

Kamo Community Incorporated Society Procedures

These procedures are to be read in conjunction with the KCi Constitution (Rules).

Officers' Duties

At all times each **Committee Member**:

1. shall act in good faith and in what he or she believes to be the best interests of the Society,
2. must exercise all powers for a proper purpose,
3. must not act, or agree to the Society acting, in a manner that contravenes the Act or Society Rules,
4. when exercising powers or performing duties as a Committee Member, must exercise the care and diligence that a reasonable person with the same responsibilities would exercise in the same circumstances taking into account, but without limitation, the nature of the Society, the nature of the decision, the position of the Committee Member and the nature of the responsibilities undertaken by him or her,
5. must not agree to the activities of the Society being carried on in a manner likely to create a substantial risk of serious loss to the Society or to the Society's creditors, or cause or allow the activities of the Society to be carried on in a manner likely to create a substantial risk of serious loss to the Society or to the Society's creditors, and
6. must not agree to the Society incurring an obligation unless he or she believes at that time on reasonable grounds that the Society will be able to perform the obligation when it is required to do so.

Meeting Procedures

1. Calling a meeting:

- 1.1 Meetings are open to all financial Members.
- 1.2 The Secretary informs all financial Members of an upcoming Committee Meeting by email 7 days prior to the meeting date; and an Annual General Meeting 14 days prior to the meeting date.
- 1.3 NZ Police representing Kamo Community and elected Councillors who represent Kamo Community are also invited to Committee and Annual General Meetings.
- 1.4 If a Member (other than elected Committee Member) wishes to raise a specific issue they must give notice to the Secretary 7 days prior to the meeting, in order to have speaking rights on that issue.

2. Decision Making:

- 2.1 The culture of the organisation is to encourage decision making by consensus.
- 2.2 When consensus is not possible then a decision can be made by majority vote of elected Members present.
- 2.3 If voting results in a draw, a casting vote may be made by the Chair.

- 2.4 The meeting chairperson has the power to adjourn a meeting when remaining in Committee becomes unproductive.
- 2.5 The meeting chairperson may remove a person from the meeting on grounds of contempt of KCi Rules and Procedures.

3. Dispute/Conflict Resolution:

- 3.1 First, seek to fully understand all views. Understanding has the potential to transform the dispute/conflict. The transformations that emerge might happen at the personal level (a change of heart), the structural level (a change in power), or somewhere in between.
- 3.2 Refer Incorporated Societies Act 2022 Schedule 2 Optional Disputer Resolution Procedures attached to these KCi Procedures as Annex 1.

4. Reports submitted:

- 4.1 At each Committee Meeting the Treasurer must submit a written report including:
- a) Current balance
 - b) Cash position
 - c) Commentary on movement of funds
 - d) Commentary on funding applications
 - e) Accounts for payment
 - f) Current membership numbers
- 4.2 At each Committee Meeting the Community Coordinator must provide a written report summarising the status of KCi projects and any progress made in the last month. This report is to be sent out to elected Members by the Secretary with the notice of meeting.
- 4.3 At each Committee Meeting the Community Coordinator must also submit an account for payment.

5. Minutes

- 5.1 The Secretary must keep an accurate record of each meeting.
- 5.2 Minutes are to be sent to all elected Committee Members plus Police and Councillors in attendance.
- 5.3 Minutes are made available to financial Members on KCi website after they have been confirmed as a true and accurate record.

6. Movement of Funds:

- 6.1 The Treasurer may pay an invoice/account of up to \$100 without resolution in Committee but with the approval of one other elected committee Member who authorises the payment.

7. Membership:

- 7.1 KCi acts as a voice for Kamo Village residents and businesses. The larger KCi membership the stronger KCi voice becomes with Councils, Government Agencies, lobby groups, and funding agencies in pursuit of the Purposes of KCi Constitution.

7.2 A Register of financial Members is kept by the Treasurer.

Annex 1
Incorporated Societies Act 2022
Schedule 2 Optional dispute resolution procedures

1. Overview of this schedule

- 1) Section 39 requires the procedures in a society’s constitution relating to disputes to be consistent with the rules of natural justice.
- 2) A society may choose (but is not required) to include the procedures in this schedule in its constitution.
- 3) The procedures in a society’s constitution must be treated as being consistent with the rules of natural justice if those procedures consist of—
 - (a) all of the procedures in this schedule; and
 - (b) any additional procedures that are consistent with those procedures.

2. How complaint is made

- 1) A member or an officer may make a complaint by giving to the committee (or a complaints subcommittee) a notice in writing that—
 - (a) states that the member or officer is starting a procedure for resolving a dispute in accordance with the society’s constitution; and
 - (b) sets out the allegation to which the dispute relates and whom the allegation is against; and
 - (c) sets out any other information reasonably required by the society.
- 2) The society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that—
 - (a) states that the society is starting a procedure for resolving a dispute in accordance with the society’s constitution; and
 - (b) sets out the allegation to which the dispute relates.
- 3) The information given under subclause (1)(b) or (2)(b) must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- 4) A complaint may be made in any other reasonable manner permitted by the society’s constitution.

3. Person who makes complaint has right to be heard

- 1) A member or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- 2) If the society makes a complaint,—
 - (a) the society has a right to be heard before the complaint is resolved or any outcome is determined; and
 - (b) an officer may exercise that right on behalf of the society.
- 3) Without limiting the manner in which the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if—
 - (a) they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and

- (b) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- (c) an oral hearing (if any) is held before the decision maker; and
- (d) the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.

4. Person who is subject of complaint has right to be heard

- 1) This clause applies if a complaint involves an allegation that a member, an officer, or the society (the **respondent**)—
 - (a) has engaged in misconduct; or
 - (b) has breached, or is likely to breach, a duty under the society's constitution or bylaws or this Act; or
 - (c) has damaged the rights or interests of a member or the rights or interests of members generally.
- 2) The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- 3) If the respondent is the society, an officer may exercise the right on behalf of the society.
- 4) Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if—
 - (a) the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - (b) the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - (c) an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - (d) an oral hearing (if any) is held before the decision maker; and
 - (e) the respondent's written statement or submissions (if any) are considered by the decision maker.

5. Investigating and determining dispute

- 1) A society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
- 2) Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

6. Society may decide not to proceed further with complaint

- 1) Despite [clause 5](#), a society may decide not to proceed further with a complaint if—
 - (a) the complaint is trivial; or
 - (b) the complaint does not appear to disclose or involve any allegation of the following kind:
 - (i) that a member or an officer has engaged in material misconduct;
 - (ii) that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or this Act;
 - (iii) that a member's rights or interests or members' rights or interests generally have been materially damaged;
 - (c) the complaint appears to be without foundation or there is no apparent evidence to support it; or
 - (d) the person who makes the complaint has an insignificant interest in the matter; or

- (e) the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- (f) there has been an undue delay in making the complaint.

7. Society may refer complaint

- 1) A society may refer a complaint to—
 - (a) a subcommittee or an external person to investigate and report; or
 - (b) a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
- 2) A society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

8. Decision makers

- 1) A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be—
 - (a) impartial; or
 - (b) able to consider the matter without a predetermined view.

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