

THE INCORPORATED SOCIETIES ACT 1908

**RULES OF THE**  
**AUCKLAND THERAVADA BUDDHIST ASSOCIATION**  
**INCORPORATED**

**1. Name and registered office**

- (a) The name of the association is the Auckland Theravada Buddhist Association Incorporated (referred to below as the ‘ATBA’).
- (b) The registered office of the ATBA will be located at 29 Harris Road, Mt. Wellington, Auckland, New Zealand.

**2. Objects**

The objects (aims and purposes) of the ATBA are:

- (a) to encourage and facilitate the study, practice and realisation of the Buddha’s teachings (the Dhamma) as taught in the tradition of Theravada Buddhism and to make these teachings available to the general public;
- (b) to maintain, develop or extend land and buildings in the Auckland, New Zealand area which serve to fulfil the aims and purposes of the ATBA;
- (c) to provide facilities and material support for invited members of the Sangha (ordained Buddhist monks and nuns) including: food, shelter, robes, and medical treatment;
- (d) to act as a steward (*veyyavaccakara*) to the resident Sangha (as defined below);
- (e) to carry on the teachings and training of Ven. Ajahn Chah (Bodhiñāna Thera);
- [the following two rules were not allowed to be altered from the previous constitution]
- (f) to sponsor Theravada Buddhist Monks who have taken dependence (Nissaya) upon the Venerable Ajahn Sumedho or his successors as Teacher (Acariya)
- (g) to facilitate the practice and study of Theravada Buddhism in New Zealand.

**3. Vimutti Buddhist Monastery, Auckland Buddhist Vihāra**

- (a) Vimutti Buddhist Monastery shall function as a residence for Buddhist monks, visiting Buddhist nuns, those undertaking training to become monks, and male and female lay practitioners.

(b) The Auckland Buddhist Vihāra shall function as a centre for meetings, Dhamma teaching, meditation and temporary accommodation. Decisions about who may stay shall be made by the Spiritual director in consultation with the Committee (as defined below)

#### **4. Resident Sangha**

(a) Resident Sangha is defined as monks (bhikkhus) and nuns (siladara) ordained in the Theravada tradition who have been invited by the Spiritual Director to live at one of the residences owned by the ATBA.

(b) Visiting Sangha is defined as monks or nuns of any tradition. They may stay up to three nights at one of the residences owned by the ATBA, but after that must be invited by the Spiritual Director to stay on or leave.

(c) The resident Sangha, with the agreement of the Spiritual Director, may ask any of the resident monks or nuns to leave if it is determined that his or her presence is detrimental to the purpose and harmonious functioning of Vimutti Buddhist Monastery or the Auckland Buddhist Vihara.

(d) The monastic lifestyle and etiquette of the Ajahn Chah tradition, as lived at Wat Nong Pah Pong Monastery, Thailand, and its branches, will serve as a guideline for the resident Sangha of the ATBA.

(e) All monks, both resident and visiting, are required to follow the 227 rules of the Bhikkhu Pātimokkha. Resident monks are also required to follow a Vinaya standard and general style of practice compatible with the standard of the tradition mentioned above. A monk who does not maintain this standard of conduct has no right to reside and may be asked to leave.

(f) All nuns are required to follow at least the ten Sāmanerī precepts. Nuns are also required to follow a Vinaya standard and general style of practice compatible with the standard of the tradition mentioned above. A nun who does not maintain this standard of conduct has no right to reside and may be asked to leave.

(g) The resident Sangha shall direct teachings and events at Vimutti Buddhist Monastery and the Auckland Buddhist Vihara.

(h) The resident Sangha, in consultation with the Committee, shall direct the material improvements at Vimutti Buddhist Monastery and the Auckland Buddhist Vihara.

(i) Vimutti Buddhist Monastery shall have an Abbot. The Abbot functions as the Spiritual Director of the ATBA. The Abbot is to be selected by the unanimous agreement of the resident monks at Vimutti Buddhist Monastery, in consultation with the abbots of Nong Pah Pong Monastery, Ubon, Thailand and Bodhinyanarama Monastery, Stokes Valley, New Zealand, as well as other abbots in the lineage of Venerable Ajahn Chah. The Abbot must consult with and represent the views of the resident Sangha. One year after being selected, the Abbot must be confirmed by the Committee by a

majority vote. The monk selected for the position of Abbot shall retain the position until he resigns, he dies or the Abbots of Nong Pah Pong Monastery, Ubon, Thailand and Bodhinyanarama Monastery, Stokes Valley, New Zealand, issue written statements saying that the Abbot must resign.

(j) The Spiritual Director shall be invited to attend all meetings of the ATBA and the Committee. Before any resolution is proposed at any General Meeting of the ATBA or at a meeting of the Committee, the Spiritual Director must be invited to address the meeting and express his views on the proposed resolution.

(k) The Spiritual Director has no right to vote at a General Meeting of the ATBA or at a meeting of the Committee. However, any resolution of the ATBA or any ATBA Committee is not effective unless it has been agreed to by the Spiritual Director or has been passed as an overriding resolution. In the event that the Spiritual Director does not agree with a resolution, the matter may be referred to a Special General Meeting specifically called to consider the matter, and an overriding resolution may be proposed.

(l) The Abbot may appoint another member of the resident Sangha to act in his place as Spiritual Director for a specific occasion. This appointment may be revoked by the Abbot and a further appointment made.

## **5. ATBA Membership**

(a) A Member must be a person who has taken refuge in the Buddha, Dhamma and Sangha, who shares the aims of the ATBA and is at least 18 years old.

(b) A person may be nominated for membership by any existing Member. Once a nomination for membership has been made, the Committee must, by resolution, determine whether to approve or to reject the nomination. If the Committee determines to approve a nomination for membership, the Secretary must, as soon as is practical, notify the nominee of the decision and seek the nominee's consent to becoming a Member. Upon receiving the nominee's consent and membership fee, the Secretary will then enter the nominee's name in the register of members, and the nominee becomes a member of the ATBA.

(c) The period of membership will extend up to the next Annual General Meeting or the time that membership must be renewed.

(d) The membership fee will be determined by the Committee.

(e) A Member shall cease to be a Member of the ATBA if and when:

(1) a Member voluntarily resigns in a written statement addressed to the Committee;

(2) membership fees for the upcoming year have not been paid by the start of the Annual General Meeting

(3) a Member disparages the Buddha, Dhamma and Sangha or acts in a way that is likely to bring disrepute to the ATBA. The Committee would decide the issue at any meeting.

## **6. The Committee**

(a) The ATBA shall have a Committee. The Committee shall consist of 6-15 members. The Committee has the power to make decisions concerning the functioning of the ATBA, to pass resolutions, to open and close ATBA bank accounts, to borrow money, to deposit donations in ATBA bank accounts, to purchase, rent or hire land, buildings or other items considered useful for realising the aims of the ATBA and to sell, lease, mortgage, exchange or dispose of land, buildings or items belonging to the ATBA. Any funds resulting from such a transaction would be immediately deposited into an ATBA bank account.

(b) The three officers of the Committee who are designated as signatories shall act as the steward for the resident Sangha. The role of a steward is outlined in the Vinaya (NP 10,18,19,20) The Sangha is not allowed to accept gold or money, however donations made to the ATBA can be kept with the steward. The money kept in this way still belongs to the original donor. The Abbot, representing the resident Sangha, may indicate to the steward that certain items are needed or would be useful, and it is the responsibility of the steward to use the donated funds to obtain those items for the resident Sangha. If, after six verbal promptings by the Abbot, the steward does not obtain the item for the resident Sangha, or the money is used in ways not intended by the donor, the Abbot must inform the donor of the situation. If the donor then wishes to have his or her donation returned, the ATBA must return it.

(c) Any member of the ATBA has the right to nominate another member for the Committee. This must be done in writing to the Committee, with the consent of the nominee, at least one week before the Annual General Meeting. A nominee for the Committee must have been a member for at least two consecutive years, unless the existing Committee unanimously supports their nomination. The nominee must be a person who upholds the aims of the ATBA and endeavours to uphold the five Buddhist lay precepts. All committee members must be renominated each year and be elected by a majority vote of the members present at the Annual General Meeting.

(d) The Committee shall have the Officers of President, Vice-President, Secretary and Treasurer. The Officers of the Committee must be nominated and elected at every Annual General Meeting. The nominee for an Officer must have already been on the Committee for at least one year. If an Officer of the Committee is unable to attend a meeting, the Committee may appoint another member of the Committee to act in his or her place. This appointment may be revoked and a further appointment made.

(e) Unless otherwise specified, matters at a Committee meeting shall be decided by consensus. If a clear consensus is not reached, matters shall be decided by a simple majority of votes by the members present (either in

person or by proxy). In the case of a tie the President shall cast the deciding vote.

(f) Meetings of the Committee may be convened at such times and places as the Spiritual Director and the President, or the people entitled to act in their absence, suggest. The Committee must meet at least once every two months. Five members of the Committee constitute a quorum, including at least two of the officers.

(g) Any Committee member who is absent for three consecutive meetings, without having taken a leave of absence, shall automatically cease to be a Committee member.

(h) If the Committee members unanimously determine a Committee member to be mentally unstable or intentionally causing division and conflict, they have the power to remove him or her from the Committee.

(i) The Committee has the power to appoint a member to fill any vacancy on the Committee until the next AGM.

(j) Only two people per family may be elected or appointed to the Committee at any one time. For purposes of this rule, a family means the immediate members of a family, i.e. father, mother, children, sister, brother, husband or wife.

## **7. General Meetings**

### Procedures of General Meetings

(a) The Spiritual Director or the President, or the person appointed to act in his or her absence, shall act as chairman at all meetings.

(b) Only Members are allowed to vote at any General Meeting. Every Member present (either in person or by proxy) at a General Meeting has the right to vote on each resolution. The voting on all questions will be done by a show of hands, unless a member requests a secret ballot. To conduct a secret ballot an Officer and a sufficient number of assistants and scrutineers must be appointed. All ballot papers must be destroyed by the Officer immediately after the result has been announced to the Members. Business matters shall be decided by a simple majority of the Members present. In the case of a tie, the President shall cast the deciding vote.

(c) A quorum of 15 Members is required at any Annual General or Special General Meeting for it to be valid. If after 30 minutes from the appointed starting time for the General Meeting a quorum is not present, the meeting shall be cancelled and rescheduled within two weeks by the Spiritual Director and the Committee. If at the rescheduled General Meeting a quorum is still not present after 30 minutes from the appointed starting time, the Members present shall constitute the quorum.

(d) All business at General Meetings shall be conducted in English.

## 8. Annual General Meeting

(a) The ATBA must hold an Annual General Meeting every year on a date and at a time and place to be determined by the Spiritual Director and the Committee. An Annual General Meeting must include the following and the business must be conducted in the following order:

- (1) confirmation of quorum and apologies
- (2) a report from the Spiritual Director;
- (3) a report from the President;
- (4) a financial report from the Treasurer that includes a balance sheet of income and expenses for the previous financial year and a statement of accounts
- (5) The Secretary reads the minutes of the previous year's Annual General Meeting
- (6) electing Committee members and Officers of the Committee;
- (7) consideration and decision on any resolution that has been proposed. For a proposed resolution to be valid it must have been included in the written notice of the Annual General Meeting.
- (8) any other business

## 9. Special General Meeting

(a) The Spiritual Director or Committee, by a majority vote, may at any time call a Special General Meeting. If the Committee receives a written request for a Special General Meeting signed by at least 10 ATBA members that states the purpose of the meeting, the Committee must call a Special General Meeting as soon as it is convenient.

(b) If the Spiritual Director does not agree with a resolution at a General or Committee Meeting, the resolution may be re-proposed and passed as an overriding resolution at a Special General Meeting specifically called to consider the matter. The overriding resolution will be effective if it is passed by a  $\frac{3}{4}$  majority of the members present at the Special General Meeting.

## 10. Service of Notices

The Secretary must give the ATBA members written notice of an Annual General Meeting at least 21 days in advance; must give written notice of a Special General Meeting at least 14 days in advance; and must give the Committee members written notice of a Committee Meeting at least 7 days in advance. The notice must include the date, time and place of the Meeting. In the case of a Special General Meeting, the notice must state the business to be conducted, and no other business besides that may be resolved at the

meeting. Written notice is considered validly given if it is sent to a Member either in a prepaid letter addressed to the Member at his or her last known address or sent by email to the last known email address. If written notice is not given to all Members, any resolutions passed at the meeting will not be valid.

### 11. Voting by Proxy

- (a) Every Member shall be entitled to vote by proxy.
- (b) The person whom the member wishes to appoint as his or her proxy must be a Member of the ATBA.
- (c) The document appointing a proxy must be in the following form, must be signed by the Member, and must be delivered to the Secretary, on paper or by email, not less than forty eight hours before the appointed starting time of the General Meeting:

#### APPOINTMENT OF PROXY

I \_\_\_\_\_ (full name and address)  
being a member of the ATBA, appoint  
\_\_\_\_\_ (full name and address) who is also a  
member of the ATBA, as my proxy to vote on my behalf as he or she thinks  
fit, at the Extraordinary General Meeting of the ATBA on \_\_\_\_\_ (date).

Signature: ..... Date:.....

### 12. Minutes

- (a) The Secretary, or person appointed in his or her place, must keep minutes as a record of what takes place at all meetings of the ATBA and of the Committee. The minutes must be recorded in English in the ATBA Minute Book.
- (b) The minutes of every meeting must record the following information:
  - (1) Date of the meeting.
  - (2) Place of the meeting.
  - (3) Time at which the meeting began.
  - (4) Number of people present at the meeting.
  - (5) Names of people present at a Committee meeting.
  - (6) Names of people who sent apologies to the meeting.
  - (7) The minutes of the previous meeting must be approved as a correct record of that meeting.

- (8) Details of discussions and decisions made at the meeting including the name of the person who proposes a motion: the name of the person who seconds a motion: whether the motion was passed unanimously or by majority vote; in the case of a majority vote how many people voted in favour of the motion and how many people voted against the motion.
  - (9) any other matters which the members wish to record.
  - (10) The time at which the meeting finished.
- (c) Any member of the ATBA is entitled to be given a written, photocopied, typed or emailed copy of the minutes of any meeting free of charge within seven days after asking the Secretary for a copy.

### **13. Funds**

- (a) All money received by or on behalf of the ATBA must be immediately deposited either into an ATBA bank account agreed upon by the Committee; or into the monastery expense fund at Vimutti Buddhist Monastery.
- (b) All cheques or withdrawal slips drawn on the ATBA's bank accounts must be signed by the President, or the person entitled to act in his or her absence, and countersigned by the Treasurer or by another Committee Officer appointed in writing by the Committee for that purpose.
- (c) The Committee may invest and re-invest the whole or any part of the ATBA's funds which are not required for the immediate business of the ATBA. The Committee can invest the ATBA's funds only on interest bearing deposit with one or more of the main trading banks in New Zealand, or in an investment recommended and operated by one or more of the main trading banks in New Zealand. When investing ATBA funds, the Committee must use the care, diligence and skill that a prudent business person would use when managing the affairs of other people.
- (d) The income and property of the ATBA shall be used only for promoting the aims and purposes of the ATBA as defined in these rules. No portion or profit shall be paid or transferred directly or indirectly, to any Members of the ATBA.
- (e) The ATBA shall have the power to borrow or raise money through issuing debentures, bonds, mortgages or any other security founded on or based on all or any property and/or rights of the ATBA or without any such security and upon such terms as agreed upon by the Committee and the Spiritual Director.

### **14. Accounts**

- (a) The Committee shall keep proper accounting books for:
  - (1) all money received and spent by the ATBA;

- (2) all purchases and sales of goods by the ATBA;
- (3) all assets and liabilities of the ATBA.

Proper account books must give a true and accurate picture of the state of affairs of the ATBA and be able to explain its transactions.

- (b) The accounts of the ATBA are to be audited annually by a qualified independent auditor
- (c) The account books shall be kept at 29 Harris Road, Mt. Wellington, Auckland, and shall always be open to inspection by members of the Committee.
- (d) No non-Committee Member has the right to inspect any account book except when authorized by the Committee or by the ATBA in a General Meeting.
- (e) At the Annual General Meeting the Treasurer, or person authorised to act in his or her place, must present the ATBA with a proper account, with a proper balance sheet, of income and expenditure for the period since the last account. Each balance sheet shall be accompanied by reports of the Committee and any other documents required by law to be annexed or attached. This Treasurer's report must be made available to all Members at least 21 days prior to the Annual General Meeting. Any Auditor's report shall be open to inspection before the meeting.

### **15. Common Seal**

- (a) The name of the ATBA must be engraved on its Common Seal.
- (b) The Committee shall be responsible for the safe custody and control of the Common Seal.
- (c) The Common Seal must be used only for resolutions of the Committee or of a General Meeting. Every document to which the Seal is affixed must be signed by the President, or the person entitled to act in his or her absence, and countersigned by another officer of the Committee.

### **16. Public Statements**

Only the Spiritual Director or people unanimously approved by the Committee shall have the power to make public statements on behalf of the ATBA.

### **17. Change of Rules**

- (a) The name and objects of the ATBA can only be altered, amended, added to, or rescinded by a resolution at a General Meeting passed by a  $\frac{3}{4}$  majority of the members present and with the consent of the Spiritual Director.

(b) All other rules may be altered, amended, added to, or rescinded by resolution at a General Meeting of the ATBA passed by a 2/3 majority of the members present and with the consent of the Spiritual Director.

(c) No alteration, amendment, addition or rescission shall be passed which would take the ATBA outside its status as a charitable organisation lawfully defined by the New Zealand Department of Inland Revenue and the Charities Commission.

(d) The meaning and effect of all proposed alterations, additions or rescissions must be explained in the notice that is required to be sent to every Member before the General Meeting called to discuss and decide on them.

### **18. Winding Up**

(a) The ATBA may be wound up voluntarily when all of the following three conditions occur:

(1) a  $\frac{3}{4}$  majority at a General Meeting passes a resolution to do so

(2) and a  $\frac{3}{4}$  majority at a Committee Meeting passes a resolution to do so

(3) and the Spiritual Director of the ATBA agrees to do so.

(b) If any property remains after winding up or dissolution of the ATBA and the settlement of all the ATBA's debts and liabilities, that property shall not be paid to or distributed among the members of the ATBA, but shall be given or transferred to the Wellington Theravada Buddhist Association or similar organisations that are charitable under New Zealand law and have purposes similar to the ATBA.

### 19. Endorsement

These rules were confirmed at a Special General Meeting of the ATBA called for this purpose on ....date.....year.....

Signed by the President:

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