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Registered Rules

of the

AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED

Reprinted as at March 2011
Incorporating amendments passed up to and including the 2010 Annual General Meeting.

Verified as a true copy of the Consolidated rules of the Auckland Cooperative Taxi Society Limited .

Name	Designation	Signature	Date
Ian Graham	Chairman		17/3/2011
Jacob Patel	Deputy Chairman		17/3/2011
Kanwarjit Singh Bhullar	Board Member		17/3/2011
Mohammed Sahid	Boardmember/Secretary		17/3/2011

NAME AND REGISTERED OFFICE:

- (1) THE Society shall be called the AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED.
- (2) THE Registered Office of the Society shall be at Auckland, in the Dominion of New Zealand, at such place as the Board of Governance shall from time to time determine.

OBJECTS:

- (3) TO PROVIDE Taxi Communication facilities as required in the Land Transport Act 1998 or its Amendments to Licensees other than those enjoying membership of the Society in cases where such Licensees are operating on a Contractual Basis in the Society, or are Lessee Licensees, or Managers of Licences or employed Drivers where applicable. All of the above shall be recorded in these rules as "Taxi Operators".
 - (a) To carry on the business as an organiser and controller of taxi services and motor transport services of all kinds.
 - (b) To carry on the business of plying for hire with taxis, motorcars, omnibuses and vehicles of all kinds and of transporting passengers and goods by land in vehicles or conveyances appropriate for the purpose.
 - (c) To carry on the business of a tourist and travel agent.
 - (d) To purchase, sell, lease, take on lease or otherwise acquire, or dispose of any real or personal property and rights or privileges which the Society may think necessary or convenient for the purpose of its business.
 - (e) To carry on any other business or businesses which may seem to the Society capable of being conveniently carried on or in connection with any of the above businesses or calculated directly or indirectly to enhance the value of any part of the Society's undertakings, assets, property or rights and for such purposes or any of them to purchase or otherwise acquire the whole or any part of the business, goodwill, assets property, rights or undertakings of any or persons, firm or company carrying on or having power to carry on any business which the Society is authorised to carry on.
 - (f) To into arrangements for sharing profits, co-operation joint venture, reciprocal relation or otherwise with any person, company or society carrying on or engaged in or about to carry on or engage in any business or transaction capable of being conducted so as directly or indirectly to benefit the Society.
 - (g) To take or otherwise acquire and hold in its Registered name any shares in any other society or company with limited liability.
 - (h) To construct and maintain any building or work necessary or convenient for the purpose of the Society.
 - (i) To promote any Society or Company for the purpose of acquiring all or any of the property or rights and liabilities of this Society or for any other purpose which may seem directly or indirectly calculated to benefit this Society.
 - (j) To sell or dispose of the undertaking of the Society or any part thereof for such consideration as the Society may think fit and in particular for share or for debentures charged on the assets of any other society or company.
 - (k) To borrow money and to receive money on deposit with security and to lend money to members or other persons with security and to invest money of the Society in such manner as the Board of Governance thinks fit.
 - (l) By all lawful means to promote, encourage and protect the interest of the members of the Society.

- (m) To promote, support and further all such amendments additions to and variations and repeals of Acts of Parliament (whether public or private, general or local) statutory regulations, municipal or local by-laws and other acts of authority affecting the interests of the members or to oppose the same or any of them.
- (n) To acquire, collect and disseminate to members any and all information which either directly or indirectly may be of interest or assistance to the members in carrying on their businesses as taxicab proprietors.
- (o) To represent or procure representation of the members before any Minister of the Crown, Board of Parliament, Court of Justice, tribunal, board, commission or authority or any other person or persons having jurisdiction in or appointed to enquire into any matter or thing of interest to or affecting the business of the members.
- (p) To act as arbitrator or to nominate arbitrators in the settlement of disputes arising between its members or sections of members.
- (q) To co-operate with, support or assist any other person, firm, company, body corporate or society in achieving any of the objects for which the Society is formed.
- (r) To affiliate with or become a member of any society whether in the Dominion of New Zealand or elsewhere having objects wholly or in part similar to the objects of the Society.
- (s) To indemnify all members of the Board and agents of the Society against all claims and demands made upon them in respect of all acts done by them in good faith purporting to be in pursuance of objects of the Society whether such acts shall be strictly within the powers of the Society or not.
- (t) To remunerate any person, firm, company, body corporate or society for services rendered to the Society.
- (u) To organize and co-ordinate the taxicab businesses of the members of the Society for their benefit to provide and operate telephone and other services, rest and recreation rooms for the members and generally to do all and such acts and things as shall be conducive to the more efficient and economical running of the taxicab businesses conducted by the members.
- (v) To give to, establish or assist to support any hospital, charitable, political, social sporting or benevolent society, institution or board, club or fund, whether of a public or private nature, and to grant pensions or gratuities or other aid to any members or employees of the Society or their families or dependents, or to former members or employees of the Society, their families or dependents.
- (w) Nothing in these Rules shall be deemed to authorise the Society to carry on the business of banking or insurance.

MEMBERSHIP:

- (4) (i) ANY person, corporation, Company or Incorporated Society being the holder of a Taxicab Service Licence or a Small Passenger Service Vehicle Licence to operate as a taxi (otherwise than by way of lease) except as stipulated in the Proviso to Rule 11 B, who has complied with the conditions set out in Rule 4 and qualifies under Rule 6 herein, shall be eligible for Membership of the Society, and if accepted, for the purpose of these Rules, shall be referred to as a Member, on condition he, she or it:
 - (a) Makes application for membership in the form from time to time prescribed by the Board.
 - (b) Is approved by the Board as a member.
 - (c) Agrees to conform to the Rules of the Society.

- (d) Pays upon request being made by the Society the entrance fee and any additional admission fee or premium prescribed by or pursuant to these rules.
 - (ii) A company or society upon application for membership shall, if required by the Board of Governance disclose the names of the persons composing the body and shall after admission give such information whenever required by the Board.
 - (iii) No member shall without the written consent of the Board of Governance own or operate more than the number of taxis owned or operated by the member at the date at which the name of such member was entered in the Register of members.
 - (iv) Any person making application to join the Society who owns and operates more than one taxi cab authority or who being a member commences to own and operate more than one taxi cab authority shall pay to the Society in addition to the amounts due in terms of Rule 4 and Rule 6 an additional sum or premium of One Thousand Dollars (\$1,000.00) in respect of each taxi cab authority owned and operated by him in excess of one.
Any person making application to join the Society after the coming into force of this Rule may be required to pay in addition to the amounts due in terms of Rule 4 and Rule 6 such premiums as the Board of Governance thinks fit. The premium so paid shall be dealt with in the accounts of the Society in such manner as the Board of Governance decrees.
 - (v) Any person making application to join the Society or who being a member commences to own and operate a taxicab authority or a Small Passenger Service Vehicle Licence which was not immediately prior to the commencement of its ownership and operation owned by such member but operated by any other member of the Society may be required to pay the Society in addition to the amounts payable under the foregoing provisions of this Rule and the provisions of Rule 6 in respect of each such taxi cab service licence such additional admission fee or premium as the Board of Governance thinks fit. The admission fee or premium so paid shall be dealt with in the accounts of the Society in such manner as the Board of Governance thinks fit.
- (5) (a) THE CAPITAL of the Society shall be raised by the issue of shares of One Thousand Dollars (\$1,000.00) each according to these Rules.
No member other than a Society registered under the Industrial and Provident Societies Act 1908 shall have or claim any interest in the shares of the Society exceeding the maximum interest claimable by a member in the shares of the Society as specified in the Act or such higher amount as the Minister may specify by Notice of the Gazette in respect of the Society.
- (b) The balance of the money owing on a share shall be paid in such sum or sums at such times as the Board shall from time to time determine provided that cash calls shall not exceed Fifty Dollars (\$50.00) in any one year except with the consent of the Society members in special or general meeting, provided always that the Board shall have the right and power to credit to members shares any money derived from operating the affairs of the Society and deemed to be surplus.
- (6) EVERY member on admission to the Society shall take up one share immediately upon admission and pay an amount equal to the Current paid up value of a share and such amount shall be credited in payment of the money payable in respect of such shares.
- (7) A MEMBER may become the owner of more than one share but not exceeding four shares Provided Always that for every share owned by a member he shall at all times

own, or lease, or operate under a leasing arrangement with a lessee that has been approved by the Society, at least one small passenger service vehicle which shall operate as a Society taxi. Provided further that irrespective of the fact that a member may own more than one share he shall be entitled to only one vote at a general meeting or upon a postal ballot.

- (8) (a) NO MEMBER may become the owner of a share except as provided in these Rules.
(b) Every member of the Society who at the date of the passing of the Resolution to amend the Rules of the Society by the inclusion of this Rule was the holder of a share of \$393.00 (Three Hundred and ninety-three Dollars) shall pay the further sum of \$607.00 (Six Hundred and seven Dollars) being the amount required to bring his share capital to the sum of \$1,000.00 (One Thousand Dollars) and every member who has a paid up share of \$393.00 (Three Hundred and ninety-three Dollars) in excess of one share shall likewise pay the sum of \$607.00 (Six hundred and seven Dollars). Such monies shall be paid in the manner set out in Rule (5) (b).

REGISTER OF MEMBERS:

- (9) THE Society shall keep a register of members and enter therein the following particulars:-
(a) The names, addresses and descriptions of the members and the amount paid or agreed to be considered as paid on the share of each member.
(b) The date at which each person was entered in the register as a member.
(c) The date at which any person ceased to be a member.
- (10) SUCH register of members shall be open to the inspection of any members at such times as the Board of Governance shall from time to time reasonably appoint.

REMOVAL FROM MEMBERSHIP:

- (11) THE Board may strike a member off the register of members upon any of the following grounds:-
(a) Upon a member failing for ten days after written demand to supply the Society with the information referred to in Clause (4) hereof.
(b) Upon being satisfied that a member is a member of, or employee of, or is in any way associated with, any taxi organization other than the Society, or any small passenger service vehicle organization; or small passenger service vehicle operator, other than the Society, OR upon being satisfied that a member has ceased to be the holder of a small passenger service vehicle licence being operated as a taxi and attached to or operated with the Society, PROVIDED HOWEVER that any small passenger service vehicle licence being operated by a lessee as a Society taxi under a form of leasing arrangement with the member that has been approved by the Society shall be deemed to be a small passenger service vehicle licence being operated as a taxi within the meaning of this rule.
(c) Upon being satisfied that a member has committed a breach or breaches of his her its contractual agreement with the Society by failing to participate in the communication facilities and/or by failing to participate in any roster of duties when so provided by the Society and/or failing to pay any fee required to be paid by members in respect of participation in the communication facilities of the Society and/or the operations of the Society.
(d) Upon being satisfied that it is not in the best interests of the Society that a licensee shall remain a member of the Society.

(e) Upon being satisfied that a member has committed a breach of any of these Rules.

- (12) AN ENTRY in the register of members that a person has been struck off pursuant to this Rule shall be conclusive evidence that the requirements of this Clause have been complied with, that the Board has exercised its power in a proper manner, and that the person ceased to be a member from the date of the resolution to strike off his name. The Board may re-admit to membership any member expelled pursuant to the provisions of Rule (11) hereof upon full payment by such member of all fees due by him or upon full discharge by such member of his obligations to the Society. Any member expelled pursuant to the provisions of Rule (11) (c) hereof shall have a right of appeal against such expulsion to a meeting of the Society and the Board shall upon receipt of notice from such member of his intention to appeal summon a General Meeting of members to be held within one month after the receipt of such notice for the purpose of determining the same; and the decision of such meeting shall be final. Any person ceasing to be a member of the Society from any cause whatsoever shall nevertheless remain liable to the Society for all membership fees and other monies which may have become due by him prior to the cessation of his membership. Any member or Taxi Operator ceasing to be approved by the Board of Governance to operate his Taxi or cabs in the Society will, unless an appeal to the relevant Authority is successful, forthwith cease to use any of the colour schemes, getup, combinations of letters or words, or other things adopted by the Society and will forthwith remove the same from his Taxi and will yield up to the Society all or any of its property nothing herein shall be deemed to prejudice or affect the rights or rights of which he may be possessed *provided always that of the Society in respect of any action or suit against such person in injunction or otherwise howsoever.* The Society in those circumstances may forthwith apply to the appropriate Authority to review or revoke the small passenger service vehicle licence of the taxi operator.

- (13) UPON a resolution being passed to strike a person's name off the register of members the Society shall pay to such member at such time or times as the Board in its absolute discretion shall think fit the amounts paid up on the share after first deducting there from any amount then due and owing by the person to the Society whether by way of operating expenses, fines, Society levies, or otherwise howsoever. From the time of the passing of the striking off resolution no interest or dividend be payable by the Society to any member who has been off the register.

TRANSFER OF SHARES:

- (14) SHARE may, subject to the consent of the Board of Governance, be transferred to a person qualified to become a member in accordance with these Rules, but such consent shall not be arbitrarily withheld. The Board may refuse to register a transfer:
- (a) Where the Society has a Lien on the Share.
 - (b) Where the Board is of the opinion that the proposed transferee is not a desirable person to admit to membership and such decision shall not be questioned nor shall the Board be bound or obliged to assign any reason therefore.

For the purpose of enabling the Board of Governance to determine whether or not a proposed Transferee is a desirable person to admit to membership, the Board of Governance may require such Transferee to attend at a meeting of the Board of Governance and to there answer such questions as may be asked him and directed towards his suitability as a member: The Board, before registering any Transfer, may require the proposed Transferee to pay such fee as is reasonable having regard to the extent of the enquiries made by the Board of Governance pursuant to the powers given under this Rule.

- (15) A MEMBER may subject to the foregoing clause transfer a share to an intending new member upon giving notice in writing to the Society specifying the full name, place of residence and occupation of such person. ALL transfers shall be in the following form:

**AUCKLAND CO-OPERATIVE TAXI SOCIETY LTD.
TRANSFER OF SHARE**

I/We

of

In consideration of the sum of Dollars paid to me by

.....

of

Do hereby transfer to the said
the Share in the Auckland Co-Operative Taxi Society Ltd. standing in said my name in the books of the Society to hold the same, unto the said

.....
his Executors and Administrators, subject to the same conditions upon which I hold the same at the time of the Execution hereof, and I the said

.....
do hereby agree to take said Share subject to the same conditions.

AS WITNESS our hands this day
of

- (16) THE Secretary shall keep a Share Register book and all instruments of transfer shall be retained by the Society.

BORROWING POWERS:

- (17) THE Board of the Society shall have power to borrow or raise money to secure the payment of money owing to the satisfaction or performance of any obligation or liability incurred or undertaken by the Society in such manner as the Board may deem fit, and in particular by the issue of debentures, debenture stock, bonds or by mortgage, charge or lien upon the whole or any part of the Society's property or assets whether present or future, including its unpaid capital (if any) and to purchase or redeem or pay off any such securities.

WITHDRAWAL FROM MEMBERSHIP OF THE SOCIETY:

- (18) A MEMBER shall cease to be a member of the Society upon ceasing to hold at least one share in the capital of the Society.
- (19) THE Board may at its absolute discretion and upon such terms and conditions as it thinks fit, permit the withdrawal of a share by any member or persons desiring to withdraw from the Society and may pay to the member at such time or times as it thinks fit such sum as may be agreed upon by the member and the Board as the fair value of such share and in default of agreement the fair value fixed by the Auditor. An application to withdraw from membership shall be in writing signed by the member and shall state what in his opinion the fair value of the share is.
- (19) (a) Where it is the intention of a member or Taxi Operator to dispose of the Licence and/or permit or agree to its operation in any manner outside the control of the Society, a Withdrawal Fee commensurate with the Membership Fee that would be lost to the Society following such action shall be paid to the Society by the member.
- The amount payable shall be calculated on the Gross Monthly Fee paid by each member as exists at the time of changeover, for a period prescribed by the Board of Governance, but not to exceed 15 Calendar months. A Person shall cease to be a member from the date of any resolution authorising the withdrawal from membership in terms of Rule 19 and 19 (a). No member however shall be entitled as of right to withdraw -from the Society.

GENERAL MEETINGS:

- (20) A GENERAL meeting to be known as the Annual General Meeting shall be held in every year within four (4) months of the close of the Society's financial year, at such time and place as shall be determined by the Board.
- (21) THE business of the Annual General Meeting shall receive and consider the statement of Income and Expenditure and the Balance Sheet and the report of the Board of Governance and the Auditor and any matters incidental thereto; to receive nominations for vacancies in the Board of Governance and in the event of there being more nominations than there are vacancies to appoint scrutineers for the purpose of conducting a postal ballot for the election of members to fill such vacancies and an Auditor in the place of those retiring and such other business shall be transacted as is specified in the Notice calling the meeting.
- (22) THE Board shall on the requisition of not less than one tenth of the members of the Society at the date of the deposit of the requisition convene a special general meeting:
- (a) The requisition must state the object of the meeting and must be signed by the requisitionists and deposited at the Registered Office of the Society and may consist of several documents in like form each signed by one or more requisitionists. The requisitionists must be members who are not owing money in respect of the operating expenses payable in terms of Rule (65).
- (b) If the Board do not within twenty-one (21) days of the date of the deposit of the requisition proceed to convene a special general meeting to be held within forty (40) days of the said date, not less than five of the requisitionists may convene a

meeting but any meeting so convened shall not be held after the expiration of three months from the said date.

- (c) A meeting convened pursuant to this rule shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by the Board.
 - (d) Any reasonable expenses incurred by the requisitionists by meeting shall be repaid to the requisitionists by the Society. Reason of the failure of the Board duly to convene a meeting shall be repaid to the requisitionists by the Board of Governance may, at its discretion, convene at any time it thinks fit a special General Meeting.
- (23) NOT LESS than ten (10) clear working days notice in writing of the annual and every general meeting shall be sent to every member at his registered mailing address, specifying the time place and object of the meeting.
- (24) THE accidental omission to give or acknowledge receipt of any notice calling a general meeting to or by any of the members shall not invalidate any resolution at the meeting to which such notice related.
- (25) (i) EXCEPT as provided in Clause (6) of this Rule, one-tenth of the members entitled to vote, personally present, shall be a quorum for a general meeting: no business shall be transacted at any general meeting unless the requisite quorum be present at the commencement of the meeting.
- (ii) A resolution purporting to be a resolution passed at a general meeting shall be invalid and without force or effect unless at the time when that resolution is passed there are personally present at the meeting at least one-tenth of the members of the Society entitled to vote.
- (iii) In the case of a general meeting convened pursuant to Rule (22) if a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be deemed to lapse and if during the meeting the numbers of members present and entitled to vote is reduced to less than one-tenth of the members of the Society entitled to vote, the meeting shall be adjourned sine die.
- (iv) In the case of a general meeting (other than a general meeting convened pursuant to Rule (22) if a quorum is not present within half an hour of the time appointed for the meeting or if during the meeting the number of members present and entitled to vote is reduced to less than one tenth of the members of the Society entitled to vote, the meeting shall be adjourned sine die.
- (v) In the event of any general meeting being adjourned sine die pursuant to this Rule the Board of Governance shall appoint a time and a place for the holding of the adjourned meeting, such adjourned meeting to be not later than one calendar month from the date of the adjournment.
- (vi) In the case of a general meeting which has been adjourned pursuant to this Rule if a quorum as defined in Clause (1) of this Rule is not present within half an hour of the time appointed for the holding of the adjourned meeting then notwithstanding anything herein before provided those members then present shall be deemed to constitute a quorum and any resolution passed at such adjourned meeting shall be valid and effective irrespective of the number of members who are present at the meeting when such resolution is passed.
- (viii) No business shall be transacted at any adjourned meeting except business specified by the Notice calling the original meeting and in the case of an Annual Meeting those other matters which are referred to in Rule (21).

- (26) THE Chairman of the Board shall be entitled to take the Chair at every general meeting or if there be no such Chairman or if at any time he shall not be present within fifteen minutes after the time for holding the meeting the Vice-Chairman and failing him the members present shall choose any member of the Board as Chairman and if no member of the Board be present or if all the members of the Board present decline to take the Chair, then the members present shall choose one of their number to be Chairman.
- (a) If the Chair is challenged by any other member in a meeting than the Chairman must stand aside and another Board member be appointed acting Chairman while the challenge is heard. If the challenge is successful and passed by a simple majority of members present by a show of hands then a new Chairman is appointed in accordance with Rule 26 for the remainder of that part of the meeting or, if agreed by membership for the remainder of the meeting.
- (b) Notwithstanding 26(a) above, at the conclusion of the meeting, or that section of the meeting affected by Rule 26(a), the Chairman shall resume his position as Chairman of the Board.
- (27) (a) Unless the contrary is specifically required by the provisions of the Industrial and Provident Societies Act 1908 each notice of motion submitted to a general meeting of the Society shall be validly passed if passed by a majority of not less than two thirds of such members of the Society as being entitled to do so vote in person or by proxy at such general meeting of which notice specifying the intention to propose the resolution has been duly given.
- (b) Every motion submitted to a general meeting shall be decided in the first instance by a show of hands of those members present in person or by proxy but it shall be competent for one third of the members present either personally or by proxy to call for a secret ballot at any time before the actual declaration by the Chairman that a motion has been carried or lost.
- (c) Where a secret ballot has been called for and takes place in respect of any notice of motion proposed by way of resolution at any general meeting of the Society of which notice specifying the intention to propose the resolution has been duly given such motion shall be passed if passed by majority of not less than two thirds of such members of the Society as being entitled to do so vote in accordance with the secret ballot provisions set out in this Rule 27(d)
- (d) Secret ballots shall be conducted in accordance with the secret ballot by-laws that appear as schedule A to these rules.
- (e) Every vote for the election of members to the Board shall be by secret ballot.
- (28) (a) No secret ballot shall be declared invalid by reason of:-

- (i) Any failure to comply with the times prescribed for doing any act; or
 - (ii) Any omission or irregularity in filling out any form prescribed by the Rules or the secret ballot by-laws; or
 - (iii) Any want or defect in the appointment of any official or scrutineer; or
 - (iv) Any absence of, or mistake or omission or breach of duty by, any official, whether before, during, or after the polling, Provided the Electoral Officer and the Board are satisfied that the secret ballot was so conducted as to be substantially in compliance with the Rules and the by-laws, and that the failure, omission, irregularity, want, defect, absence, mistake, or breach did not affect the result of the secret ballot.
- (b) In the event that the Board and/or the Electoral Officer considers that a candidate who has been elected at any election may have been a party to any corrupt practice at the election the Board shall convene a hearing ('the hearing') and the candidate who has been elected shall be given reasonable notice of and shall be entitled to be present at the hearing and to produce evidence and provide responses in regard to any allegations made that such candidates may have been party to a corrupt practice at the election.
- (c) At the hearing:-
- (i) The Board and/or the Electoral Officer shall be guided by the substantial merits and justice of the case without regard to legal forms or technicalities;
 - (ii) The Board and/or the Electoral officer may admit such evidence as in it's opinion may assist it to deal effectively with the case, notwithstanding that the evidence may not be admissible in Court proceedings
- (d) Where it is established to the satisfaction of the Board and/or the Electoral Officer, at the hearing, that a candidate who has been elected at any election has been a party to any corrupt practice at the election, his or her election shall be void. In that event the next highest polling candidate at the election shall be declared to be the successful candidate.
- (e) As a consequence of the above changes to rules 27 and 28 wherever else in the Rules the words "postal ballot" appear such words shall be read as "secret ballot".
- (29) THE Chairman of a general meeting may with the consent of the meeting adjourn the same from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (30) NO objection shall be made to the validity of any vote except at the meeting or poll at which such vote shall be made and every vote not disallowed at such meetings or poll and whether given personally or by proxy shall be deemed valid for all purposes whatsoever.

VOTES OF MEMBERS:

- (31) NO MEMBER shall be entitled to be present or to vote on any question either personally or by proxy or as a proxy for any other member at any general meeting upon a poll or be reckoned in a quorum whilst any money shall be due and payable to the Society by such member in respect of Rule (65).
- (32) On show of hands every member present in person shall have one vote and upon a poll every member present in person or by proxy shall have one vote.
- (33) VOTES may be given either personally or by proxy.
- (34) THE instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney or if such appointer is a corporation or society, under the hand of the Chairman of the Board or Managing Director or Manager of such Corporation or Society. No person shall be appointed a proxy who is not a member of the Society and qualified to vote. No member shall act as proxy for more than two other members.
- (35) THE instruments appointing a proxy shall be deposited at the Office of the Society not less than forty-eight (48) hours before the time for holding the meeting at which the person named in such instrument proposes to vote. A proxy may be appointed generally or for a specified period or specified meeting and every instrument of proxy shall as far as circumstances admit be in the following form:-

I _____ of _____ being a member
of the AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED
hereby appoint _____ of _____
or failing him _____ of _____
as my Proxy to vote for me and on my behalf at the general meeting of the Society to be held
on the _____ day _____
of _____ and on adjournment thereof.
AS WITNESS my hand this _____ day of _____ 20____
Signed _____

- 1. Where there are joint registered holders of any share or shares only one of such joint registered holders may vote at any meeting either personally or by proxy in respect of such share or shares and if more than one of such joint holders be present at any meeting personally or by proxy only one so such members so present shall be entitled to speak at the meeting. Unless the Chairman shall, in the Chairman's absolute discretion rule otherwise, that person shall be the person whose name stands first on the first share acquired by such joint registered holders.

Several executors or administrators of a deceased member in whose name any share stands shall for the purpose of this rule be deemed "joint registered holders" thereof

The principles set out in rule 35(A)1 in relation to speaking rights of members shall apply (with the necessary modifications) to lessees.

SERVICE OF NOTICES:

- (36) NOTICE may be served by the Society on any member or Taxi Operator either personally or by, sending it through the post in a prepaid envelope or wrapper addressed to such member or Taxi Operator at the registered place of residence. A notice sent by post shall be deemed to have been served on the second day, following the day on which the envelope or wrapper containing the same shall have been posted.

BOARD OF GOVERNANCE:

- (37) (a) THERE shall be a Board of Governance of the Society comprising six persons who must be members of the Society and who shall be known as members of the Board .
- (b) The members of the Board of Governance holding office at the time of the coming into force of this Rule shall continue to hold office as if elected under this Rule until each such member shall retire in accordance with the provisions hereinafter contained.
- (c) No member of the Board of Governance shall remain a member of the Board longer than two consecutive terms of the Board. For contesting re-election to be a member of the Board, such former member would be required to stay outside the Board for at least 3 years.
- (38) (a) In the event of any member of the Board of Governance failing to or being on account of illness, or for any other reason unable or unlikely in the opinion of the remaining members of the Board to be able to attend meetings of the Board for any period exceeding one month the remaining members may resolve that the office of such member shall be deemed to be temporarily vacant and shall in such resolution specify a period not exceeding three months from the date of such resolution during which such office shall be so deemed to be vacant whereupon they shall have power to appoint a temporary member to the Board to fill such vacancy: Provided Always that if at any time after having so resolved the Board is satisfied that the member whose absence or inability to attend meetings occasioned temporary vacancy is able to resume office the Board shall have power to revoke the appointment of the temporary member appointed to fill the vacancy and the vacating member shall thereupon resume office as a member of the Board ; And Provided Further that a person appointed to fill a temporary vacancy shall retain office only so long as the vacating member would have retained the same had no vacancy occurred.
- (b) In the event of a casual vacancy occurring in the Board through the vacation of Office of any member or members whose term of Office has less than six months to run they shall have power to appoint a temporary member giving priority in accordance with the number of votes obtained the highest vote gaining the highest priority of members seeking election to the Board in the last Annual General Meeting provided that those members remain members of the Society qualified to take that position and indicate that they would accept any such temporary appointment.

In the event of the term of Office of a person vacating his Office as a member of the Board having more than six months to run from the date of such vacation, the Board shall call for nominations for the vacancy. If only one nomination is

received the person nominated shall be declared elected by the Board but if more than one nomination is received the Board shall call a special general meeting to enable the candidates to speak in favour of their nominations. The Board shall then institute a postal ballot to determine which nomination or nominations will fill the vacancy

A person so appointed or elected to fill a casual vacancy hereunder shall retain Office for only as long as the vacating member would have retained the same had no vacancy occurred.

- (c) In the event of any member or members of the Management Board of the Society being appointed to any permanent full time position within the Society, then such member or members shall vacate their seat on the Management Board forthwith, any such vacancy shall be filled in accordance with the Society's registered rules.

- (39) AT the first Annual General Meeting and at every succeeding Annual General Meeting, two members of the Board in rotation shall retire from office. A retiring member of the Board shall continue in office until a successor be appointed. A retiring member shall be eligible for re-election and without nomination. The office of a member of the Board Of Governance shall become vacant if the Society in general meeting shall pass a resolution declaring his seat vacant or appoint some other member of the Society in his place.

- (40) NOMINATIONS for vacant positions on the Board Of Governance, other than from a retiring member seeking re-election, shall be delivered to the Society not less than 24 hours before the time of the Annual Meeting. Each nomination, other than of a retiring member seeking re-election, shall be made in writing and shall set forth the name, address and occupation of the candidate, and shall be signed by him and also by the proposer and seconder.

The nomination of a retiring member seeking re-election need not be in writing and may be made by a proposer and a seconder at the Annual General Meeting. In the event of there being more nominations than there are vacant positions a postal ballot for the election of members to fill the vacancies shall be held and the provisions of Rules (27) and (28) shall apply mutatis mutandis to such ballot. Provided however that in the event of a tie in the votes received to fill the last of the vacancies on the Board of Governance such tie shall be resolved by the holding of a further postal ballot for the election of one of the two or more nominees involved in such tied vote. The nominee gaining the greatest number of votes in such second postal ballot shall be declared elected to the vacant position on the Board of Management.

- (41) Members of the Board who are not paid officers of the society shall receive payment for attendance at Board, sub Board meetings, directorships of the society company or subsidiary company, special projects or consultancy or when carrying out any other duties authorized by the Board and further such rates AND HOURS shall be fixed in advance for the ensuing year by a simple majority of members voting at the Annual General Meeting

CHAIRMAN OF THE BOARD:

- (42) THE first business of the Board shall be to appoint from its members a Chairman and Vice-Chairman.

MANAGEMENT:

- (43) The Governance of the business of the Society shall be vested in the Board who in addition to the powers and authorities presents or otherwise expressly conferred upon it may exercise all such powers and do all such acts and things as may be exercised or done by the Society and are not required by the Rules or by any Statute to be exercised or done by the Society in general meeting, but subject nevertheless to the provisions of any Statute and to the Rules of the Society in operation for the time being provided that the making of any Rule shall not invalidate any prior act of the Board which would have been valid if such new Rule or alteration or rescission had not been made.
The Board may from time to time either generally or particularly delegate to any person any of the powers conferred on it by these Rules, including the power of delegation conferred by this Rule.
- (44) The Board shall have the control of the appointment and removal of the General Manager. The position of the full time qualified General Manager shall not be a member of the Society and must be filled at all times. All senior management positions must report to the General Manager. In the situation of the General Manager resigning from the Society, the board must take immediate actions to replace them with another qualified candidate.

MEETINGS OF BOARD:

- (45) THE Board shall meet at such places as it shall think fit. An emergency meeting may be held without notice if all members are present.
- (46) EVERY question at a meeting of the Board shall be decided by a majority of members. If the votes are equal the question shall be declared lost or not carried. Each member of the Board including the Chairman shall have one vote.
- (47) ANY one member of the Board may call a special meeting thereof by giving notice to the Secretary who shall thereupon call the meeting.
- (48) A QUORUM shall consist of four (4) members of the Board.

MINUTES:

- (49) THE Board shall cause Minutes to be duly entered in the books provided for the purpose of:-
- (a) All appointments of permanent officers or servants and the terms of their employment.
 - (b) All the names of the members of the Board present at each meeting of the Board.
 - (c) Of all resolutions and proceedings of General Meetings and of meetings of the Board.
- Any such Minutes of any meeting of the Board and of the Society purporting to be signed by the Chairman of such meeting, or by the Chairman of the next succeeding meeting shall be receivable as prima facie evidence of the matters set out in such minutes.

APPOINTMENT OF NOMINEES:

- (50) THE provisions contained in Sub-clause (e) of Section 9 of the Industrial and Provident Societies Act, 1908. shall be deemed to be a Rule of this Society in regard to appointment of nominees.

DEATH OR BANKRUPTCY OF MEMBER:

(51) UPON the death or bankruptcy of any member the legal representative or representatives of such member so dying or becoming bankrupt shall be entitled to be registered upon the Register of Members as the registered holder of the share registered in the name of such person so dying or becoming bankrupt. It shall be sufficient to send notices to the representative first named on the Register only.

DISSOLUTION OF SOCIETY:

(52) IN the event of the Society being dissolved any surplus moneys after the payment of all liabilities and liquidation costs and expenses shall be returned to the members in proportion to the shares held by them in the Society at the time of dissolution.

- (53) (i) THE net profits of the business carried on by the Society after paying or providing for the expenses of management and after payment of interest and instalments of principal on loan or deposit and after allowing for depreciation at such rates as the Board shall determine shall be applied every year as follows:-
FIRST: In establishing such reserve funds as the Board of Governance may deem fit for meeting any contingencies affecting the business of the Society or for any other lawful purpose.
SECONDLY: In payment of a dividend in manner hereinafter provided.
THIRDLY: In refunding to members such sum and at such rate and in such manner as the Board of Governance shall from time to time direct.
- (ii) The Board Of Governance may, with the sanction of the members of the Society in general meeting declare a dividend to be paid to the members in proportion to their paid up share capital.
- (iii) No dividend shall carry interest as against the Society.
- (iv) No larger dividend shall be declared than is recommended by the Board of Governance but the members of the Society in general meeting may declare a smaller dividend.
- (v) The Board Of Governance may deduct from the dividend payable to any member all such sums of money as may be due and payable by him to the Society on account of calls, instalments or otherwise or any debt liability or engagement.
- (vi) In case several persons are registered as the joint holders any share any one or more of such persons may give effective receipts for all dividends and payments on account of dividends in respect of such share: But the Board of Governance may, if the members thereof think fit, require the receipt of all the holders of such share.
- (vii) A transfer of any share shall not pass the right to any dividend or refund declared thereon, or in respect thereof before the registration of the Transfer.
- (viii) Unless otherwise directed, dividends or refunds may be paid by cheques or warrants sent through the post to the registered address of the member or person to whom the dividend or refund is payable, or in the case of joint holders of any share (subject to arrangement between such joint holders consented to by the Board Of Governance) to that one whose name stands first in the Register in respect of such share, and every cheque or warrant so sent shall be made payable to the order of the person to whom it is sent, but the Society shall not be responsible for the loss in transmission of any cheque or warrant so sent, whether sent at the request of a member or otherwise.

LIEN:

(54) THE Society shall have a first and paramount lien upon the share registered in the name of each member for his debts, liabilities and engagements solely or jointly with any

person to or with the Society whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not and such lien shall extend to all dividends or bonuses from time to time declared in respect of such share.

- (55) FOR the purpose of enforcing such lien the Board may sell the share subject thereto in such manner as it thinks fit but no sale shall be made unless notice in writing of intention to sell shall have been served upon such member or his executors or administrators and default shall have been made by him or in the payment, fulfilment or discharge of such liabilities or engagement for twenty-one (21) days after such notice. Upon any sale being made of any share to satisfy the lien of the Society the proceeds of such sale shall be applied firstly in payment of all costs and expenses of such sale: next in satisfaction of the debts or obligations of the member of the Society: and the residue, if any, shall be paid to the member or as he may direct.
- (56) AN ENTRY in the Minutes Book of the Society that any share has,, been sold or disposed of to satisfy a lien of the Society shall be conclusive evidence as against all persons entitled to such share and that the said share was regularly sold or disposed of.

RADIO SERVICE:

- (57) SUBJECT to the control of the Board as by these rules prescribed a member or Taxi Operator of the Society shall be entitled to use the telephone and radio/telephone facilities now or hereafter provided by the Society but only for the purpose of and only in connection with the use of the member's or Taxi Operator's motor-vehicle as taxicabs.

CONTROL OF MEMBERS OR TAXI OPERATORS AND THEIR MOTOR VEHICLES:

- (58) MEMBERS or Taxi Operators shall at all times while engaged in driving motor-vehicles for hire as taxicabs or while holding themselves out as drivers of taxicabs for hire, comply with the following requirements to the satisfaction of the Board .
- (a) Conduct themselves in a courteous manner.
 - (b) Dress themselves in a neat and tidy manner, as required by Board.
 - (c) Keep their taxicabs and all fittings and equipment thereof in a clean efficient and roadworthy condition.
- All Members or Taxi Operators shall be deemed to have in their possession a copy of the Rules of the Society and shall be bound thereby in like manner as if they had been original subscribers thereto.
- (59) (a) MEMBERS or Taxi Operators shall use upon the taxicab or devices taxicabs owned by them the colour scheme, designs marks and symbols now and from time to time hereafter may be adopted by the Society. The designs, devices, marks and symbols shall be used in the manner determined from time to time by the Board of Governance. Such designs, devices, marks and symbols shall be carried continuously on the taxicabs operated by the members or Taxi Operators unless express permission has been obtained from the Board to remove such designs, devices, marks and symbols.
- (b) Notwithstanding the power of the Board of Governance delegated in (b) above, no vehicle entering into the fleet whether as a new vehicle or used vehicle, shall be anything other than white in colour.
 - (c) That the age of the cars be no older than 5 years upon entering the fleet and when the car reaches 10 years old it must be removed from the fleet.
- (60) THE Board may from time to time make rules providing for:
- (a) The proper carrying into effect of the matters referred to in Clause (58) hereof.

- (b) The operation, care, use and management of the Radio and Telephone service of the Society.
- (c) The hours of driving of taxicabs.
- (d) The control and management of drivers, employed by members to drive the vehicle of a member.
- (e) The insurance of members and vehicles owned or operated by them against loss or damage arising out of the use of a motor vehicle.
- (f) The keeping of records and the compiling of data connected with the use of motor vehicles.
- (g) Such other matters relating to the operations or the members as the Board shall deem Fit.

EMPLOYMENT OF DRIVERS:

- (61) (a) NO MEMBER or Taxi Operator shall permit any driver or drivers to drive a taxicab in the Society unless the prior written consent of the Board of Governance has been obtained before employment commences.
 - (b) The Board of Governance or its duly appointed representative could if it sees fit, hold a member or Taxi Operator responsible for the acts or misdemeanours of his/her employed drivers during such time as the employed drivers are operating or in charge of a Taxicab.
 - (c) Members or Taxi Operators shall take all necessary steps to require their employee drivers to comply with these rules or rules issued from time to time.
 - (d) Members and Taxi Operators shall be subject to all the Operational Rules and to such Registered Rules as may apply in the opinion of the Board of Governance or its appointed representative whilst operating their taxicab or taxicabs in the Society.
- (62) NO MEMBER or Taxi Operator shall continue to employ any driver if the permission to employ granted by the Board or Management is withdrawn by resolution of the Board of Management.

NOTIFICATION OF THE REGISTERED NUMBER OF THE TAXICABS OPERATED:

- (63) (a) AT no time shall the total number of shares in the Society exceed 700 without the prior consent of members at a General or Special Meeting.
- (b) Members or Taxi Operators shall forthwith notify in writing the Secretary of the Society the registered number of the taxi or taxis operated in terms of the Taxicab Service Licence or Small Passenger Service Licence.
- (c) No member or Taxi Operator shall operate any taxi or taxis other than the taxicabs referred to in Clause (b) hereof unless the member or Taxi Operator before operating such taxicab notifies in writing the Secretary of the Society of the Registered number of the taxicab or taxicab,, proposed to be operated in terms of the Taxicab Service licence or Small Passenger Service Licence.

ENFORCEMENT OF RULES AND PENALTIES FOR BREACHES OF RULES:

- (64) (a) THE Board Of Governance may order any member or Taxi Operator to cease to operate the taxicab on its Radio or Telephone System for a period or pay such fine as the Board may determine if in the opinion of the Board Of Governance, such member or Taxi Operator has committed a breach of any rule, direction or instruction issued by the Board.

- (b) The Board Of Governance may suspend the permission granted to any driver to drive a taxicab for a period or inflict a fine or any other penalty considered by the Board Of Governance to be appropriate in the circumstances if in their opinion such driver has committed a breach of any rule, direction or instruction issued by them or their delegated officers. This suspension shall not be a limitation of the powers of the Board of Governance to withdraw or cancel by resolution the permission granted to drive a taxicab.

OPERATING EXPENSES/CAPITAL AND SPECIAL LEVIES

- (65) The Board shall from time to time determine the levies required to be paid by the members or taxi operators to carry on the operations of the Society. The Board may also from time to time determine levies to be paid by members or taxi operators for capital or special purposes. Such levies, whether the levies be to carry on the operations of the Society or for capital or special purposes, shall be paid by such periodic payments and for such periods as the Board shall from time to time determine. Before imposing such levies on members or taxi operators, the Board Of Governance shall produce a budget or budgets and recommend the operating, or special, or capital, levies required to be paid by members or taxi operators and the Board Of Governance shall obtain the approval of members or taxi operators for such levies at a General or Members shall promptly pay the sums prescribed by the Board at Special Meeting of the Society before requiring payment of such levies.

Members shall promptly pay the sums prescribed by the Board at the times and in the manner required by the Board of Governance. Recovery of outstanding payments under this rule shall be made by the Board of Governance or any Sub-Board authorised by the Board for such purpose failing satisfactory settlement of debt.

Any payment due under this rule may be recovered in any Court of competent jurisdiction by any person appointed for that purpose by the Board of Management.

AUDITOR AND FINANCIAL YEAR:

- (66) THE financial year of the Society shall terminate on the thirty first (31st) day of March in every year. The accounts of the Society shall once at least in every year be submitted for audit to a public auditor appointed by the Society at the previous Annual Meeting and such auditor shall audit the same as provided by Section 8 (a) (iii) of The Industrial and Provident Societies Act, 1908. The Board of Governance shall appoint the auditor for the period ended the thirty first (31) of March, 1947.

INVESTMENT OF FUNDS:

- (67) THE Board may from time to time invest any portion of the funds of the Society in the name of the Society in the manner provided by Section 10 sub-sections (a) and (c) of the Industrial and Provident Societies Act, 1908, and any amendment thereof and also upon:-
- (a) Mortgage of freehold and leasehold lands in the Dominion of New Zealand.
 - (b) Upon fixed deposit with any bank trading in New Zealand.
 - (c) In the Auckland Savings Bank.
 - (d) Upon debentures of any local or public body in New Zealand.
- The Board may advance moneys to members of the Society or any other Society, company or corporation on such terms as the Board thinks fit.

COMMON SEAL:

- (68) THE Society shall have a Common Seal having the words "The Common Seal of the "AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED" on the face thereof, which shall be kept in the custody of the Secretary.
- (69) THE Common Seal shall not be affixed to any instrument except by the authority of a resolution of the Board and in the presence of a member of the Board and the Secretary or such other person as the Board may appoint for the purpose and that member of the Board and Secretary or other person as aforesaid shall sign every instrument to which the Seal of the Society is to be affixed in their presence.

SIGNING OF CHEQUES AND DOCUMENTS:

- (70) THE Board shall by resolution appoint the Secretary and/or a member or members of the Board and/or such other officer of the Society who shall be entitled to make, accept or endorse on behalf of the Society all cheques, Promissory Notes and Bills of Lading. All payments made for the purpose of carrying out the objects of the Society shall be by cheque drawn on the bank account of the Society.

COPY OF RULES FOR MEMBERS OR TAXI OPERATORS:

- (71) EVERY member or Taxi Operator shall on demand and on payment of a prescribed fee be furnished with an up to date copy of the Rules of the Society including all changes, additions and amendments that have been passed at a General or Special Meeting since the last printing of the Rule Book.

DISPUTES

- (72) UNDER these rules every dispute between a member, Taxi Operator, or person and the Society or an officer thereof shall be decided by the Board whose decision shall be binding and conclusive on all parties.

ALTERATION OF RULES:

- (73) AT ANY general meeting new Rules may be made and except as hereinafter defined any existing Rule or Rules amended or rescinded by a resolution of the members passed by a majority of not less than two-thirds of such members of the Society as being entitled so to do vote in person or by proxy at a general meeting of which notice specifying the intention to propose the resolution has been duly given.
- (74) NO ADDITION or alteration to or rescission of the Rules shall be valid until registered. Any such changes to the rules are to be registered without delay at the appropriate place and within the prescribed time.

INDEMNITY:

- (75) EVERY member of the Board , Manager, Secretary or other officer or servant of the Society shall be indemnified by the Society against all costs, loss and expense which any such officer or servant may incur or become liable or by reason of any contract entered into, act or thing done by him as such officer or servant or in any way in the discharge of his duties including travelling expenses provided that such actions are done in pursuance of the objects or interests of the Society and come within the express or implied authority of the person so acting.

DEFINITIONS

76. Wherever the term "Taxi Operators" or "Taxi Operator" is used in these rules it shall mean the persons or a person who are/is the holder of a small passenger service vehicle licence

operating a taxi as a Society taxi under a form of leasing arrangement with a member of the Society that has been approved by the Society.

NEW REGISTERED RULE 77

77. VEHICLES

In addition to Rule 59 dealing with colour schemes, designs, marks and symbols

ALL VEHICLES ENTERING THE FLEET MUST COMPLY THE FOLLOWING CRITERIA.

77.1. BODY STYLE

Be a four door saloon or station wagon

- (a) Being a Holden
- (b) Being a Ford
- (c) Being a Toyota
- (d) Being a Hyundai
- (e) Chrysler

And Be a Medium to Large van with rear passenger seating installed

ALL OF THE ABOVE IN CLAUSE 1&2 MUST BE APPROVED BY THE BOARD OF GOVERNANCE

77.3 ENGINE TYPE

1. Any Petrol, Diesel, LPG, CNG Combustion engine of not more than 6 cylinders.
2. Any hybrid electric/combustion engine of not more than six cylinders.
3. Any electric or water powered engine.

77.4 VEHICLE AGE

1. No vehicle shall be allowed into the fleet that is on the time of entry more than five years old from the date of manufacture.
2. No vehicle shall remain in the fleet that is older than 10 years from the date of manufacture.

77.5 POLICY CONSIDERATIONS

1. The Society has a policy to strive to provide low emission eco friendly vehicles and encourage members to select these vehicles
2. The society has secured the rights to provide taxi services to certain large corporations and Individuals based strictly on the provision of eco friendly vehicles. In the event that members chooses not to provide/drive such eco friendly vehicles then they shall not be allowed to take jobs and will not be advised of pickup requests for those eco friendly clients of the Society

77.6 BOARD OF GOVERNANCE

1. Notwithstanding the above the Society through the Board of Governance reserves the right to reject any vehicle which in the opinion of the Board of Governance will detract from the application of the policy considerations or is otherwise in the sole opinion of the Board of Governance unsuitable for inclusion into the fleet.

SCHEDULE A

**The By-Laws of the Auckland Co-operative Taxi Society
Limited which govern the conduct of secret ballots called for
pursuant to Rule 27.**

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1. Persons to whom the by-laws apply

These by-laws shall apply to and be enforceable against –

- (a) Every member of the Society, and
- (b) Any member of the Society in circumstances where any other person or
- (c) persons, company or other entity is found to have acted either at the express direction of such member, or indirectly, through a third party, or with the acquiescence of such member, and
- (d) Any lessee or driver who is found to have breached these by laws (As though such by-laws were part of the Operating Rules of the Society)

2. Definitions

“by laws” – means these by laws.

“Committee” means the Committee of Management of the Auckland Co-operative Taxi Society Limited

“ Electoral Officer” – means the person or persons company, or other entity elected annually to act as such by members at the Annual General Meeting and/or in any event where an Electoral Officer has not been appointed and/or is not available to supervise any secret ballot then the Electoral Officer to supervise such secret ballot shall be elected by the members at the Special General Meeting where a secret ballot has been called for.

“driver” – means a person holding a current permit from the Committee to driver as a driver of a Society.

“lessee” – means a person leasing from a member of the Society the right to operate as an operator of the Society where such leasing arrangement has been approved by the Committee.

“Rules” - means the Registered Rules of the Society.

“secretary” – means the secretary for the time being of the Society, and, where some other person has been appointed to act as secretary for the purpose of a secret ballot, that other person.

“Society” – means the Auckland Co-operative Taxi Society Limited

“the polling date” – means the day on which voting shall take place between 0800 hours and 1800 hours.

3. The seriousness of a breach of these by-laws

- (a) The preservation of the rights of members to a secret ballot and the preservation of the integrity of the voting system is a matter of great importance. Any breach of these by laws shall be regarded by the Society as requiring the Committee to consider whether or not the name of any member committing a breach of Rule 27 or any of these by-laws should be struck off the register of members pursuant to Rule 11 (d) of the Rules.
- (b) Any lessee and/or driver found to have committed a breach of these by-laws shall be liable to have their rights to operate as a lessee and/or driver of the Society terminated.

4. The times for giving notice of and within which secret ballots must be held.

- (a) Where a secret ballot is to be held to consider and vote on a notice of motion presented to a general meeting of the Society and is not for the purpose of electing a member or member to the Committee-
 - (i) It shall be the duty of the secretary within seven days of the meeting at which the secret ballot has been called for to prepare a notice specifying the time, date and place for the secret ballot and to send such notice to every member at such members mailing address recording in the register of members "the notice of secret ballot"
 - (ii) When the election is to fill any vacancy or vacancies on the Committee, other than at the time of the Annual General Meeting, it shall be the duty of the secretary to prepare a notice specifying the time, date and place for the election and to send such notice to every member at such members mailing address recorded in the register of members "the notice of election".
 - (iii) Whether or not the election is taking place pursuant to Rule 40 and every time an election shall take place, the date, time and place for such ballot shall be fixed by the secretary and such date shall be not less than 10 nor more than 20 days from the date of the meeting at which nominations for election have been or are to be tabled.

5. The form of the ballot paper**(a) Notices of Motion**

- (i) Forthwith after a decision to hold a secret ballot has been taken the secretary shall cause ballot papers to be provided in sufficient numbers for the secret ballot.

- (ii) On the ballot paper shall be printed the words of the motion or motions and where there is more than one the motions shall be numbered. After the wording of the motion and/or after the wording of each motion in the event that there is more than one, shall be printed in large outstanding type the words –

"I vote **FOR** the motion"

"I vote **AGAINST** the motion"

On each ballot paper the following instructions shall also appear –

Instructions

1. If you wish to vote for the motion place a tick in the box adjacent to the line reading-

"I vote **AGAINST** the motion"

If you wish to vote against the motion place a tick in the box adjacent to the line reading -

"I vote **FOR** the motion"

2. After voting each member should fold the ballot paper and insert it in the envelope marked "Voting Paper."
3. Seal the "Voting Paper" envelope and insert it in the numbered larger envelope that on one side will have the following words-

The Electoral Officer
(here will appear the address of the Electoral Officer)

4. Each member must then **sign** his/her or their name where indicated on the reverse of the larger numbered envelope and where indicated below that each member must then **PRINT** the full name of the member or members and **PRINT** their fleet number.
5. The larger envelope containing the sealed envelope labeled "Voting Paper" shall then be sealed and placed, by the member voting in the locked ballot box Unless the member voting is casting a special ballot in which event the larger envelope shall be sealed; the correct postage shall be affixed; and the envelope posted so that it will be received by the Electoral Officer prior to 1800 hours on the election date" (Only envelopes that have been

posted and which have been received by the Electoral Officer prior to the close of voting on the election date will be considered)

(b) Elections to fill a vacancy or vacancies on the Committee of Management

- (i) Forthwith after the nomination day for a secret ballot the secretary shall cause ballot papers and envelopes to be printed in sufficient numbers for this secret ballot. The ballot papers for members wishing to cast their votes by way of special ballot shall be printed on a different colored paper from the other ballot papers and the envelopes for the casting of votes by way of special ballot shall be a different color from the envelopes to be used by members voting at the polling place on the polling date.
- (ii) (1) On the part of the ballot paper naming the candidates for election shall be printed the names of the candidates arranged alphabetically in order of their surnames.
- (2) There shall be no marks on the ballot paper identifying retiring members of Committee seeking re-election.
- (iii) The Ballot Paper for each election to vacant positions on the Committee pursuant to Rule 40 of the Registered Rules shall be in approximately the following form -

AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED	
COMMITTEE OF MANAGEMENT	
VOTING PAPER	
<i>Election of members to the Committee of Management</i>	
<i>Place a tick in the box adjacent to the candidates you <u>are</u> voting for</i>	
<u>DO NOT</u> VOTE FOR MORE THAN (specify here the number of positions on the committee to be filled by the election) CANDIDATES	
YOU MAY VOTE FOR LESS	
ANDERSON, Edith	<input type="checkbox"/>
JONES, Alwyn	<input type="checkbox"/>
FAAVAE, Fuata	<input type="checkbox"/>
ROBERTS, Helen	<input type="checkbox"/>
SINGH, Dinesh	<input type="checkbox"/>
INSTRUCTIONS	
1. After voting each member should fold the ballot paper and insert it in the envelope marked "Voting Paper"	
2. Seal the "Voting Paper" envelope and insert it in the numbered larger envelope that on one side will have printed the following words -	
<i>The Electoral Officer</i> <i>(Here will appear the address of the Electoral Officer)</i>	
3. Each member must then sign his/her or their name where indicated on the reverse of the larger numbered envelope and where indicated below that each member must PRINT the full name of the member or members and PRINT their fleet number.	
4. The larger envelope containing the sealed envelope labeled "Voting Paper" shall then be sealed and placed by the member voting in the locked ballot box <u>Unless</u> the member voting is casting a special ballot in which event the larger envelope shall be sealed, the correct postage shall be affixed to the envelope and the envelope posted so that it will be received by the Electoral Officer prior to 1800 hours on the election date" (Only envelopes that have been <u>posted</u> and which have been received by the Electoral Officer prior to the close of voting on the election date will be considered as special ballots.	

6. The special ballot procedure for both notices of motion and elections to fill a position/positions on the Committee of Management

- (a) No member shall be entitled to be a candidate for election and no member shall be entitled to vote whilst any money shall be due and payable to the Society by such member in respect of Rule 65.
- (b) If any member, recorded as a shareholder in the Register of Members is ineligible to vote, for any reason, notice of such ineligibility shall be sent to such member not less than seven (7) days prior to the polling date or the election date.
- (c) The secret ballot shall take place one day only, which, shall be specified by the Secretary in accordance with by law 4 and for Annual General Meeting elections to fill a vacancy or vacancies on the Committee the polling date shall (where practicable) be the second Tuesday following the Annual General Meeting.
- (d) The secret ballot shall be conducted between the hours of 0800 and 1800 on the polling date.
- (e) There shall be four scrutineers who shall be elected by the members at the General Meeting at which voting by way of secret ballot has been called for, to vote on notices of motion (or one or more of them) being considered by such meeting, or at the General Meeting at which nominations to fill vacancies on the Committee are being considered. In the event of there being more nominations for the positions of scrutineers than four, there shall be a ballot for the election of scrutineers. The result of such ballot shall be determined at the General meeting by a show of hands of those members present in person or by proxy. No candidate, nominee or seconder of a candidate whether withdrawn or not, shall be eligible to be an elected scrutineer for an election for members to fill a position of the Management Committee or any special ballot.
- (f) In the event that the voting shall be by way of secret ballot for the election of members to the Committee then each candidate for election shall be entitled to appoint one scrutineer to act as such in addition to the scrutineers elected at the meeting pursuant to by law 6(e) PROVIDED HOWEVER that any and all costs of a scrutineer appointed by a candidate, in addition to the scrutineers elected at the meeting, shall be borne by the candidate appointing such scrutineer and not by the Society.
- (g) Following the General Meeting, the names of the scrutineers shall be posted on the Society's Notice Board in Taxi House, 10 Macaulay Street, Newton and notified through Communication and Training Service Limited, to the modems of members, drivers and leasees.
- (h) The Committee shall provide the following things for the day fixed as the polling day-

- (1) A suitable area to be the polling booth at the polling place and in the booth not less than two inner compartments separated from, but opening into the booth and having no other opening
 - (2) In each inner compartment suitable facilities for the marking of ballot papers
 - (3) In the booth, the ballot box
- (i) The Electoral Officer shall, on the polling date, be provided by the Committee with a copy of the names of the members eligible to vote ("the Electoral Register")
 - (j) At all times whilst the votes are being cast on the polling date, a minimum of two scrutineers shall be on duty at the election venue and in the polling place where the votes are being cast.
 - (k) The onus of establishing eligibility to vote is upon the member wishing to vote. To establish, to the satisfaction of the Electoral Officer and the scrutineers, a members entitlement to vote, the drivers licence, unique identifier, Society permit or the passport of the person concerned shall be acceptable forms of identification.
 - (l) Where a member has been ruled ineligible to vote on the polling date solely because a sum of money is due to the Society by such member and has not been paid, the production by such member of a receipt from the Society for all amounts due, signed by either the financial controller or the secretary of the Society and dated prior to the polling date or (if the member has sought to vote by special ballot) the date of the posting of the special ballot by the member, shall prima facie, establish that such member is ineligible to vote subject however to the Electoral Officer confirming through either the financial controller, or the secretary, on the polling date, that such payment has been received and (unless such payment has been made by way of cash and/or bank cheque) that the cheque in payment has been honored. A payment made less than five clear working days prior to the polling date or if the member has sought to vote by special vote less than five clear working days prior to the date that such member has posted his or her or their special vote and which has not been made either by bank cheque or cash shall not be acceptable to remove any financial ineligibility to vote that the member may have had.
 - (m) The voting papers for each secret ballot shall be in the forms set out in these by laws. Such forms may be amended from time to time by the Committee provided that such amendments are then approved by a simple majority of members present in person or by proxy at a subsequent General Meeting.
 - (n) Immediately prior to the time for voting to commence the Electoral Officer shall, but only in the presence of not less than two scrutineers and in circumstances where all of the scrutineers have been provided with a fair and reasonable opportunity to be present, open the ballot box and ensure that the same is completely empty. The ballot box shall then be closed and locked by the Electoral Officer who shall retain the key. The ballot box shall be placed in a situation in the polling place where it

cannot be easily removed and is in a position to be observed at all times by the Electoral Officer and the scrutineers.

- (o) On the polling date, the Electoral Officer, or a person or persons delegated by the Electoral Officer, shall first check the eligibility to vote of each intending voter against the Electoral Register. Upon being satisfied that the intending voter is eligible to vote the Electoral Officer, or a person or persons delegated by the Electoral Officer, shall rule off the name and number of the members concerned on the Electoral Register and shall record it against the name of the intending voter, the number printed on the larger of the two voting envelopes to be given to the intending voter. That entry shall be initialed by the electoral officer and countersigned by at least one scrutineer. The intending voter shall then be given one voting paper and the voting envelope and the numbered larger envelope referred to in by law 5.
- (p) When voting on the polling day no member shall mark their ballot in the presence of any other person but shall do so in the privacy of the cubicles provided. After voting in accordance with the instructions set out on the ballot paper the member voting shall personally place his/her or their ballot paper in the unopened and locked ballot box.
- (q) The doors of the polling booth shall be closed at 1800 hours on the polling date.
- (r) Upon the expiry of the time within which voting is to take place the Electoral Officer shall (but again only in the presence of not less than two scrutineers and in circumstances where all of the scrutineers have had a fair and reasonable opportunity to be present) open the ballot box. The larger envelopes and the signatures on the larger envelopes shall then be checked by the Electoral Officer against the Society's Electoral Register and against the record of the voting papers issues by the Electoral Officer as set out in by law 6(o) hereof. On completion of that exercise the numbered envelopes shall be opened in the presence of scrutineers by the Electoral Officer who shall retain possession and control of the unopened voting envelopes and counting the votes in the presence of the scrutineers by the Electoral Officer who shall retain possession and control of the unopened voting envelopes and who shall arrange for the destruction of the numbered envelopes before opening the voting envelopes and counting the votes in the presence of the scrutineers.
- (s) The Electoral Officer shall be responsible to ensure that -
 - (i) No voting envelope contains more than one voting paper (In the event that any voting paper contains more than one voting paper, those voting papers shall be ruled invalid and put to one side and not counted. The reason for the voting papers being put to one side and not counted shall be recorded on a sheet attached to the voting papers)
 - (iii) Any voting paper shall be put to one side for review at the conclusion of the voting count where the Electoral Officer considers there is any doubt about the intention of the member casting the vote by reason of the way the voting paper has been submitted and/or marked

- (t) The Electoral Officer shall count, in the presence of scrutineers (or so many of them as remain at that time) all voting papers and record the total number of votes cast for and against each motion and/or for each candidate for election to the Committee where the intention of the voter is clear.
- (u) In the presence of the Electoral Officer and the scrutineers (or so many of them as remain at the time) the vote count referred to in the preceding by-law shall then be checked by a nominated scrutineer in the presence of scrutineers.
- (v) When the vote count has been verified by the nominated scrutineer and in the event that the vote count could or may be affected by the votes that have been put to one side by the Electoral Officer in either the unopened larger envelopes or the unopened voting envelopes, or where it is the voting paper that has been put to one side the Electoral Officer shall reconsider the reasons for –
 - (1) Putting the unopened larger or smaller envelopes to one side and shall make a determination, which shall be recorded in writing, and attached to the envelope as to whether or not the envelope should be opened and the vote counted.
 - (2) Putting the voting paper to one side where the envelopes have been opened

The Electoral Officer shall make the determination, which shall be recorded in writing and attached to the voting paper as to whether or not such vote should be counted notwithstanding that the vote may not have complied strictly with the instructions for completion of such voting papers.
- (w) After carrying out the reconsideration referred to in the preceding by law, where the Electoral Officer remains in doubt as to the intention of the voter such voting paper shall be ruled informal or invalid and not included in the vote count. Where, however, the Electoral Officer determines that the intention of the voter is reasonably clear from the way in which the voting paper has been completed the Electoral Officer shall include that vote in the votes for and/or against the motion and/or in the votes for the election of members to the Committee.
- (x) After taking into account the reconsideration of voting set out in the preceding by law the Electoral Officer shall record the result of the voting.
- (y) Once the results of the secret ballot are known, the results shall be recorded by the Electoral Officer who shall in recording the vote count and the result, also record the time, date and place at which vote counting has taken place. The results shall be checked and be countersigned by all of the elected scrutineers present ("the secret ballot results")
- (z) Except in the case of fraud, no objection shall be made to the validity of any vote cast by way of secret ballot unless such objection shall be notified to the Electoral Officer prior to the commencement of vote counting at such secret ballot or shall be raised by the Electoral Officer, or

any one or more of the scrutineers and/or during the counting of the votes and prior to the declaration of the result.

- (aa) Other than in the event that fraud shall later be established and subject to the matters set forth earlier in this by law 6, every vote not disallowed on the polling date and whether given personally or by special ballot shall be deemed valid for all purposes whatsoever.
- (bb) Following the completion of the counting of the votes and the recoding of the secret ballot result the Electoral Officer shall be responsible to ensure that all of the ballot papers are assembled and placed in a sealed ballot box along with the Electoral Register, together with all unused ballot papers (details of which shall also be recorded) and a photocopy of the secret ballot results. Such ballot box shall then be sealed against inspection and retained in the possession of the Electoral Officer who shall be responsible for such ballot box until the date that the papers contained in it are destroyed.
- (cc) The secret ballot box result as recorded in accordance with by-law 6 shall be given to the Secretary. The Secretary shall then declare the results of the secret ballot box by posting on the Society's notice board the secret ballot results signed by the Electoral Officer and by at least two of the scrutineers.
- (dd) Following the secret ballot results being declared, the ballot papers shall be retained by the Electoral Officer in the sealed ballot box and shall not be destroyed for a period of 30 days following the polling date. (If within that 30-day period there is a challenge to the secret ballot results and/or an appeal against the secret ballot results all of the papers in the ballot box shall be retained until the result of the challenge or the appeal is known). If within that 30 day period there has been no challenge or appeal then all of the papers in the ballot box shall, at that time, be destroyed by the Electoral Officer in the presence of not less than two scrutineers. Between the time of the recording of the secret ballot results and the date that the ballot papers shall be destroyed the Electoral Officer shall be responsible for the care and control of the ballot box containing the ballot papers, the Electoral Register for that secret ballot and the photocopy of the secret ballot results.
- (ee) In the event of any challenge to the secret ballot results and/or any appeal against the secret ballot results, the Electoral Officer and two scrutineers shall be jointly entitled to open the sealed ballot box and to have access to the Electoral Register and the ballot papers kept therein. Any such opening of the ballot box shall be recorded by the Electoral Officer and countersigned by the scrutineers present.
- (ff) In the event that the voting is by way of secret ballot for the election of members to the Committee then if there is a tied vote between two or more member for the last position on the Committee, a fresh election shall be held for that position. Such election shall be a run off election between or amongst the election candidates who have tied for last position on the Committee ("the run off election") A new date shall be set for such election and all of the preceding rules relating to the election shall apply to the new ballot for the tied position, save that the notice of the date, time and place for such new election shall

be sent to members no less than ten (10) working days prior to the fresh election. The members entitled to vote at the run off election shall continue to be only the members who were financial members and eligible to vote at the first election date. The scrutineers and the Electoral Officer shall remain the same.

7. Powers of the Electoral Officer to remove statements, names, emblems, slogans or logos –

The Electoral Officer may at any time on polling day before the close of the poll cause to be removed or obliterated –

- (a) Any statement advising or intended or likely to influence any elector as to the motion and/or the candidate for whom the elector should or should not vote or
- (b) Any statement advising or intended or likely to influence any elector to abstain from voting

Which is exhibited in or in view of the polling place or in or outside Taxi House.

8. Persons not to remain in polling places

No person not actually engaged in voting shall be allowed to remain in the polling place and/or the polling booth, except –

- (a) The Electoral Officer, or
- (b) The scrutineers, or
- (c) Any other person with the permission of the Electoral Officer

9. No unauthorized communications at the polling place with members intending to vote, voting or having voted

- (a) No Electoral Officer or scrutineer or other official or unofficial person shall communicate with any voter at the polling place either before or after the voter has given his or her vote except only with the Electoral Officer or a person authorized by the Electoral Officer, who may ask the questions he or she is authorized to put and give such general direction as may assist any member to give his or her vote.
- (b) The Electoral Officer may and if so required by any scrutineer shall before allowing any person to vote put to that person the following questions-
 - (i) Are you the person whose name appears as (state name) in the Electoral Register?
 - (ii) Have you already voted on this secret ballot?

(In every such case the Electoral Officer shall require the questions to be answered in writing, signed by the person to whom they are put)

- (c) Every person who does not answer or who willingly and knowingly makes a false answer to either of these questions that the Electoral Officer may put shall be liable (amongst other penalties) to have their membership of the Society revoked under Rule 11 (d).

10. Special Voting Procedures

- (a) In the event that a member would otherwise be eligible to vote on the motion or motions in question or on the election to fill a vacancy or vacancies on the Committee but for any reason it will be impracticable for such member to cast their vote between the times and on the date and place fixed for the secret ballot such member may make application in writing, to the Electoral Officer to be provided with a special ballot paper giving the reason or reasons why it will be impracticable for such member to cast their vote during the times and on the date and place to be fixed for the election.
- (b) Without any way limiting the generality of the reasons why a member may be entitled to vote as a special voter for the reasons include the following-
- (i) The member does not ordinarily work within a radius of 50 kilometers of Taxi House, 10 Macaulay Street, Newton, Auckland and such a member does not reside within 50 kilometers of Taxi House, 10 Macaulay Street, Newton either on business or on holiday on the time and date fixed for the secret ballot it will not be practicable for the member to personally cast his or her vote on the date, time and place fixed for the secret ballot.
 - (ii) As a result of a member intending to be out of the Auckland area (i.e. out of an area within a 50 kilometer radius of Taxi House, 10 Macaulay Street, Newton either on business or on holiday on the time and date fixed for the secret ballot it will not be practicable for the member to personally cast his or her vote on the date, time and place fixed for the secret ballot.
 - (iii) By reason of illness, infirmity, pregnancy or recent childbirth, the member is either unable to attend to vote at the appointed polling place or would incur hardship or suffer serious inconvenience through having to do so.
 - (iv) The member is by reason of a religious objection, unable to attend to vote on the day of the week on which the polling day falls.
 - (v) The member satisfies the Electoral Officer that on any other ground it will not be practicable for that person to vote at the polling place without incurring hardship or serious inconvenience.
- (c) Within five days of the date of receipt by the Electoral Officer of a request for a special ballot (and providing the member requesting the same is at

the time of the receipt of the request financial and otherwise eligible vote at the election) the Electoral Officer shall post to such member by ordinary post addressed to the address recorded in the Society's Register of Members a ballot paper as defined in by-law 5 and two envelopes. The first and smallest of the two envelopes shall be marked "voting paper" and shall not otherwise have printed on it any identifying number or mark. The second and largest of the two envelopes shall be numbered with the Electoral Officer recording the envelope number against the name of the member on the Electoral Register and also recording that a voting paper for the secret ballot has been sent to that member. On one side the numbered larger envelope will have printed on it the following address-

The Electoral Officer

(Here will appear the address of the Electoral Officer)

- (d) After having voted for or against the motion or on the election to fill a vacancy or vacancies on the Committee in accordance with the instructions set out on the voting paper the member voting by way of special ballot should fold the ballot paper and insert it in the smaller envelope marked "voting paper". After sealing this envelope the member should insert it in the larger envelope addressed to -

The Electoral Officer

(Here will appear the address of the Electoral Officer)

- (e) On the back of the larger envelope, the member must sign his/her or their name where indicated and below that where indicated the full name of the member must be printed together with the members fleet number. This larger envelope containing the voting paper envelope must then be sealed and posted to the Electoral Officer. Envelopes personally delivered by some other person or another member will be ruled invalid. To be valid each special vote must be posted. Such special vote must be received by the Electoral Officer by post and then delivered unopened to the Electoral Officer as a special vote.
- (f) It shall be for the Electoral Officer to determine in each case whether or not to accept the reason given by the member seeking to vote by way of special ballot and in each case where such special ballot is disallowed the unopened envelope containing the voting papers shall be put to one side and kept separately by the Electoral officer with a brief note, in writing, of the Electoral Officer's reasons for declining to accept such special ballot.
- (g) The determination by the Electoral Officer of the validity or otherwise of each special ballot shall be made in presence of not less than two scrutineers and in the event that any scrutineer shall challenge the decision of the Electoral Officer to disallow a special vote or to challenge the validity of a special ballot because of the reasons given by the member seeking to cast his/her/their vote by way of special ballot such scrutineer shall record his/her reasons for challenging Electoral Officer's decision to disallow a special vote, in writing, by a sheet that shall be attached to the unopened special ballot paper which shall then be put to one side and reconsidered if and when such special ballot could or might affect the result of the vote on the motion.

- (h) The approach of the Electoral Officer and the scrutineers to allowing or disallowing any special ballot shall be to allow special votes unless the member clearly had no entitlement to vote by way of special ballot.

11. Offences Relating to the Conduct of Secret Ballots

(a) Interfering with or influencing voters

Every person to whom these by-laws shall apply commits a serious breach of these by-laws if that person –

- (i) In any way interferes with any elector, either at the polling place and/or at Taxi House, 10 Macaulay Street, Newton, Auckland, or while the elector is on the way to the polling place and/or to Taxi House, 10 Macaulay Street, Newton, Auckland with the intention of influencing the elector or advising the elector as to the elector's vote.
- (ii) At any time on the polling date before the close of the poll or in view or hearing of any the polling place and/or Taxi House, holds or takes part in any demonstration or procession having direct or indirect reference to the poll by any means whatsoever.]
- (iii) At any time on the polling date before the close of the poll, makes any statement having any direct or indirect reference to the poll by means of a loudspeaker or public address apparatus or cinematograph or television apparatus, or by email or facsimile.
- (iv) At any time before the close of the poll, conducts in relation to the election, an opinion poll of special voters or some of them who have voted before the polling date.
- (v) At any time on the polling date before the close of the poll, conducts an opinion poll in relation to the election.
- (vi) At any time on the polling date before the close of the poll, or at any time on any of the 3 days immediately preceding the polling date, prints or distributes or delivers to any person anything being or purported to be an imitation of any ballot paper to be used at the poll and having on it the names of the candidates or any of them, together with any direction or indication as to the candidate or party for whom or for which any person should or should not vote, or in any way containing any such direction or indication, or having thereon any matter likely to influence any vote.
- (vi) At any time on the polling date before the close of poll, exhibits in or in view of any public place, or publishes or distributes, or broadcasts-

Any statement advising or intended or likely to influence any elector as to the motion or motions or as to the candidate or

candidates for election for whom the elector should or should not vote, or

Any statement advising or intended or likely to influence any elector to abstain from voting, or

- (vii) At any time on the polling date before the close of the poll prints or distributes or delivers to any person any card or paper (whether or not it is an imitation ballot paper) having on it the motion or motions or the names of the candidates for election or any of them.
- (viii) Exhibits or leaves in any polling booth any card or paper having on it any direction or indication as to how any person should vote or as to the method of voting.

(b) Erasing and altering official mark on ballot paper-

Every person to whom these by-laws shall apply commits a serious breach of these by-laws if that person erases, obliterates or alters any official mark, stamp, or writing on any ballot paper, or places thereon any writing, print or other matter which might lead persons to believe that it was put thereon by any official person duly authorized in that behalf.

(c) Offences in respect of ballot papers and ballot boxes

Every person to whom these by-law shall apply commits a serious breach of these by-laws if that person –

- (i) Forges, or counterfeits, or fraudulently defaces, or fraudulently destroys any ballot paper, or the official mark on any ballot paper
- (ii) Without due authority supplies any ballot paper to any person
- (ii) Fraudulently puts into any ballot box any paper other than the ballot paper that he or she is authorized to put therein
- (iv) Fraudulently takes out of a polling place any ballot paper
- (v) Without due authority destroys, takes, opens or otherwise interferes with any ballot box, or box or packet or parcel of ballot papers then in use for the purposes of an election, or in the course of transmission by post or otherwise, or thereafter whenever the same may be kept as a record of the election.

(d) Personation

- (i) Every person to whom these by-laws shall apply commits a serious breach of these by-laws and is guilty of a corrupt practice if that person commits, or aids or abets, counsels or procures the commission of personation.
- (ii) Every person commits personation who –
 - (1) Votes as some other person, whether that person is living or dead or is a fictitious person, or

(2) Having voted at any election votes again at the same election

- (iii) For the purposes of this by-law a person shall be deemed to have voted if he or she has applied for a ballot paper for himself or herself, or has applied to vote as a special voter or has marked a ballot paper for himself or herself, whether validly or not
- (iv) Where the Electoral Officer believes that any person has committed an offence against this section, the Electoral Officer shall report the facts on which that belief is based to the Committee

(e) Bribery

(i) Every person to whom these bylaws shall apply commits a serious breach of these by-laws and is guilty of corrupt practice if that person-

- (1) Directly or indirectly, by himself or herself or by any other person on his or her behalf -
- (2) Gives any money or procures any office to or for any member, or to or for any other person on behalf of any member, or to or for any other person, in order to induce any member to vote or refrain from voting, or
- (3) Corruptly does any such act as foresaid on account of any member having voted or refrained from voting or
- (4) Making any such gift or procurement as aforesaid to or for any person in order to induce that person to procure or endeavor to procure, the return of any person or candidates at an election or the vote of any member, -
or who, upon or in consequence of any such gift or procurement as aforesaid procures or engages, promises or endeavors to procure the return of any person or candidates at any election or the vote of any voter

(ii) For the purposes of this by law

- (1) References to giving money shall include references to giving, lending, agreeing to give or lend, offering, promising or promising to procure or endeavor to procure any money or valuable consideration.
- (2) References to procuring any office shall include references to giving procuring, agreeing to give or procure, offering, promising or promising to procure or to endeavor to procure any office, place or employment.
- (3) Corruptly does any such act aforesaid on account of any member having voted or refrained from voting, or
- (4) Makes any such gift or procurement as aforesaid to or for any person in order to induce that person to procure, or endeavor to procure, the return of any person or candidates at an election or the vote of any member, -

(5) Or who upon in consequence of any such gift or procurement as aforesaid, procures, or engages promises, or endeavors to procure, the return of any person or candidates at any election or the vote of any voter

(ii) For the purposes of this by-law, -

(1) References to giving money shall include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavor to procure, any money or valuable consideration

(3) References to procuring any office shall include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure any place or employment

(iii) Every person is in breach of this by-law who -

(1) Advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof shall be expended in bribery at any secret ballot, or

(2) Knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any secret ballot

(iv) The forgoing provisions of this by-law shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning a secret ballot.

(v) A person is in breach of this by-law before or during an election he or she directly or indirectly, by himself or herself or by any other person on his or her behalf receives or agrees or contracts for, any money, gift, loan or valuable consideration, office, place, or employment for himself or herself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(vi) Every person is in breach of this by-law if after an election he or she directly or indirectly, by himself or herself or by any other person on his or her behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(vii) In this section the term "member" includes any person who has or claims to have a right to vote.

(f) Treating -

Every person to whom these by laws shall apply commits a serious breach of these by-laws and is guilty of a corrupt practice if that person -

- (i) By himself or herself or by any other person on his or her behalf, either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person -
 - (1) For the purpose of corruptly influencing that person or any other person to vote or refrain from voting or
 - (2) For the purpose of procuring the passing of any motion or motions and/or procuring himself or herself to be elected, or
 - (3) On account of that person or any other person having voted or refrained from voting or being about to vote or refrain from voting.

Every person is in breach of these bylaws who, knowingly supplies any food, drink, entertainment or provision -

- (ii) To any person where the supply thereof is demanded for the purpose of treating or for any corrupt or illegal practice or
- (iii) To any persons whether electors or not for the purpose of procuring the passing of any motion or motions and or procuring the return of a candidate or candidates of an election and without receiving payment for it at the time when it is supplied.

Every member who corruptly accepts or takes such food drink, entertainment or provision is also in breach of this bylaw.

Notwithstanding anything in this section, the provision of a light supper after any election meeting shall be deemed not to constitute a beach of this by law.

(g) Undue Influence

Every person to whom these by laws shall apply commits a serious breach of these by-laws and is guilty of a corrupt practice if that person

- (i) Directly or indirectly, by himself or herself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict by himself or herself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote for or against a particular motion or motions and/or for against a particular motion and/or for against a particular candidate or to refrain from voting, or on account of that person having voted for or against a particular motion or motions and/or for or against a particular candidate or having refrained from voting, or
- (ii) By abduction, duress, or any other fraudulent device or contravenes, impedes or prevents the free exercise of the voting of a member, or thereby compels, induces or prevails upon a member either to vote or to refrain from voting

(h) Procurement of voting by unqualified voters –

Every person to whom these by-laws shall apply commits a serious breach of these by-laws and is guilty of the a corrupt practice if that person induces or procures to vote at any secret ballot and any person whom he or she knows at the time to be disqualified or prohibited, whether under the Rules or these by-laws or otherwise, from voting at that secret ballot.

(i) Infringement of Secrecy

- (i) Every Electoral Officer, official, clerk, scrutineer, interpreter or other person appointed for the purposes of each secret ballot shall use or disclose information acquired by him or her in that capacity only in accordance with his or her official duty or his or her duty as a scrutineer, as the case may require.
- (ii) No person except for some purpose authorized by these by-laws shall –
 - (a) Interfere with or attempt to interfere with a vote when marking his or her vote
 - (b) Attempt to obtain in a polling place information as to the motion or motions or candidate or candidates for whom or the party for which any voter in a polling place is about to vote or has voted.
 - (c) Communicate at any time to any person any information obtained in a polling place as to the motion or motions or candidate or candidates fro whom or the party for which any voter at the booth is about to vote or has voted, or as to the consecutive number on the larger envelope given to any voter at the polling place.
 - (d) Every person in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at the counting as to motion or motions or candidate or candidates for whom any vote is given in any particular ballot paper.
 - (f) No person shall directly or indirectly induce any voter to display his or her ballot paper after he or she has marked it, so as to make known to any person the motion or motions or candidate or candidates for or against whom e he or she has voted.



**AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED
(221311)**

**ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES
(Section 7(d) Industrial and Provident Societies Act 1908)**

The foregoing amendment of the rules of **AUCKLAND CO-OPERATIVE TAXI SOCIETY LIMITED** is registered under the Industrial and Provident Societies Act 1908 this 25th day of March 2011.



Neville Harris

Neville Harris
Registrar of Industrial and Provident Societies