle Place St Johns Auckland</u> Occupation <u>Director</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
13 Full Name <u>Fiona Reid</u> Residential Address <u>2/107 GRAND DRIVE, REMUERA</u> Occupation <u>WIFE</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
14 Full Name <u>STEVE HARRIS</u> Residential Address <u>77 GRAND DRIVE Remuera</u> Occupation <u>Programmer</u> Signature <u>[Signature]</u>	Full Name _____ Residential Address _____ Occupation _____ Signature <u>[Signature]</u>
15 Full Name <u>Bridget Susan Harris</u> Residential Address <u>77 Grand drive Remuera</u> Occupation <u>DIRECTOR</u> Signature <u>[Signature]</u>	Full Name <u>Bridget Susan Rothbart</u> Residential Address <u>19 Towle place</u> Occupation <u>Teacher</u> Signature <u>[Signature]</u>

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

\*A person who is an applicant cannot be witness to other applicants

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# RULES OF WAIATARUA RESERVE PROTECTION SOCIETY INCORPORATED

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## 1.- NAME

The name of the Society is the Waiaatarua Reserve Protection Society Incorporated

## 2.- OBJECTS

To do all such things as may be deemed expedient to

- a) Protect the Waiaatarua Reserve wetlands for the enjoyment of the neighbouring residents and visitors,
- b) Preserve the unique character of the reserve within the Auckland environment, and
- c) Provide an environment that will sustain a viable wetlands, native vegetation and bird life population

## 3 - MEMBERSHIP

### 3 1 CATEGORIES

There shall be the following categories of membership

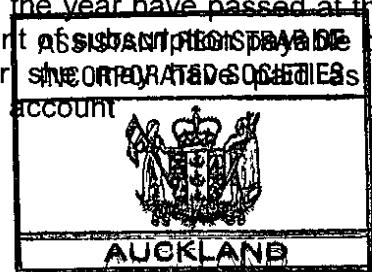
- a) Individual membership for persons who are not less than twenty years of age
- b) Junior membership for young persons aged less than twenty years of age On obtaining his or her twentieth birthday a junior member shall be eligible for individual membership Junior members shall enjoy the full privileges of membership, but without the power to vote, or the right to hold office on the Committee Junior members shall also not be counted towards a quorum of any meeting of the Society
- c) Corporate membership for companies registered under the Companies Acts and Incorporated Societies and Societies registered under the Incorporated Societies Act and Charitable Trusts registered under the Charitable Trusts Act (or relevant legislation from time to time)
- d) Honorary membership for such persons as have been elected honorary members by the members at a general meeting on the recommendation of the Committee

### 3 2 FIRST MEMBERS

Every person who signs the application for incorporation of the Society and who satisfies the requirements of Rule 3 1(a) shall be the first individual members of the Society

### 3 3 ADMISSION TO MEMBERSHIP

- a) Every application for membership shall be made on the prescribed form and, in the case of individual membership, shall be accompanied by the entry fee currently in force
- b) Every applicant for membership shall forward with his or her application, the full amount of the first year's membership subscription However, where a person becomes eligible to apply for individual membership during the Society's financial year, he or she shall pay a subscription for the remainder of the financial year equivalent to a full year's subscription reduced by as many twelfths thereof as completed months of the year have passed at the date of application for membership In determining the amount of subscription payable by an applicant for individual membership, any amount he or she has paid as a provisional member during the same period shall be taken into account



- c) Elections shall be made by ordinary resolution of the Committee at a properly constituted meeting
- d) The Secretary shall advise every newly elected member of his or her election by letter sent not later than seven days following the date of election

### **3 4 TERMINATION OF MEMBERSHIP**

Membership may be terminated in any of the following ways

- a) Any member may resign his or her membership at any time by notice in writing delivered personally or posted to the Secretary, and on such delivery he or she shall cease to be a member of the Society, but no such resignation shall relieve the member from payment of any moneys then due by him or her to the Society
- b) Any member who is adjudicated bankrupt, or who makes a compromise with his or her creditors, or who is convicted of a criminal offence, or who is of unsound mind, shall be expelled from membership
- c) Any member infringing any by-law or regulation or misconducting himself or herself within the Society premises shall be answerable to the committee who may at their discretion either fine such a member in any sum not exceeding \$50 00, or may suspend such member, or may, by a majority of not less than three votes, decide that such member be required to furnish to the committee within three days his or her resignation as a member of the Society and that failing the receipt of such resignation, he or she shall cease to be a member of the Society
- d) Any member who is liable for expulsion under rules 3 4(b) and 3 4(c) shall be entitled to appear personally before the Committee to offer an explanation verbally or in writing, or to be represented at the meeting at which suspension, expulsion or other embargo is to be considered. At least fourteen days' written notice of the meeting shall be given to any member concerned. Any resolution to fine a member shall be passed by an ordinary majority of those present and eligible to vote, and resolution to suspend or expel a member shall require a majority of 75 per cent of the members present and eligible to vote

## **4:- SUBSCRIPTIONS**

### **4 1 ANNUAL SUBSCRIPTION**

The Committee shall determine the annual subscription

### **4 2 JUNIOR MEMBERS**

The subscription payable by junior members shall be 25% of the amount payable by individual members

### **4 3 CORPORATE MEMBERS**

The subscription payable by corporate members shall be 100% of the amount payable by individual members

### **4 4 FAILURE TO PAY**

Any member failing to pay his or her subscription within three months from the commencement of the financial year, may be struck off the register of members by resolution of the Committee

#### **4 5 LEVIES**

In addition to the annual subscriptions payable to the Society, every individual member and corporate member of the Society may be required to pay a levy to assist in funding any special project which the Society may agree to undertake on the recommendation of the Committee

#### **4 6 FAILURE TO PAY**

Any member failing to pay any levy properly imposed on members in terms of rule 4 5 within three months of the levy being made may be suspended from membership for such period as the Committee may resolve

### **5 - MANAGEMENT**

#### **5 1 THE COMMITTEE**

The affairs of the Society shall be managed by a Committee comprising the Chairman and four individual members of the Society to be elected annually at the Annual General Meeting of members

#### **5 2 ELIGIBILITY AND NOMINATIONS**

- a) Any individual member, other than an honorary member shall be eligible for election to the Committee except that no member who, at the time of nomination, has been under any financial liability to the Society for a period of at least two months, shall be eligible for election
- b) Written nominations for the Committee, in the form prescribed by the, Committee, shall be lodged with the Secretary not less than 48 hours prior to the date of the Annual General Meeting
- c) Every retiring member of the Committee shall be eligible for re-election and deemed to be nominated, unless he or she has previously signified to the Secretary in writing a desire not to seek re-election
- d) If in any year the number of members nominated for the Committee is not more than four, the persons so nominated shall, at the Annual General Meeting, be declared the elected members of the Committee for the ensuing year
- e) If in any year the number of members nominated for the Committee exceeds four, the candidates to be elected to the Committee shall be determined by a ballot held at the Annual General Meeting
- f) If in any year the number of members nominated for the Committee is less than four, those nominated shall be deemed to be elected to the Committee at the Annual General Meeting. At that meeting, the Chairperson shall invite nominations for the remaining positions on the Committee and, if an election is necessary, a ballot shall be held
- g) Any vacancies on the Committee following an election under Rule 5 2(f), shall be filled by the Committee

#### **5 3 VACANCIES ON COMMITTEE**

The Committee may fill any vacancy occurring on the Committee between one Annual General Meeting of the Society and the next. A person appointed to fill such vacancy shall retire at the next Annual General Meeting and deemed to be renominated in terms of Rule 5 2(c)

#### **5 4 SUB-COMMITTEES,**

- (a) The Committee may appoint sub-committees from among its members (or from among other members of the Society who are not members of the Committee) and
  - i) may fix the quorum,
  - ii) may delegate any of its powers to such sub-committees, and
  - iii) may make rules for regulating the proceedings of the subcommittees
- (b) The role of a sub-committee shall be to undertake special projects, eg, the organisation of Society competitions, or community projects in the Reserve, on behalf of the Committee to which it shall report
- (c) The Chairman shall be an ex-officio member of all sub-committees. A member of the Committee shall be chairperson of a sub-committee
- (d) Each sub-committee shall have the right to co-opt, as it thinks fit, such member or members of the Society not exceeding three, to be a member or members of such sub-committee. A co-opted member shall have the same rights as an ordinary member of a sub-committee

### **6 - OFFICERS AND THEIR ELECTIONS**

#### **6 1 OFFICERS**

The officers of the Society shall comprise a Chairman, a secretary and a treasurer. The office of secretary may be held by a paid executive and may be combined with the office of treasurer if the Committee so decides.

The Secretary and the Treasurer (or a Secretary-Treasurer) shall be appointed by the Committee and the committee may, at its discretion, remove or suspend from office, a secretary or treasurer.

#### **6 2 ELECTION**

The Chairman shall be elected annually at the Annual General Meeting, on the recommendation of the Committee, but no person may hold the office of Chairman for more than three years in succession.

If for any reason an office in the Society becomes vacant between one Annual General Meeting of the Society and the next, the Committee may fill the vacancy. Any person appointed to fill such vacancy shall retire from office at the next Annual General Meeting and be deemed to be nominated for re-election at the next Annual General Meeting.

#### **6 3 REMUNERATION**

The officers of the Society shall be volunteers, and will not be remunerated other than by reimbursement of any costs directly incurred in carrying out their duties on behalf of the Society.

### **7 - THE COMMITTEE**

#### **7 1 MEETINGS**

- (a) The Committee shall meet at least once every three months.
- (b) The day and time of each quarterly meeting shall be determined by the Committee which may meet, adjourn and otherwise regulate its meetings as it thinks fit.

- (c) At any meeting of the Committee, the Chairman, if present, shall preside. In the absence of the Chairman from any meeting the members present shall elect one of their number to chair the meeting.
- (d) Each member of the Committee present shall be entitled to exercise one vote. Questions arising at any meeting shall be decided by a majority of votes. The chairperson of the meeting shall have a deliberative vote and, in the event of an equality of votes, a casting vote also.
- (e) Three members personally present at the beginning of, and throughout the meeting shall form a quorum.

## **7.2 POWERS OF COMMITTEE**

Without prejudice to the general powers conferred by the Rules, the Committee shall have the following powers:

- (a) It shall be responsible for the management of the affairs of the Society including the control and investment of the Society's funds.
- (b) It may make by-laws and regulations for the internal conduct of the Society and engage such staff as may be necessary for the conduct of the Society.
- (c) It may build, purchase, lease, rent, hold and/or furnish any building or premises for the use of members of the Society and may from time to time dispose of some or any part of it.
- (d) It may make and give receipts, releases and other discharges for moneys payable to the Society and for the claims and demands of the Society.
- (e) It shall make provision for the opening and operation of such bank account or accounts as may be deemed necessary for the purposes of the Society.
- (f) It may invest and deal with any money of the Society upon such security and in such manner as it thinks fit, and it may from time to time vary such investments.
- (g) It may adopt and give effect to a scheme for the payment of pensions or other retiring allowances to employees of the Society.
- (h) It may borrow or otherwise raise money in such manner as it thinks fit and to secure repayment by the issue of debentures or by mortgages or charges upon the whole or part of the property or assets of the Society (whether present or future) and to purchase, redeem or pay off any such securities.
- (i) It shall keep minutes of all meetings of the Committee and subcommittees and of all general meetings of members.
- (j) It shall ensure that proper books of account are kept by the Treasurer who shall present a monthly financial statement to the Committee and an annual statement of income and expenditure, together with a balance sheet to the members at the Annual General Meeting.
- (k) It shall exercise all the rights, powers and duties that under these Rules are required to be performed by the Committee.



## **8:- MEETINGS OF MEMBERS**

### **8 1 BUSINESS**

An Annual General Meeting of the members of the Society shall be held in the month of June each year. The business of the Annual General Meeting shall be to receive and consider

- (a) the report of the Committee on the affairs of the Society for the past financial year,
- (b) the accounts made up to the previous thirty-first day of March, such accounts to be signed by the Society's auditor,
- (c) the election of a Chairman in accordance with Rules 5 2 and 6 2,
- (d) the election of the Committee comprising four members in accordance with Rule 5 2,
- (e) the appointment of an auditor for the ensuing year

### **8 2 MOTIONS AND SPECIAL MEETINGS**

- (a) A member wishing to bring any motion before the Annual General Meeting shall give written notice to the Secretary of the Society on or before the fifteenth day of May immediately preceding the date of the meeting and no motion shall come before the meeting unless notice thereof has been so given. No other business shall be considered unless the same is specified in the notice convening the meeting, except it be deemed a matter of extreme urgency by a majority of the members assembled or be expressly authorised by the Rules
- (b) A special, or extraordinary, general meeting of members may be called by the Committee at any time and shall be called at the written request of eight financial members of the Society. Such a meeting shall have the same powers as an Annual General Meeting

### **8 3 NOTICE**

Notice of a general meeting shall be given to members in writing at least fourteen clear days before the date of such meeting. Such notice shall specify the date, time and place of such meeting, the type of meeting and the business to be discussed at the meeting

### **8 4 PROCEDURE.**

- a) Fifteen members present personally at a general meeting of members shall form a quorum. There must be a quorum present at the start of, and throughout the meeting. If there is no quorum present at the appointed time, those present shall use their best endeavours to encourage other members to attend. If there is still no quorum within one hour of the appointed time, those members that are present in person shall constitute a quorum regardless of their number
- b) The Chairman shall be chairperson of a general meeting. In the absence of the Chairman, the meeting shall elect a chairperson for that meeting
- c) Voting shall be on the voices unless a show of hands or a poll is called for. The chairperson shall have a second or casting vote in addition to his or her deliberative vote
- d) Resolutions passed at any general meeting shall be conclusive and binding on all members of the Society whether present at the meeting or not

## **9 - FINANCE**

### **9 1 MONEY ON ACCOUNT**

All moneys received on account of the Society shall be paid into the account of the Society with its bankers and shall be acknowledged in writing by an officer of the Society

### **9 2 CHEQUES**

All cheques drawn upon the bankers of the Society shall be signed in such manner and by such persons as the Committee shall from time to time determine

### **9 3 ENDORSEMENT**

Cheques or other negotiable instruments paid or payable to the Society's bankers for collection requiring the endorsement of the Society may be endorsed by such person or persons as the Committee shall from time to time appoint

### **9 4 ACCOUNT BOOKS**

The Treasurer shall keep, or cause to be kept, a proper account of the income and expenditure of the Society, and of the matters in respect of which such income and expenditure arises and takes place respectively and of the property, credits and liabilities of the Society, in books to be provided for that purpose, and shall produce the account books, properly written up, when required by the Committee

### **9 5 FINANCIAL YEAR**

The financial year of the Society shall be from the first day of April in one year to the thirty-first day of March in the next year

### **9 6 AUDIT**

Once at least in every year the accounts of the Society made up to the thirty first day of March preceding, shall be duly audited by the auditor of the Society, and an abstract of the accounts shall be printed and issued to every member, together with the notice of the Annual General Meeting The auditor shall be appointed at the Annual General Meeting and shall be a member of the Institute of Chartered Accountants of New Zealand The remuneration of the auditor shall be determined by the Committee that shall have power to fill any casual vacancy in the office of auditor

### **9 7 FILING REQUIREMENTS**

The Secretary shall file with the Registrar of Incorporated Societies within seven days after the Annual General Meeting, the financial statements required to be filed under Section 23 of the Incorporated Societies Act 1908

### **9 8 USE OF FUNDS**

No part of the funds of the Society shall be used, or become available for use for any purpose other than those set out in Clause 2 of these Rules, or for a charitable purpose The purpose of this restriction is to enable the Society to qualify for an exemption from income tax under Section CB4(1)(j) of the Income Tax Act 1994

## **10 - ALTERATION OF RULES**

### **10 1 ALTERATION:**

The rules of the Society may be altered, added to or rescinded at any general meeting provided that notice in writing setting out such alteration, addition or rescission has been posted to members with the notice of the meeting not less than fourteen clear days prior to the meeting

### **10 2 FILING REQUIREMENTS**

The Committee shall within seven days register any such alteration, addition or rescission with the Registrar of Incorporated Societies

## **11:- BY-LAWS**

### **11.1 MAKING BY-LAWS**

The Committee shall have power to make, alter or rescind bylaws not inconsistent with these Rules for the conduct and behaviour of members or any other matter related to the affairs of the Society By-laws shall take effect and become binding on all members fourteen days after notice of the by-laws has been given by circular letter to all members, unless within that time written notice of objection signed by ten members is received by the Secretary, in which case such notice shall be deemed to be a requisition for the purpose of convening a special general meeting of members pursuant to Rule 8 2(b)

### **11 2 INSPECTION**

A copy of the rules and by-laws and regulations for the conduct of the Society shall always be open to inspection by members

## **12 - COMMON SEAL**

The Society shall have a common seal that shall be kept in the custody and control of the Secretary for the time being of the Society The Society shall execute any document pursuant to a resolution of the committee passed for that purpose by affixing the common seal in the presence of two members of the committee

## **13:- WINDING UP**

In the event of winding up, the property of the Society shall, subject to the payment of its debts and liabilities and the costs and expenses of the winding up be transferred to the Auckland Civic Trust for the general purposes of that Trust

## **14 - INDEMNITY**

### **14 1 INDEMNITY**

The members of the Committee, Auditor and Secretary and other officers shall be indemnified by the Society for all losses and expenses incurred by them in or about the discharge of their respective duties except such as shall result from their own respective wilful default

### **14 2 LIMITATION OF LIABILITY**

No member of the Committee, Auditor, Secretary or other officer shall be liable for the acts or defaults of any other member of the Committee, Auditor, Secretary or other officer, or for any loss or expense happening to the Society, unless the same happen from his or her own wilful default

## 15 - INTERPRETATION

The following words and expressions used in these Rules have the meanings set out below unless such meanings are excluded by or are repugnant to the context or subject matter, that is to say,

- "The Society" shall mean Waatarua Reserve Protection Society Incorporated
- "The Chairman" shall mean the Chairman for the time being of the Society and shall include an acting Chairman
- "Month" shall mean calendar month
- Words importing only the singular number shall include the plural number and vice versa
- Words importing the masculine gender shall include the female, and vice versa
- "The Committee" shall mean the Committee of the Society as elected in accordance with these Rules
- "in writing", "printed" and "written" shall include handwriting, printing, facsimile, e-mail and other modes of representing or reproducing words in a visible form
- Words importing persons shall include corporations

This is the document marked "A" referred to in the annexed declaration of Andrew Paul Bergman made at Auckland this 8<sup>th</sup> day of October 2002 before me

*David Blaw*

Signed by a solicitor, JP or other authorised officer

*DAVID BLAW, Solicitor of the High Court of New Zealand*