

Brick and Blocklayers Federation of New Zealand (BBFNZ)
Incorporated / Trading As
Master Brick & Blocklayers

CONSTITUTION

September 2024



**Master Brick
& Blocklayers®**

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1. NAME

The name of the Federation shall be BRICK AND BLOCKLAYERS FEDERATION OF NEW ZEALAND Incorporated (Trading As): Master Brick & Blocklayers NZ.

2. DEFINITIONS

In these Rules, except where a different intention is stated:

“Federation” shall mean Brick and Blocklayers Federation of New Zealand Incorporated herein referred to as Master Brick & Blocklayers

“Trade” shall mean the Masonry Trade incorporating Clay, Concrete and Stone Manufactured products and including any other products usually handled by a Brick and or Blocklayers.

“Resolution” means a decision made on behalf of the Federation in accordance with the Federation voting rules as described in section 14.

“Surplus assets” means assets the Federation still holds during liquidation once all liabilities and expenses, including those related to the liquidation, are paid.

“Trade member” means a company that undertakes Masonry works as its primary trade.

“Manufacturer member” means a company or organisation that manufactures or distributes Clay, Concrete and/or Stone products and includes any other products usually handled by a Brick and or Blocklayer.

“Masonry Product Support member” means a company that either distributes (but does not manufacture or import) masonry units or provides masonry accessories such as block fill, brick ties, additives and other masonry consumables.

“Associate member” means a company or individual that sells brick or blocklaying tools, health and safety gear or masonry veneer/concrete structural masonry building systems

“Member” or Members means a Member or Members of the Federation including a: Trade member; Apprentice member; Manufacturer member or Associate member.

“Board” means the Committee of Management of the Federation as described in section 15.

“Chairperson” is as described in section 17.

“Secretary” is as described in section 18.

“Treasurer” is as described in section 19.

“Chief Executive” is as described in section 20.

“Technical officer” is as described in section 21.

3. REGISTERED OFFICE

The registered office of the Federation shall be at such place as the Board may from time to time determine.

BRICK AND BLOCKLAYERS FEDERATION OF NEW ZEALAND Incorporated (Trading As):
Master Brick & Blocklayers NZ.
P O Box 3178
Christchurch 8140
New Zealand

Contact: [Jan Buckland](#)

E: info@masterbrickandblock.co.nz
P: [0274332859](tel:0274332859)

Commented [MOU1]: The act requires more specific such as an address and key contact parties according to the legal review.

4. OBJECTS

- a. To promote or oppose legislation, regulation, by-laws or other measures affecting the Trade, or for the benefit of Members;
- b. To borrow or raise money from time to time with or without security for the purpose of the Federation;
- c. To provide to the Public a list of Members;
- d. To undertake any activity required to obtain the Objects or to promote any other activity not repugnant to the Objects that will benefit Members.
- e. To develop relationships with other Trade organisations within the Construction sector for the benefit of Members;
- f. To act as a watchdog for the Trade to ensure the maintenance of good Trade practices;
- g. To identify and develop common resources that assist members run compliant and successful businesses;
- h. To monitor member’s performance and identify individual training needs;
- i. To report on industry performance for the purpose of identifying training needs or process solutions;
- j. To borrow or raise money from time to time with or without security for the purpose of the Federation;
- k. To undertake any activity required to obtain the Objects or to promote any other activity not repugnant to the Objects that will benefit Members.

5. ALTERATION OF RULES

These Rules may be altered, either wholly or in part, by either a resolution passed by a two-thirds majority of those present at a General Meeting; or voting via electronic means provided that:

- a. 20 working days written notice has been given to the Secretary of the intention to amend the Rules; and
- b. The notice has been forwarded as soon as practicably possible to the Members
- c. A notice to alter the Rules must be received by the Secretary at least 20 working days before the intended vote and must include:
- d. A written statement clearly identifying it as an Alteration of Rules notice and including in writing;
 - i. The name(s) of the Member submitting the alteration; and
 - ii. The date and method the notice was served on the Secretary; and
 - iii. The proposed alteration, addition or rescission; and
 - iv. A statement advising of the purpose or benefit of the proposed change;
- e. The Secretary must, as soon as practicably possible, forward the notice to all Members and advise of the forum and date for voting.
 1. in accordance with the provisions of the Incorporated Societies Act 2022 any change to the Rules must be filed with the Registrar of Incorporated Societies before comes into effect.
 2. Minor amendments can be made to the Rules by notification to Members.
 - i. If within 20 days there is no opposition to the amendment,
 - ii. the Board is able to pass the amendment by a simple majority vote.
 - iii. Minor amendments are defined as having a minor effect or a correction of errors or technical alterations.
- f. Section 29 of the Incorporated Societies Act confirms that a society's Constitution/Rules are legally binding on members,
 - i. Section 29 reads:

" ...

(2) The constitution of a society is binding, in accordance with its terms, as between – (a) the society and each member; and b) The constitution of a society is binding, in accordance with its terms, on each officer.

6. BY-LAWS AND POLICIES

- a. The Federation may from time to time by Resolution at a General Meeting make, amend or rescind by-laws that are binding on Members provided that they are not inconsistent with these Rules.
- b. The Board may also make, amend or rescind any policy for the internal management of the Federation such as the reimbursement of reasonable expenses by Board or Council members.
- c. The Board will also have its own operational code of conduct and internal approvals policies, these may not contradict or contravene the bodies rules.
- d. By-law and policy documents should be available to Members upon request..

Commented [MOU2]: This is new provision within the 2022 act

Commented [MOU3]: Common seal no longer required by the act

7. MEMBERSHIP

- a. Any company who undertakes Masonry work as their primary business may apply to be a Trade Member of the Federation on the correct form which includes consent to be a member if the application is accepted.
- b. Any individual who is employed by a trade member shall be entitled to be registered as an Employee member on the correct form which includes consent to be a member.
- c. Any individual or company that manufactures or imports Concrete, Clay or Stone masonry units may apply to be a 'Manufacturing Member' on the correct form which includes consent to be a member.
- d. Any individual or company that either distributes (but does not manufacture or import) masonry units or provides masonry accessories such as block fill, brick ties, additives and other masonry consumables may apply to be a Product Support Member
- e. Any individual or company that sells brick or blocklaying tools, health and safety gear or masonry veneer/concrete structural masonry building systems
- f. All applications for membership must be:
- g. Made in writing to the Secretary;
- h. Inclusive of any entrance fee that may be set by the Board;
- i. Considered by the Board with the knowledge that the Board may decline any application for membership without being required to state a reason.
- j. All members shall be entered in the Register of Members which will be maintained by the secretary and publicly displayed on the Federations website unless specifically requested not to do so.
- k. All registered apprentices for the trade can be offered a membership at no charge for the duration of their training. For the membership to be registered with the Association each apprentice must consent to being a member by completing an acceptance form.
- l. Apprentice members do not have voting rights at General Meetings.
- m. At the conclusion of an Apprenticeship an apprentice member may be offered an individual membership at a fee determined by the board. Each person accepting the invitation must consent to being a member by signing the appropriate form and returning said document to the secretary.

8: MEMBER GREVIANCE OR COMPLAINTS PROCESS

- a. Any grievance by a Member, and any complaint by anyone, is to be lodged by the complainant with the Executive Officer in writing and must provide such details as are necessary to identify the details of the grievance or complaint. All Members (including the Board) are obliged to cooperate to resolve disputes efficiently, fairly, and with minimum disruption to the Association's activities.
- b. The complainant raising a grievance or complaint, and the Executive Officer or board, must consider and discuss whether a grievance or complaint may best be resolved through:
 - i. informal discussions,
 - ii. mediation or arbitration.

Commented [MOU4]: Note no apprenticeship membership is provided for, this can no longer automatically offered due to the consent requirements within the act. A form would need to be returned consenting to membership.

Commented [MOU5]: New section as previously documented with the board and now a legal requirement.

- c. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement.
- d. This rule concerns any grievances of members relating to their rights and interests as Members, and any complaints concerning the alleged conduct or discipline of members, collectively referred to as “disputes.”

These disputes procedures are designed to enable and facilitate the fair, prompt and efficient resolution of grievances and complaints.

- e. Rather than investigate and deal with any grievance or complaint, the board may:
 - i. appoint a sub-committee or the Executive Officer to deal with the same, or
 - ii. refer the same to an external arbitrator, arbitral tribunal, or external visitor (or referee), so long as minimum standards of natural justice are satisfied,
- f. The board or any such sub-committee or person considering any grievance or complaint is referred to hereafter as the “decision-maker”.
- g. The decision-maker:
 - i. shall consider whether to investigate and deal with the grievance or complaint, and
 - ii. may decline to do so (for instance, if the decision-maker is satisfied that the complainant has insufficient interest in the matter or otherwise lacks standing to raise it;
 - iii. the matter is trivial or does not appear to disclose material misconduct;
 - iv. the matter raised appears to be without foundation or there is no apparent evidence to support it;
 - v. some damage to Members’ interests may arise; or the conduct, incident, event or issue has already been investigated and dealt resolved.
- h. Where the decision-maker decides to investigate and deal with a grievance, the following steps shall be taken:
 - i. The complainant and the Member, or if the Association which is the subject of the grievance, must be advised of all details of the grievance.
 - ii. The Member, or the Association which is the subject of the grievance, must be given an adequate time to prepare a response.
 - iii. The complainant and the Member, or the Association which is the subject of the grievance, must be given an adequate opportunity to be heard, either in writing or at an oral hearing if the decision-maker considers that an oral hearing is required.

9. MEMBERSHIP RESIGNATION OR TERMINATION

Any Member wishing to resign from the Federation shall give one months’ notice in writing to the Secretary to that effect and shall pay all subscriptions and levies due up to the date of such notice.

The Board may withhold, suspend or cancel a Trade member membership if:

- a. If their subscription is three months or more in arrears; or

- b. It believes that they have caused or undertaken any action or inaction that may bring the Federation or Trade into disrepute; or
- c. It considers that such action is in the best interest of public safety.

Any Member who has resigned or been removed from the Federation must return any Federation property immediately and;

- d. must forward to the Secretary or destroy any documents, papers, pamphlets, advertising or training material that either contains the Federation logos or has been developed with information or funding provided by the Federation.
- e. Access to any Apps or web based services or electronic Intellectual Property owned by the Association will cease at the time of membership ending.

10. REGISTER OF MEMBERS

The Federation is required to hold and maintain the following information and must be notified within 10 days of when changes occur with a membership list including:

- a. A note outlining the change(s); and
- b. The members full name; and
- c. Their company and/or trading name (if any); and
- d. All contact information such as physical address; email address; website address and telephone numbers; and
- e. Their membership type; and
- f. The date that they became members; and
- g. Their LBP status and area of practice(s) if applicable;
- h. The Federation has the right to use membership lists for promotional materials or communication with association's members.
- i. Member information contained in a. may be displayed on Brick & Blocklayers Federation (Master Brick & Blocklayers or similar organisations) website
- j. The Federation will publish on its website a list of Trade members and will include:
- k. The Trade members full name; and
 - i. Their company and trading name (if any); and
 - ii. Their email address and mobile and/or business telephone number
 - iii. The Federation will publish on its website a list of Manufacturing members and their logos.
- l. The Federation may remove a Trade Member details from any Website list described in 9c

11. MEETINGS

Annual General Meeting

- a. An Annual General Meeting (AGM) shall be held yearly, within six months after the end of the financial year. The date shall be set by the Board.

- b. The Secretary shall give all members no less than 20 working days' notice of the AGM date.
- c. The AGM shall be held for the following purposes:
 - a. To receive from the Board a report and balance sheet and statement of accounts for the preceding year;
 - b. To consider and conduct such other business as may properly be brought forward;
 - c. To appoint a Board or confirm an intervening board appointment;;
 - d. To agree on the location of the next AGM.
- d. The Board may approve requests for reasonable travel and/or accommodation costs for Board members to attend the AGM.

Special General Meetings

- e. The Chairperson, two or more Board members or four or more contracting members may whenever they think fit, convene a Special General Meeting of the Federation.
- f. The Special General Meeting shall be held at the Office of the Federation or other such venue as the Board deem appropriate or via electronic means.
- g. The Secretary will give Members no less than 20 working days' notice of the Special General Meeting, outlining the reason for the Special General Meeting.

Board Meetings

Board meetings may be called at any time by the Chairperson or on the request of two or more Board members.

- h. The Board may conduct meetings by way of telephone conference or conferences held by other electronic means.
- i. The Secretary will attempt to give Board members no less than 20 working days' notice of a Board meeting to be held in person, unless the Board agrees to waive this notice period.
- j. All reasonable costs associated with Board meetings shall be met by the Federation.

13. SERVICE OF NOTICE

A written notice will be served on a member at the last known email and/or postal address known to the Federation;

- a. A written notice is deemed to have been served on a Member or Trade Member:
 - i. Immediately if sent electronically including fax, email or social media account; or
 - ii. Within 5 working days if sent via post.
- b. The secretary shall keep a record of posting dates in such matters regardless of format.

14. VOTING

At the AGM or Special Meeting of the Federation every attending Association member shall be entitled to one vote.

- a. At any Federation meeting, 5% of the eligible voting contracting membership excluding the elected board constitutes a quorum.
- b. Every question submitted at a General or Special Meeting shall be decided on the voices unless a show of hands is requested by any Board member.
- c. If voices or a show of hands does not show a clear Resolution then a ballot may be requested by any Board member.
- d. Other Federation business may be conducted while a ballot is being arranged. This may occur in electronic form after the AGM if required.
- e. At any Board meeting where the voting is 'tied' the Chairperson shall have the casting vote.
- f. At any Federation meeting where a clear Resolution has been carried or not carried an entry to that effect in the Minutes of that meeting shall be conclusive evidence of the outcome of the vote.

15. BOARD REPRESENTATION

- a. Every second year, at the AGM, shall elect five tradesperson representatives to the Board (which must include at least one North Island and one South Island delegate) as per the process outlined in rule 11 above.
- b. Every year, at the AGM, shall elect two manufacturing representatives to the Board.
- c. The nominees will be put forward from the two main sectors of the trade:
 - i. One from Concrete Trades
 - ii. One from Clay Brick Manufacturers
- d. The elected Board has the right to elect an independent Director, with all the normal authorities and responsibilities of a full Board member.
- e. Board appointments are for a minimum of two years and a maximum of six years.
- f. Board representation may be extended for more than six years with the agreement of the majority of members at the AGM on a per annum basis.
- g. At the first Board meeting after the AGM, the Board shall appoint a Treasurer and a Secretary, they maybe the same person.
- h. The Board shall have the power to appoint a member to fill any casual vacancy until the next AGM, where the members shall endorse the appointment or elect a replacement.
- i. The Board shall have the power to appoint a Chief Executive Officer, provided that the individual is not a Member, on terms and conditions (including remuneration) as the Board see fit.
- j. The Board shall have the power to appoint a Technical Officer as necessary.
- k. The Board shall have the power to appoint a Minute Secretary that is not the formal Secretary of the Federation.
- l. The board make up if 5 Contracting Members plus two Manufacturing members with allowance for:
 - i. An independent director to be appointed by the board as per (d) above is additional to the composition described above.
 - ii. The Technical Officer may also be appointed as an additional member should the board resolve to do so.

- iii. Written consent of these appointments is required from both prior to becoming part of the board.
- m. The Board may invite any individual as they see fit to attend a Board meeting to provide information and/or advice. This individual has no voting rights.

16. CONTRACTING BOARD

Part 1.

The Contracting Membership shall elect five financial members to be board members every second year. The nomination process is:

- a. candidates will be nominated by at least three financial members of the association,
- b. on the nomination form provided for this purpose by the association.
- c. Each candidate will acknowledge in writing as part of this nomination, that they consent to being nominated and appointed if successful.
- d. There is a requirement that at least one board member is from each island.
- e. Sitting board members can be reappointed if willing to continue in their service within the time frame allowed using the same nomination form as per 16:Part1 (b).
- f. In the event of there being more nominations than positions available, a vote will take place at a General Meeting for the membership to appoint candidates from the nominated parties.

Part 2.

The Contracting Board members shall

- a. Provide feedback from members events or local issues
- b. To act on behalf of the Federation as required
- c. Provide input into the development of the Master Brick & Blocklayers strategic and business plan.
- d. To provide technical support and assistance to Master Brick & Blocklayers

17. THE CHAIRPERSON

- a. The Chairperson is elected by the Board, from the Contracting Trade appointees.
- b. The Chairperson shall preside at all General, Special, Council or Board meetings of the Federation.
- c. Chairperson appointments are for a minimum of two years and a maximum of four years and may not exceed an elected members maximum permitted term.
- d. The Chairperson may call any meeting as they see fit.
- e. The Chairperson shall have a deliberate and a casting vote.
- f. The Chairperson may nominate a Deputy Chairperson to act in their absence.
- g. If a deputy is chairing they have all the normal rights of the Chair except for the ability to place a casting vote, which they do not have.

18. SECRETARY

- a. The role of the Secretary can be filled by either an unpaid Member or as a function of the Chief Executive Officer.
- b. The Secretary has no voting rights other than those they may have if they are also a Trade member.
- c. It is the duty of the Secretary, under the direction of the Board to:
 - i. Conduct the correspondence of the Federation;
 - ii. Attend all General and Special meetings;
 - iii. Ensure minutes from the meeting are recorded and distributed.
 - iv. Ensure the rules of the association are complied with in conjunction with the Chair.
- d. May be the designated contact person for the Federation.
- e. A Secretary can be suspended from their duties by the Chairperson and removed from the role by the Board in accordance with their employment agreement if applicable

19. TREASURER

- a. The role of the Treasurer can be filled by either an unpaid Member or as a function of the Chief Executive Officer.
- b. The Treasurer has no voting rights other than those they may have if they are also a Trade member.
- c. It is the duty of the Treasurer, under the direction of the Board to:
 - i. Receive all monies and confirm a true and correct account of the receipts and expenditure of the Federation;
 - ii. Approve expenditure in accordance with any Federation bylaw or policy;
 - iii. Ensure that a correct balance sheet is prepared and provided annually.
- d. Treasurer can be suspended from their duties by the Chairperson and removed from the role by the Board in accordance with their employment agreement if applicable

20. CHIEF EXECUTIVE OFFICER

- a. The role of the Chief Executive Officer may be filled by either an unpaid member, or an individual appointed at any time by the Board, under terms and conditions agreed to by both parties.
- b. The Chief Executive has no voting rights other than those they may have had if they were also a Trade member.
- c. It is the duty of the Chief Executive to:
 - a. Develop with the board and deliver Strategic Plans;
 - b. Business Plans and
 - c. Operational budgets for the Board;
 - d. Oversee the running of the Federation and ensure its compliance with NZ legislation and Federation rules.

- d. A Chief Executive can be suspended from their duties by the Chairperson and removed from the role by the Board in accordance with their employment agreement if applicable.

21. TECHNICAL OFFICER

- a. The role of the Technical Officer may be filled by either an unpaid member or an individual appointed at any time by the Board under terms and conditions agreed to by both parties.
- b. The Technical Officer has no voting rights other than those they may have if they were also a Trade member or confirmed member of the board.
- c. It is the duty of the Technical Officer to:
 - a. Act as a specialist advisor to the Board;
 - b. Act, upon request of the Board as a technical representative on behalf of the Federation.
- d. A Technical Officer can be suspended from their duties by the Chairperson and removed from the role by the Board in accordance with their employment agreement if applicable.

22. OFFICERS

As per the 2022 Act, all board members and appointed positions are considered to be Officers of the Federation. All elected and appointed officer's must consent in writing confirming their willingness to accept the position.

Officers' duties include:

- a. The duty to act in good faith and the best interests of the society at all times;
- b. The duty to use powers for a proper purpose;
- c. The duty to comply with the 2022 Act and the society's Constitution/Rules;
- d. The duty to exercise the care and diligence that a reasonable person would in the circumstances;
- e. The duty not to carry out the activities of the society in a way that creates substantial risk of serious loss to the society's creditors; and
- f. The duty not to incur an obligation if the officer believes the society will not be able to meet the obligation.
- g. Officer's duties are owed to the society and members may apply to the Court to enforce these duties.
- h. Officers are entitled to rely on information and advice from management and advisors, providing they are acting in good faith and making proper inquiries.

23. REMOVAL OF REPRESENTATIVES

- a. Any member of a Board or any individual nominated to represent the Federation on any working; industry of similar group is removed from that position if they are no longer a Member, with the exception of an independent director who will represent the Federation where approved to do so.
- b. If a board member is declared bankrupt they are automatically disqualified from their board position.
- c. Any member of the Board absent from three consecutive Board meetings without leave of absence or a reasonable excuse shall cease to be a Board member.
- d. Any Board member may be removed from office by a resolution passed by a 3/5ths majority of members present at Special General Meeting provided that:
 - a. The Secretary has made a reasonable attempt to ensure that the Board member has been advised of the Special General Meeting; and
 - b. The Board member has been notified of the reason why removal is being sought.
 - c. That the right of reply is provided to the Board member should they attend the meeting.
 - d. A meeting called in this format will take place, irrespective as to whether the member attends.

24. AUDITOR

The Board shall develop a policy regarding auditing.

25. TRADE MEMBER SUBSCRIPTION

The financial year of the Federation shall commence on the 1st July and run to the 30th of June the following year.

- a. Trade Member annual fees will be fixed from time to time by the Federation at the AGM.
- b. Invoices will be issued in July and part thereof for new Members.
- c. All figures agreed to, unless otherwise stated in the Minutes shall be exclusive of GST.
- d. The Board have the discretion to agree to regular monthly or quarterly payment arrangements.
- e. All fees and Levies are to increase by the CPI each year as at 31 March figures provided by Statistics NZ.

26. LEVIES

The Board from time to time, have the Power to makes a levy on members to meet financial emergencies arising out of carrying out legitimate and essential functions in accordance with the Rules.

- a. A levy cannot exceed 25% of the amount of annual subscription in any one financial year.
- b. Only 1 Levy per annum is permitted.

27. FELLOW AND ASSOCIATE MEMBER SUBSCRIPTION

- a. Fellow members shall not be charged subscriptions.
- b. The Board shall determine each year the membership fees for Associate members
- c. The Board shall determine each year the membership fees for Masonry Product Support members.

28. FUNDS AND PROPERTY

- a. The funds, property and assets of the Federation shall be under the control of the Board who shall have full power to rent, lease, furnish and deal with buildings, land and other property of the Federation as the Board may think fit without reference to a General Meeting of Members except in the case of the liquidation of the Federation.
- b. All legacies, donations or gifts of money or other real or personal property unless given to the Federation for any specific object shall be dealt with by the Board as it may think fit for the general purposes of the Federation.
- c. Any money of the Federation may be invested by the Board in such manner as it may from time to time determine.
- d. Board members are expected to liaise with members to discuss any decisions being made.
- e. As per Section 27 of the Incorporated Societies Act 2022, no member has any right, title or interest (legal or equitable) in the property of the society.

29. LIQUIDATION OF FEDERATION

- a. The liquidation of the Federation must be in accordance with the Incorporated Societies Act 2022.
- b. The Federation may go into liquidation if,
 - a. At a General/Special Meeting of the Federation, the Members pass a Resolution to vote to do so;
 - b. The decision is confirmed by Resolution at a subsequent General/Special Meeting called for this purpose.
- c. In the event of liquidation of the Federation, as an Incorporated Society,
 - a. surplus assets are unable to be distributed amongst members.
- d. Members shall, at a General/Special meeting make a Resolution to transfer surplus assets to a Society having similar objects to that of the Federation or as the Registrar of Incorporated Societies may direct.
- e. Members are to be advised in the notice of meeting the intention of this vote being sought including the Society the vote proposes to transfer the assets to.
 - a. Section 29 (d) may occur if the federation resolves to merge with another similar and likeminded body.

30. RECOGNITION

The Board may from time to time, at its discretion, issue an award for recognition of service honouring an individual for services to the Federation / Trade.