



# CONSTITUTION

21 September 2025



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# 1. Introductory rules

## 1.1. Name

1. The name of the Society is Barbershop Harmony New Zealand Incorporated (in this Constitution referred to as the Society or abbreviated to BHNZ).

## 1.2. Charitable status

1. The Society is registered as a charitable entity under the Charities Act 2005.

## 1.3. Definitions

1. In this Constitution, unless the context requires otherwise, the following words and phrases have the meanings indicated:

**‘Act’** means the Incorporated Societies Act 2022 or any Act which replaces it (including amendments to it from time to time), and any regulations made under the Act or under any Act which replaces it.

**‘Affiliated Chapter’** means a formally constituted entity – normally an Incorporated Society – which is affiliated to Barbershop Harmony New Zealand Incorporated and consists of one or more choruses and their associated members.

**‘Annual General Meeting’** means a meeting of the Members of the Society held once per year which, among other things, will receive and consider reports on the Society’s activities and finances.

**‘Board’** means the Society’s governing body, which performs the role of the Committee as per Section 5 of the Incorporated Societies Act 2022 and whose members are elected under Rule 6.3 of this Constitution.

**‘Chairperson’** means the person chairing a meeting – in the case of General Meetings and Board Meetings this is usually the President of the Society.

**‘Constitution’** means the rules in this document.

**‘General Meeting’** means either an Annual General Meeting or a Special General Meeting of the Members of the Society.

**‘Interested Member’** means a Member or an Officer of the Society or member of a sub-committee who is interested in a matter for any of the reasons set out in section 62 of the Act.

**‘Interests Register’** means the register of interests of Officers, kept under this Constitution and as required by section 73 of the Act.

**‘Matter’** means:

1. the Society’s performance of its activities or exercise of its powers; or
2. an arrangement, agreement, or contract (a transaction) made or entered into, or proposed to be entered into, by the Society.
3. Matters not covered in these rules will be decided upon by the Board.

**‘Member’** means any person who has consented to become a Member of the Society, either through their membership of an Affiliated Chapter or as a **Member at Large**, and has been properly admitted to the Society and who has not ceased to be a Member of the **Society**.

**‘Member at Large’** means an individual Member of BHNZ who is not a member of a Chapter affiliated with BHNZ.

**‘Notice’** to Members includes any notice given by email, post, or courier.

**‘Officer’** means a natural person who is:

- a member of the **Board**, or
- occupying a position in the **Society** that allows them to exercise significant influence over the management or administration of the **Society**, including any Chief Executive or Treasurer.

**‘President’** means the Officer who provides leadership for the Society and is usually responsible for chairing General Meetings and Board Meetings.

**‘Register of Members’** means the register of Members kept under this Constitution as required by section 79 of the Act.

**‘Secretary’** means the Officer responsible for the matters specifically noted in this Constitution.

**‘Society’** means Barbershop Harmony New Zealand Incorporated (BHNZ).

**‘Special General Meeting’** means a meeting of the Members, other than an Annual General Meeting, called for a specific purpose or purposes.

**‘Vice-President’** means the person who deputises for the President in their absence.

**‘Working Days’** means as defined in the Legislation Act 2019. Examples of days that are not Working Days include, but are not limited to, the following: a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki / Matariki Observance Day, and Labour Day.

## 1.4. Purposes

1. The Society is established and maintained exclusively for charitable purposes (including any

purposes ancillary to those charitable purposes), namely to:

- a) perpetuate the old American institution, the barbershop quartet, and to promote and encourage vocal harmony and good fellowship among its members throughout New Zealand by the formation of local Chapters;
- b) encourage and promote the education of its members and the public in music appreciation and to promote public appreciation of barbershop quartet and chorus singing;
- c) promote the formation of and assist the activities of affiliated barbershop Chapters;
- d) initiate and maintain a broad programme of musical education, particularly in the field of vocal harmony. Barbershop harmony is fully defined in the affiliation agreement between the Barbershop Harmony Society (BHS) and Barbershop Harmony New Zealand Incorporated (BHNZ) and is reproduced in Appendix A of this Constitution;
- e) do anything necessary or helpful to the above purposes.

### **1.5. Tikanga, kawa, culture or practice**

1. The tikanga or culture of the Society is defined in the affiliation agreement between the Barbershop Harmony Society (BHS), and Barbershop Harmony New Zealand (BHNZ) and is outlined in Appendix B of this Constitution. This Constitution shall be interpreted having regard to that tikanga, kawa, culture or practice.

### **1.6. Act and Regulations**

1. Nothing in this Constitution authorises the Society to do anything which contravenes or is inconsistent with the Act, any regulations made under the Act, or any other legislation.

### **1.7. Restrictions on society powers**

1. The Society must not be carried on for the financial gain of any of its members.

### **1.8. Registered office**

1. The registered office of the Society shall be at such place in New Zealand as the Board from time to time determines.
2. Changes to the registered office shall be notified to the Registrar of Incorporated Societies:
  - a) at least 5 working days before the change of address for the registered office is due to take effect, and
  - b) in a form and as required by the Act.

## **1.9. Contact person**

1. The Society shall have at least 1 but no more than 3 contact person(s) whom the Registrar can contact when needed.
2. The Society's contact person must be:
  - a) At least 18 years of age, and
  - b) Ordinarily resident in New Zealand.
3. A contact person can be appointed by the Board or elected by the Members at a General Meeting.
4. Each contact person's name must be provided to the Registrar of Incorporated Societies, along with their contact details, including:
  - a) a physical address or an electronic address, and
  - b) a telephone number.
5. Any change in that contact person or that person's name or contact details shall be advised to the Registrar of Incorporated Societies within 20 Working Days of that change occurring, or the Society becoming aware of the change.

## **2. Members**

### **2.1. Minimum number of members**

1. The Society shall maintain the minimum number of Members (10) required by the Act.

### **2.2. Classes of membership**

1. BHNZ offers the classes of membership outlined in Appendix C of this Constitution.

### **2.3. Becoming a member – consent**

1. Every applicant for membership must consent in writing to becoming a Member.

### **2.4. Becoming a member – process**

1. Affiliated Chapters

- a) Any group of barbershop singers in New Zealand that has purposes and rules compatible with those of BHNZ may apply to become an Affiliated Chapter of BHNZ, subject to them agreeing to abide by BHNZ's rules, policies and Code of Ethics (Appendix B).
- b) Applications for affiliation must be submitted in writing to the BHNZ Board, accompanied by a copy of the group's rules.
- c) The Board may interview a representative of the applicant group when it considers affiliation applications. The Board has complete discretion when it decides whether or not to allow the group to become an Affiliated Chapter.
- d) The Board will advise the Applicant of its decision, and there is no right of appeal.
- e) Upon acceptance for affiliation a Chapter will be required to submit their Member details to BHNZ and will then be invoiced for the appropriate affiliation fees.
- f) An Affiliated Chapter will retain its affiliated status provided it retains at least 10 financial members at all times, its affiliation fees are fully paid and it is not under suspension by the BHNZ Board.
- g) Members of an Affiliated Chapter have automatic membership of BHNZ if their names have been submitted to the Treasurer of BHNZ and affiliation fees have been paid.

## 2. Members at Large

- a) To become a Member of BHNZ other than through membership of an Affiliated Chapter, an applicant must complete and sign any application form, supply any information, or attend an interview as may be reasonably required by the Board.
- b) The Board may accept or decline an application for membership at its sole discretion.
- c) The Board will advise the applicant of its decision and there is no right of appeal.
- d) A prospective Member will be invoiced for a membership fee upon acceptance to membership and their membership will be validated when payment is received.

3. The signed written consent of every Member to become a Society Member shall be retained in the Society's membership records in the case of a Member at Large or otherwise in the membership records of the Member's Affiliated Chapter, and these shall be made available to BHNZ on request.

## **2.5. Members' obligations and rights**

1. Every Member shall provide the Society in writing with that Member's name and contact details (namely, physical or email address and a telephone number) and promptly advise the Society in writing of any changes to those details.
2. All Members shall promote the interests and purposes of the Society and shall do nothing to bring the Society into disrepute.
3. A Member is entitled to exercise the rights of membership (including attending and voting at General Meetings, accessing or using the Society's premises, facilities, equipment and other property, and participating in Society activities) only if all subscriptions and any other fees have been paid to the Society by their respective due dates.
4. The Board may decide what access or use Members may have to or of any premises,

facilities, equipment or other property owned, occupied or otherwise used by the Society, and to participate in Society activities, including any conditions of and fees for such access, use or involvement.

## **2.6. Subscriptions and fees**

1. The annual subscription and any other fees for membership for the then current financial year shall be set by resolution of a meeting of the Board (which can also decide that payment be made by periodic instalments).
2. If any Member does not pay a subscription or levy by the date set by the Board or the Society, the Secretary will give written notice that, unless the arrears are paid by a nominated date, the membership will be terminated. After that date, the Member has no membership rights (without being released from the obligation of payment of any sums due to the Society) and is not entitled to participate in any Society activity.

## **2.7. Ceasing to be a member**

1. A Member ceases to be a Member:
  - a) by resignation from that Member's class of membership by written notice signed by that Member to the Board, or
  - b) on termination of a Member's membership following a dispute resolution process under this Constitution, or
  - c) on death (or if a body corporate on liquidation or deregistration, or if a partnership on dissolution of the partnership), or
  - d) by resolution of the Board where:
    - i) The Member has failed to pay arrears of a subscription, levy or other amount due to the Society by the date given in written notice by the Secretary.
    - ii) In the opinion of the Board the Member has brought the Society into disrepute.
2. with effect from (as applicable):
  - a) the date of receipt of the Member's notice of resignation by the Board (or any subsequent date stated in the notice of resignation), or
  - b) the date of termination of the Member's membership under this Constitution, or
  - c) the date of death of the Member (or if a body corporate from the date of its liquidation or deregistration, or if a partnership from the date of its dissolution), or
  - d) the date specified in a resolution of the Board and when a Member's membership has been terminated the Board shall promptly notify the former Member in writing.

## **2.8. Obligations once membership has ceased**

1. A Member who has ceased to be a Member under this Constitution:

- a) shall cease to hold themselves out as a Member of the Society, and
- b) shall return to the Society all material provided to Members by the Society (including any membership certificate, badges, handbooks and manuals).
- c) shall cease to be entitled to any of the rights of a Society Member.

## **2.9. Becoming a member again**

1. Any former Member may apply for re-admission in the manner prescribed for new applicants and may be re-admitted only by resolution of the Board.
2. But, if a former Member's membership was terminated following a disciplinary or dispute resolution process, the applicant may be re-admitted only by a resolution passed at a General Meeting on the recommendation of the Board.

## **3. General meetings**

### **3.1. Procedures for all general meetings**

1. The Board shall give all Members at least 10 Working Days' written Notice of any General Meeting and of the business to be conducted at that General Meeting.
2. That Notice will be addressed to the Member at the contact address notified to the Society and recorded in the Society's register of members. The General Meeting and its business will not be invalidated simply because one or more Members do not receive the Notice of the General Meeting.
3. Only financial Members may attend, speak and vote at General Meetings:
  - a) in person, or,
  - b) if absent from the meeting, financial Members of the Society may submit postal or email votes only on the election of officers or Rule changes, or
  - c) by a signed original written proxy or an emailed copy in favour of some individual entitled to be present at the meeting and received by, or handed to, the Board before the commencement of the General Meeting, or
  - d) through the authorised representative of a body corporate as notified to the Board, and
  - e) no other proxy voting shall be permitted.
4. No General Meeting may be held unless at least 20 percent of eligible financial Members attend in person or by proxy throughout the meeting, and this will constitute a quorum.
5. If, within half an hour after the time appointed for a meeting a quorum is not present, the meeting – if convened upon request of Members – shall be dissolved. In any other case it shall stand adjourned to a day, time and place determined by the Chairperson, and if at such adjourned meeting a quorum is not present those Members present in person or by proxy shall be deemed to constitute a sufficient quorum.
6. A Member is entitled to exercise one vote on any motion at a General Meeting in person or

by proxy, and voting at a General Meeting shall be by voices or by show of hands or, on demand of the chairperson or of 2 or more Members present, by secret ballot.

7. Unless otherwise required by this Constitution, all questions shall be decided by a simple majority of those in attendance in person or by proxy and voting at a General Meeting or voting by remote ballot.
8. Any decisions made when a quorum is not present are not valid.
9. The Society may pass a written resolution in lieu of a General Meeting, and a written resolution is as valid for the purposes of the Act and this Constitution as if it had been passed at a General Meeting if it is approved by no less than 75 percent of the Members who are entitled to vote on the resolution. A written resolution may consist of 1 or more documents in similar form (including letters, electronic mail, or other similar means of communication) each proposed by or on behalf of 1 or more Members. A Member may give their approval to a written resolution by signing the resolution or giving approval to the resolution in any other manner permitted by the Constitution (for example, by electronic means).
10. General Meetings may be held at one or more venues by Members present in person and/or using any real-time audio, audio and visual, or electronic communication that gives each Member a reasonable opportunity to participate.
11. All General Meetings shall be chaired by the President. If the President is absent, the Vice-President shall chair that meeting.
12. Any person chairing a General Meeting has a deliberative and, in the event of a tied vote, a casting vote.
13. Any person chairing a General Meeting may:
  - a) With the consent of a simple majority of Members present at any General Meeting adjourn the General Meeting from time to time and from place to place but no business shall be transacted at any adjourned General Meeting other than the business left unfinished at the meeting from which the adjournment took place.
  - b) Direct that any person not entitled to be present at the General Meeting, or obstructing the business of the General Meeting, or behaving in a disorderly manner, or being abusive, or failing to abide by the directions of the chairperson be removed from the General Meeting, and
  - c) In the absence of a quorum or in the event of emergency, adjourn the General Meeting or declare it closed.
14. The Board may propose motions ('Board Motions') for the Society to vote on, which shall be notified to Members with the notice of the General Meeting.
15. Any Member may request that a motion be voted on ('Member's Motion') at a General Meeting, by giving notice to the Secretary or Board at least 20 Working Days before that meeting. The Member may also provide information in support of the motion ('Member's Information'). If notice of the motion is given to the Secretary or Board before written Notice of the General Meeting is given to Members, notice of the motion shall be provided to Members with the written Notice of the General Meeting.

### **3.2. Minutes**

1. The Society must keep minutes of all General Meetings.

### **3.3. Annual General Meetings**

1. An Annual General Meeting shall be held once a year on a date and at a location and/or using any electronic communication determined by the Board and consistent with any requirements in the Act and this Constitution, and the rules relating to the procedure to be followed at General Meetings shall apply.
2. The Annual General Meeting must be held no later than the earlier of the following:
  - a) 6 months after the balance date of the Society, or
  - b) 15 months after the previous annual meeting.
3. The business of an Annual General Meeting shall be to:
  - a) confirm the minutes of the last Annual General Meeting and any Special General Meeting(s) held since the last Annual General Meeting,
  - b) adopt the annual report on the operations and affairs of the Society,
  - c) adopt the Board's report on the finances of the Society, and the annual financial statements,
  - d) set any subscriptions for the current financial year,
  - e) elect Board Members for the ensuing year,
  - f) consider any motions of which prior notice has been given to Members with notice of the Meeting, and
  - g) consider any general business.
4. The Board must, at each Annual General Meeting, present the following information:
  - a) an annual report on the operation and affairs of the Society during the most recently completed accounting period,
  - b) the annual financial statements for that period, and
  - c) notice of any disclosures of conflicts of interest made by Officers during that period (including a summary of the matters, or types of matters, to which those disclosures relate).

### **3.4. Special General Meetings**

1. Special General Meetings may be called at any time by the Board by resolution.
2. The Board must call a Special General Meeting if it receives a written request signed by at

least 10 percent of Members.

3. Any resolution or written request must state the business that the Special General Meeting is to deal with.
4. The rules in this Constitution relating to the procedure to be followed at General Meetings shall apply to a Special General Meeting, and a Special General Meeting shall only consider and deal with the business specified in the Board's resolution or the written request by Members for the Meeting.

## **4. Board**

### **4.1. Board composition**

1. The Board will consist of the following Officers:
  - a) the President,
  - b) the Vice-President,
  - c) the Secretary,
  - d) the Treasurer, and
  - e) at least three and up to six other Officers (ideally two from each of the Northern, Central and Southern Regions), and
  - f) up to two Youth Representatives (one from the North Island and one from the South Island).
2. The Board will assign responsibilities across key portfolios aligned to the Board's current strategic objectives. These portfolio roles may be held by Board members or other appointed individuals, as appropriate. Holding a portfolio does not necessarily confer Officer status.
3. To maintain diversity and avoid over-representation, generally no Chapter should be represented by more than one person on the Board.
4. All Board members must be, either:
  - a) Members of the Society, or
  - b) representatives of bodies corporate that are Members of the Society.

### **4.2. Functions of the Board**

1. From the end of each Annual General Meeting until the end of the next, the Society shall be managed by, or under the direction or supervision of, the Board, in accordance with the Incorporated Societies Act 2022, any Regulations made under that Act, and this Constitution.
2. Subject to the Rules of the Society, the role of the Board is to:
  - a) administer, manage, and control the Society including establishing a company or any other entity and investing in that entity to conduct any aspect of its business,

- b) carry out the purposes of the Society, and use money or other assets to do that
- c) manage the Society's financial affairs, including approving the annual financial statements for presentation to the Members at the Annual General Meetings,
- d) set accounting policies in line with generally accepted accounting practice (see Clause 8.1)
- e) delegate responsibility and co-opt members to fill vacancies where necessary (per Clause 6.3),
- f) ensure that all Members follow the Rules,
- g) decide the times and dates for Meetings, and set the agenda for Meetings,
- h) deal with complaints and handle disputes as prescribed in Clause 9 below,
- i) set Membership fees, including subscriptions and levies
- j) make Bylaws per Clause 12.1.

### **4.3. Powers of the Board**

1. The Board has all the powers of a natural person necessary for managing – and for directing and supervising the management of – the operation and affairs of the Society, subject to such modifications, exceptions or limitations as are contained in the Act or in this Constitution.
2. The Board has all of the powers of the Society, unless the Board's power is limited by these Rules or by a majority decision of the Society, including, without limitation:
  - a) purchase, hire and provide for members all music, books, recordings, uniforms, and other things and appurtenances, that may be conveniently used in conjunction with the affairs of BHNZ;
  - b) co-operate with BHS or any other musical society whether incorporated or not that has purposes similar to those of BHNZ (in whole or part) and to procure from and communicate to any such society such information as may be likely to promote the purposes of BHNZ;
  - c) purchase, take on lease or in exchange or hire or otherwise acquire, hold, mortgage, and dispose of any real or personal property and any rights and privileges which BHNZ shall think necessary or expedient for the purposes of attaining the purposes of BHNZ or any of them or promoting the interests of BHNZ or its Members
  - d) do all such things as are incidental or conducive to the attainment of the above purposes, including affiliation with BHS;
  - e) employ people for the purposes of the Society;
  - f) borrow money and provide security for that if authorised by majority vote at any Society Meeting;
  - g) assist any charity or charitable purpose by such financial or other means as BHNZ may deem fit.
3. Decisions of the Board bind the Society, unless the Board's power is limited by these Rules or by a majority decision of the Society.

#### **4.4. Sub-committees**

1. The Board may appoint sub-committees consisting of such persons (whether or not Members of the Society) and for such purposes as it thinks fit. Unless otherwise resolved by the Board:
  - a) the quorum of every sub-committee is half the members of the sub-committee but not less than 2,
  - b) no sub-committee shall have power to co-opt additional members,
  - c) a sub-committee must not commit the Society to any financial expenditure without express authority from the Board, and
  - d) a sub-committee must not further delegate any of its powers.

#### **4.5. General matters: committees**

1. The Board and any sub-committee may act by resolution approved during a conference call using audio and/or audio-visual technology or through a written ballot conducted by email, electronic voting system, or post, and any such resolution shall be recorded in the minutes of the next Board or sub-committee meeting.
2. Other than as prescribed by the Act or this Constitution, the Board or any sub-committee may regulate its proceedings as it thinks fit.

## **5. Board meetings**

### **5.1. Procedure**

1. The quorum for Board meetings is at least half the number of members of the Board.
2. A meeting of the Board may be held either:
  - a) by a number of the members of the Board who constitute a quorum, being assembled together at the place, date and time appointed for the meeting; or
  - b) by means of audio, or audio and visual, communication by which all members of the Board participating and constituting a quorum can simultaneously hear each other throughout the meeting.
3. A resolution of the Board is passed at any meeting of the Board if a majority of the votes cast on it are in favour of the resolution. Every Officer on the Board shall have one vote and, in the event of a tied vote, the Chairperson shall have a casting vote.
4. The President of the Society elected at the Annual General Meeting will normally be the Chairperson for Board Meetings. Should the President be unavailable, the Vice-President will take the Chair. Should neither the President nor the Vice-President be available then the Board will elect another Board member to chair the meeting.
5. The Chairperson shall adjourn the meeting if necessary.

6. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting, if convened upon requisition of members, shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the Chairperson and notified to all Board Members.
7. Except as otherwise provided in this Constitution, the Board may regulate its own procedure.

## **5.2. Frequency**

1. The Board shall meet as required at such times and places and in such manner (including by audio, audio and visual, or electronic communication) as it may determine and otherwise where and as convened by the President or Secretary.
2. The Secretary, or other Board member nominated by the Board, shall give to all Board members not less than 5 Working Days' notice of Board meetings, but in cases of urgency a shorter period of notice shall suffice.

## **6. Officers**

### **6.1. Qualifications of officers**

1. Every Officer must be a natural person who:
  - a) has consented in writing to be an officer of the Society, and
  - b) certifies that they are not disqualified from being elected or appointed or otherwise holding office as an Officer of the Society.
  - c) Each written consent and certificate shall be retained in the Society's records.
2. Officers must not be disqualified under section 47(3) of the Act or section 36B of the Charities Act 2005 from being appointed or holding office as an Officer of the Society, namely:
  - a) a person who is under 16 years of age,
  - b) a person who is an undischarged bankrupt,
  - c) a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993, or any other similar legislation,
  - d) a person who is disqualified from being a member of the governing body of a charitable entity under the Charities Act 2005,
  - e) a person who has been convicted of any of the following, and has been sentenced for the offence, within the last 7 years:
    - i) an offence under subpart 6 of Part 4 of the Act,
    - ii) a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961),

- iii) an offence under section 143B of the Tax Administration Act 1994,
  - iv) an offence, in a country other than New Zealand, that is substantially similar to an offence specified in subparagraphs (i) to (iii),
  - v) a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere,
- f) a person subject to:
- i) a banning order under subpart 7 of Part 4 of the Act, or
  - ii) an order under section 108 of the Credit Contracts and Consumer Finance Act 2003, or
  - iii) a forfeiture order under the Criminal Proceeds (Recovery) Act 2009, or
  - iv) a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act,
- g) a person who is subject to an order that is substantially similar to an order referred to in paragraph (f) under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the regulations (if any) of the Act.

## 6.2. Officers' duties

1. At all times each Board Member:
  - a) shall act in good faith and in what they believe to be the best interests of the Society,
  - b) must exercise all powers for a proper purpose,
  - c) must not act, or agree to the Society acting, in a manner that contravenes the Act or this Constitution,
  - d) when exercising powers or performing duties as an Officer, 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:
    - i) the nature of the Society,
    - ii) the nature of the decision, and
    - iii) the position of the Officer and the nature of the responsibilities undertaken by them.
  - e) 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
  - f) must not agree to the Society incurring an obligation unless they believe at that time on reasonable grounds that the Society will be able to perform the obligation when it is required to do so.
2. Executive Officers have the specific responsibilities outlined below.
  - a) The President is responsible for:
    - i) ensuring that the Rules are followed,
    - ii) convening Meetings and establishing whether or not a quorum (more than half of the Board) is present,

- iii) chairing Meetings, deciding who may speak and when,
  - iv) overseeing the operation of the Society,
  - v) providing a report on the operations of the Society at each Annual General Meeting.
- b) The Secretary is responsible for:
- i) recording the minutes of Meetings,
  - ii) keeping the Register of Members,
  - iii) holding the Society's records, documents, and books except those required for the Treasurer's function,
  - iv) receiving and replying to correspondence as required by the Board,
  - v) forwarding the annual financial statements for the Society to the Registrar of Incorporated Societies upon their approval by the Members at an Annual General Meeting,
  - vi) advising the Registrar of Incorporated Societies of any rule changes,
  - vii) maintaining the Society's status as a registered charity.
- c) The Treasurer is responsible for:
- i) keeping proper accounting records of the Society's financial transactions to allow the Society's financial position to be readily ascertained (see Clause 8.1),
  - ii) preparing annual financial statements for presentation at each Annual General Meeting,
  - iii) providing a financial report at each Annual General Meeting,
  - iv) providing financial information to the Board as the Board determines.

### **6.3. Election or appointment of officers**

1. The election of Officers shall be conducted as follows:
  - a) Officers shall be elected during Annual General Meetings. However, if a vacancy in the position of any Officer occurs between Annual General Meetings, that vacancy shall be filled by resolution of the Board, and any such appointee must, before appointment, supply a signed consent to appointment and a certificate that the nominee is not disqualified from being appointed or holding office as an Officer (as described in the 'Qualification of Officers' rule above). Any such appointment must be ratified at the next Annual General Meeting.
  - b) A candidate's written nomination, accompanied by the written consent of the nominee with a certificate that the nominee is not disqualified from being appointed or holding office as an Officer (as described in the 'Qualification of Officers' rule above) shall be received by the Society at least 28 Working Days before the date of the Annual General Meeting. If there are insufficient valid nominations received, further nominations may be received from the floor at the Annual General Meeting.
  - c) Votes shall be cast in such a manner as the person chairing the meeting determines. In the event of any vote being tied, the tie shall be resolved by the incoming Board (excluding those in respect of whom the votes are tied).
  - d) Two Members (who are not nominees) or non-Members appointed by the Chairperson shall act as scrutineers for the counting of the votes and destruction of any voting papers.

- e) The failure for any reason of any financial Member to receive such Notice of the general meeting shall not invalidate the election.
- f) In addition to Officers elected under the foregoing provisions of this rule, the Board may appoint other Officers for a specific purpose, or for a limited period, or generally until the next Annual General Meeting. Unless otherwise specified by the Board any person so appointed shall have full speaking and voting rights as an Officer of the Society. Any such appointee must, before appointment, supply a signed consent to appointment and a certificate that the nominee is not disqualified from being appointed or holding office as an Officer (as described in the 'Qualification of Officers' rule above).

#### **6.4. Term**

- 1. The term of office for all Officers elected to the Board shall be 1 year, expiring at the end of the Annual General Meeting in the year corresponding with the last year of each Officer's term of office.

#### **6.5. Removal of officers**

- 1. An Officer shall be removed as an Officer by resolution of the Board or the Society where in the opinion of the Board or the Society:
  - a) The Officer elected to the Board has been absent from 3 Board meetings without leave of absence from the Board.
  - b) The Officer has brought the Society into disrepute.
  - c) The Officer has failed to disclose a conflict of interest.
  - d) The Board passes a vote of no confidence in the Officer.
- 2. with effect from (as applicable) the date specified in a resolution of the Board or Society.

#### **6.6. Ceasing to hold office**

- 1. An Officer ceases to hold office when they resign (by notice in writing to the Board), are removed, die, or otherwise vacate office in accordance with section 50(1) of the Act.
- 2. Each Officer shall within 28 Working Days of submitting a resignation or ceasing to hold office, deliver to the Board all books, papers and other property of the Society held by such former Officer.

#### **6.7. Conflicts of interest**

- 1. An Officer or member of a sub-committee who is an Interested Member in respect of any Matter being considered by the Society, must disclose details of the nature and extent of the

interest (including any monetary value of the interest if it can be quantified):

- a) to the Board and or sub-committee, and
  - b) in an Interests Register kept by the Board.
2. Disclosure must be made as soon as practicable after the Officer or member of a sub-committee becomes aware that they are interested in the Matter.
  3. An Officer or member of a sub-committee who is an Interested Member regarding a Matter:
    - a) must not vote or take part in the decision of the Board and/or sub-committee relating to the Matter unless all members of the Board who are not interested in the Matter consent and
    - b) must not sign any document relating to the entry into a transaction or the initiation of the Matter unless all members of the Board who are not interested in the Matter consent, but
    - c) may take part in any discussion of the Board and/or sub-committee relating to the Matter and be present at the time of the decision of the Board and/or sub-committee (unless the Board and/or sub-committee decides otherwise).
  4. However, an Officer or member of a sub-committee who is prevented from voting on a Matter may still be counted for the purpose of determining whether there is a quorum at any meeting at which the Matter is considered.
  5. Where 50 per cent or more of Officers are prevented from voting on a Matter because they are interested in that Matter, a Special General Meeting must be called to consider and determine the Matter, unless all non-interested Officers agree otherwise.
  6. Where 50 per cent or more of the members of a sub-committee are prevented from voting on a Matter because they are interested in that Matter, the Board shall consider and determine the Matter.

## 7. Records

### 7.1. Register of Members

1. The Society shall keep an up-to-date Register of Members.
2. For each current Member, the information contained in the Register of Members shall include:
  - a) their name, gender, date of birth, and
  - b) the date on which they became a Member (if there is no record of the date they joined, this date will be recorded as 'Unknown'), and
  - c) their contact details, including: physical address, email address and telephone number.
3. The register may also include each Member's:
  - a) Occupation,

- b) whether the Member is financial or unfinancial.
- 4. Every current Member shall promptly advise the Society of any change of the Member's contact details, by either:
  - a) notifying an Affiliated Chapter to which the Member belongs; or
  - b) in the case of a Member at Large, notifying the Secretary of BHNZ.
- 5. The Society shall also keep a record of the former Members of the Society. For each Member who ceased to be a Member within the previous 7 years, the Society will record:
  - a) the former Member's name, and
  - b) the date the former Member ceased to be a Member.

## **7.2. Interests Register**

- 1. The Board shall at all times maintain an up-to-date register of the interests disclosed by Officers and by members of any sub-committee.

## **7.3. Access to information for members**

- 1. A Member may at any time make a written request to the Society for information held by the Society.
- 2. The request must specify the information sought in sufficient detail to enable the information to be identified.
- 3. The Society must, within a reasonable time after receiving a request:
  - a) provide the information, or
  - b) agree to provide the information within a specified period, or
  - c) agree to provide the information within a specified period if the Member pays a reasonable charge to the Society (which must be specified and explained) to meet the cost of providing the information, or
  - d) refuse to provide the information, specifying the reasons for the refusal.
- 4. Without limiting the reasons for which the Society may refuse to provide the information, the Society may refuse to provide the information if:
  - a) withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons, or
  - b) the disclosure of the information would, or would be likely to, prejudice the commercial position of the Society or of any of its Members, or
  - c) the disclosure of the information would, or would be likely to, prejudice the financial or commercial position of any other person, whether or not that person supplied the information to the Society, or
  - d) the information is not relevant to the operation or affairs of the society, or

- e) withholding the information is necessary to maintain legal professional privilege, or
  - f) the disclosure of the information would, or would be likely to, breach an enactment, or
  - g) the burden to the Society in responding to the request is substantially disproportionate to any benefit that the Member (or any other person) will or may receive from the disclosure of the information, or
  - h) the request for the information is frivolous or vexatious, or
  - i) the request seeks information about a dispute or complaint which is or has been the subject of the procedures for resolving such matters under this Constitution and the Act.
5. If the Society requires the Member to pay a charge for the information, the Member may withdraw the request, and must be treated as having done so unless, within 10 Working Days after receiving notification of the charge, the Member informs the Society:
- a) that the Member will pay the charge; or
  - b) that the Member considers the charge to be unreasonable.
6. Nothing in this rule limits Information Privacy Principle 6 of the Privacy Act 2020 relating to access to personal information.

## 8. Finances

### 8.1. Control and management

1. The funds and property of the Society shall be:
  - a) controlled, invested and disposed of by the Board, subject to this Constitution, and
  - b) devoted solely to the promotion of the purposes of the Society.
2. The Board shall maintain bank accounts in the name of the Society.
3. All money received on account of the Society shall be banked within 10 Working Days of receipt.
4. All accounts paid or for payment shall be submitted to the Board for approval of payment.
5. The Board must ensure that there are kept at all times accounting records that:
  - a) correctly record the transactions of the Society, and
  - b) allow the Society to produce financial statements that comply with the requirements of the Act, and
  - c) would enable the financial statements to be readily and properly audited (if required under any legislation or the Society's Constitution).
6. The Board must establish and maintain a satisfactory system of control of the Society's accounting records.
7. The accounting records must be kept in written form or in a form or manner that is easily accessible and convertible into written form and the accounting records must be kept for the

current accounting period and for the last 7 completed accounting periods of the Society.

## **8.2. Balance date**

1. The Society's financial year shall commence on 1 July of each year and end on 30 June in the ensuing year (the latter date being the Society's balance date).

## **9. Dispute resolution**

### **9.1. Meanings of dispute and complaint**

1. A dispute is a disagreement or conflict involving the Society and/or its Members in relation to specific allegations set out below.
2. The disagreement or conflict may be between any of the following persons:
  - a) 2 or more Members,
  - b) 1 or more Members and the Society,
  - c) 1 or more Members and 1 or more Officers,
  - d) 2 or more Officers,
  - e) 1 or more Officers and the Society,
  - f) 1 or more Members or Officers and the Society.
3. The disagreement or conflict relates to any of the following allegations:
  - a) a Member or an Officer has engaged in misconduct,
  - b) a Member or an Officer has breached, or is likely to breach, a duty under the Society's Constitution or bylaws or the Act,
  - c) the Society has breached, or is likely to breach, a duty under the Society's Constitution or bylaws or the Act,
  - d) a Member's rights or interests as a Member have been damaged or Member's rights or interests generally have been damaged.
4. A Member or an Officer may make a complaint by giving to the Board (or a complaints sub-committee) 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(s) to which the dispute relates and whom the allegation or allegations is or are against; and
  - c) sets out any other information or allegations reasonably required by the Society.
5. 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.
6. The information setting out the allegations must be sufficiently detailed to ensure that a person against whom an allegation or allegations is made is fairly advised of the allegation or allegations concerning them, with sufficient details given to enable that person to prepare a response.
  7. A complaint may be made in any other reasonable manner permitted by the Society's Constitution.
  8. All Members (including the Board) are obliged to cooperate to resolve disputes efficiently, fairly, and with minimum disruption to the Society's activities.
  9. The complainant raising a dispute, and the Board, must consider and discuss whether a dispute may best be resolved through informal discussions, mediation, arbitration, or a tikanga-based practice. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement.

## **9.2. How complaint is made**

1. A Member or an Officer may make a complaint by giving to the Board (or a complaints sub-committee) 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 or allegations 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 or allegations 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.
  - c) The information given under subclause (1b) or (2b) must be sufficient to ensure that a person against whom an allegation is made is fairly advised of the allegation or allegations concerning them, with sufficient details given to enable that person to prepare a response.
  - d) A complaint may be made in any other reasonable manner permitted by the Society's Constitution.

### **9.3. 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 or verbal statement or submissions (if any) are considered by the decision maker.

### **9.4. 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.

### **9.5. Investigating and determining dispute**

1. The 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 and in accordance with the provisions of the Act.

### **9.6. Society may decide not to proceed further with a complaint**

1. Despite the 'Investigating and determining dispute' rule above, the Society may decide not to proceed further with a complaint if:
  - a) the complaint is considered to be 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; or
    - 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 the Act; or
    - 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.

### **9.7. Society may refer complaint**

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

## **9.8. Decision makers**

1. A person may not act as a decision maker in relation to a complaint if 2 or more members of the Board or a complaints sub-committee 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.

## **10. Liquidation and removal from the register**

### **10.1. Resolving to put society into liquidation**

1. The Society may be liquidated in accordance with the provisions of Part 5 of the Act.
2. The Board shall give 20 Working Days written Notice to all Members of the proposed resolution to put the Society into liquidation.
3. The Board shall also give written Notice to all Members of the General Meeting at which any such proposed resolution is to be considered. The Notice shall include all information as required by section 228(4) of the Act.
4. Any resolution to put the Society into liquidation must be passed by a two-thirds majority of all Members present and voting. Such voting may include postal voting with ballot papers returned to the Secretary.

### **10.2. Resolving to apply for removal from the register**

1. The Society may be removed from the Register of Incorporated Societies in accordance with the provisions of Part 5 of the Act.
2. The Board shall give 20 Working Days written Notice to all Members of the proposed resolution to remove the Society from the Register of Incorporated Societies.
3. The Board shall also give written Notice to all Members of the General Meeting at which any such proposed resolution is to be considered. The Notice shall include all information as required by section 228(4) of the Act.
4. Any resolution to remove the Society from the Register of Incorporated Societies must be passed by a two-thirds majority of all Members present and voting.

### **10.3. Surplus assets**

1. If the Society is liquidated, or removed from the Register of Incorporated Societies, no distribution shall be made to any Member, and if any property remains after the settlement of the Society's debts and liabilities, that property must be given or transferred to one or more

other organisations or bodies with similar purposes to the Society that also have charitable status within New Zealand as defined in section 5(1) of the Charities Act 2005.

## **11. Alterations to the constitution**

### **11.1. Amending this constitution**

1. All amendments must be made in accordance with this Constitution. Any minor or technical amendments shall be notified to Members as outlined in section 31 of the Act.
2. The Society may amend or replace this Constitution at a General Meeting by a resolution passed by a two-thirds majority of those Members present and voting. Such voting may include postal voting with ballot papers returned to the Secretary.
3. That amendment could be approved by a resolution passed in lieu of a meeting but only if allowed by this Constitution.
4. Any proposed resolution to amend or replace this Constitution shall be signed by at least 20 per cent of eligible Members and given in writing to the Board at least 20 Working Days before the General Meeting at which the resolution is to be considered and accompanied by a written explanation of the reasons for the proposal.
5. At least 10 Working Days before the General Meeting at which any amendment is to be considered the Board shall give to all Members notice of the proposed resolution, the reasons for the proposal, and any recommendations the Board has.
6. When an amendment is approved by a General Meeting it shall be notified to the Registrar of Incorporated Societies in the form and manner specified in the Act for registration, and shall take effect from the date of registration.
7. If the Society is registered as a charity under the Charities Act 2005 the amendment shall also be notified to Charities Services as required by section 40 of that Act.

## **12. Other**

### **12.1. Bylaws**

1. The Board from time to time may make and amend bylaws, and policies for the conduct and control of Society activities and codes of conduct applicable to Members, but no such bylaws, policies or codes of conduct applicable to Members shall be inconsistent with this Constitution, the Act, regulations made under the Act, or any other legislation.

## 13. APPENDICES

### 13.1. Appendix A (Informative): The essential elements of the barbershop harmony style of music

Barbershop harmony is a style of unaccompanied vocal music characterized by consonant four-part chords for every melody note in a predominantly homophonic texture. The melody is consistently sung by the lead, with the tenor harmonizing above the melody, the bass singing the lowest harmonizing notes, and the baritone completing the chord. Occasional brief passages may be sung by fewer than four voice parts.

Barbershop music features songs with understandable lyrics and easily singable melodies, whose tones clearly define a tonal center and imply major and minor chords and barbershop (dominant and secondary dominant) seventh chords that often resolve around the circle of fifths, while also making use of other resolutions. Barbershop music also features a balanced and symmetrical form, and a standard meter.

The basic song and its harmonization are embellished by the arranger to provide appropriate support of the song's theme and to close the song effectively.

Barbershop singers adjust pitches to achieve perfectly tuned chords in just intonation while remaining true to the established tonal center. Artistic singing in the barbershop style exhibits a fullness or expansion of sound, precise intonation, a high degree of vocal skill, and a high level of unity and consistency within the ensemble. Ideally, these elements are natural, unmanufactured, and free from apparent effort.

The presentation of barbershop music uses appropriate musical and visual methods to convey the theme of the song and provide the audience with an emotionally satisfying and entertaining experience. The musical and visual delivery is from the heart, believable and sensitive to the song and its arrangement throughout. The most stylistic presentation artistically melds together the musical and visual aspects to create and sustain the illusions suggested by the music.

### 13.2. Appendix B (Normative): Code of ethics

Barbershop Harmony NZ agrees that it will faithfully support and will use diligent efforts to cause its members, clubs, Chapters, and subordinate units to support the Code of Ethics of the Barbershop Harmony Society in the USA, as modified for the Society's Affiliates, as follows:

1. We shall perpetuate barbershop harmony and the Society.
2. We shall deport ourselves at all times in such manner as to reflect credit upon the Society, its affiliates, and the membership of each.
3. When involved in associated activities, we shall recognize, respect and support the tenets of the bylaws, codes, regulations, statements of the policy or other governing documents promulgated by the Society Board of Directors.
4. We shall accept for membership only persons of good character who love harmony in music or have a desire to harmonize.
5. We shall exhibit a spirit of good fellowship among all members.
6. We shall refrain from forcing our songs upon unsympathetic ears.
7. We shall not use our affiliation with the Society primarily for personal gain.
8. We shall not permit the introduction of political, religious or other similar controversial issues into the affairs of the Society.
9. We shall, by stimulus to good music and vocal harmony, endeavour to spread the Spirit of Harmony throughout the world.
10. We shall render all possible altruistic services through the medium of barbershop harmony.

### 13.3. Appendix C (Normative): Classes of membership

<b>CLASS</b>	<b>Designed for</b>	<b>Membership obligations/benefits</b>
FULL	BHNZ member	Full obligations/benefits noted in Rules
ASSOCIATE	Any person who is in sympathy with the Purposes of BHNZ.	Full obligations/benefits noted in Rules
YOUTH	BHNZ member aged 25 or under at the start of the financial year.	Full obligations/benefits noted in Rules
LIFE	For the few exceptional BHNZ Members or non-barbershoppers for whom this honour is deemed by the Board appropriate in view of their accomplishments or very significant contributions to BHNZ or the development of Barbershop.	Representation of Barbershop to the outside world that brings influence. Full voting and speaking rights at Member General Meetings.