

Table of Contents

Clause		Page
1) Introduction		3
2) Charitable Status		3
3) Definitions		3
4) Purposes		4
5) Act & Regulations		5
6) Registered Office		6
7) Power To Borrow		6
8) Other Powers		6
9) Affiliation		6
10) Place of Business		6
11) Members		6
12) Subscription & Fees		12
13) Change of Name		12
14) Ceasing to be Member		12
15) Obligations on Resigning		12
16) Becoming a Member again		13
17) General Meetings - Annual & Special		13
18) GM-Procedure		14
19) GM- Minutes		15
20) Committee		15
21) Advisory Committees		18
22) Sub-Committees		19
23) Term		19
24) Removal		19
25) Cessation of Committee Membership		20
26) Functions		20
27) Indemnification		20
28) Officers Duties		20
29) Executive Committee Officers		21
30) Powers		23
31) APHA State Director		23
32) General Issues		24
33) Committee Meetings		25
34) Records		26
35) Finances		28
36) Fraudulent Practices		29
37) Unsportsmanlike Behaviour		30
38) Inhumane Treatment		30
39) Prohibited Procedures		31
40) Dispute Resolution		31
41) Disciplinary Procedure		34
42) Violations		38
43) Winding Up		40

44) Alterations to these Rules		41
45) Television & Media		44
46) Social Media		45
47) Responsibility		46
48) Liability		47
49) Release of Liability		47
50) Other		48

Constitution rules

1) Introduction

This Society shall be known as the **American Paint Horse Breed Association New Zealand Incorporated**, (in these **Rules** referred to as the '**Society**'). At all times shall be operated and conducted as a non-profit Society in accordance with the laws of New Zealand, providing for such organizations and by which it shall acquire all such rights as granted to Society's of this kind

2) Charitable status

The **Society** is not and does not intend to be registered as a charitable entity under the Charities Act 2005.

3) Definitions

In these **Rules**, words have the meaning set down in the Act. In all other instances, unless the context requires otherwise, the following words and phrases have the following meanings:

'**Act**' means the Incorporated Societies Act 1908 or any Act which replaces it (including amendments to it from time to time), and any regulations made under the Act or under any Act which replaces it.

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

'**Chair/President**' means the **Committee Member** responsible for, among other things, overseeing the governance and operations of the **Society** and chairing **General Meetings**.

'**Committee**' means the **Society's** governing body.

'**Committee Member**' means a member of the **Committee**, including the **Chair/President, Secretary** and **Treasurer**.

'**Deputy Chair/Vice President**' means the **Committee Member** elected or appointed to deputise in the absence of the Chair/President.

'**General Meeting**' means either an **Annual General Meeting** or a **Special General Meeting** of the **Society**.

‘Interested Member’ means a member who is interested in a matter for any of the reasons set out in section 62 of the Incorporated Societies Act 2022.

‘Interests Register’ means the register of interests of Officers, including **Committee Members**, kept under these **Rules**.

‘Matter’ means—

1. the **Society’s** performance of its activities or exercise of its powers; or
2. an arrangement, agreement, or contract (a transaction) made or entered into, or proposed to be entered into, by the **Society**.

‘Member’ means a person properly admitted to the **Society** who has not ceased to be a member of the **Society**.

‘Notice’ to Members includes any notice given by post, courier or email; and the failure for any reason of any Member to receive such Notice or information shall not invalidate any meeting or its proceedings or any election.

‘Register of Members’ means the register of **Members** kept under these **Rules**.

‘Rules’ means the rules in this document.

‘Secretary’ means the **Committee Member** responsible for, among other things, keeping the **Register of Members**, the **Register of Interests**, and recording the minutes of **General Meetings** and **Committee** meetings.

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

‘Treasurer’ means the **Committee Member** responsible for, among other things, overseeing the finances of the **Society**.

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

‘Written’ means handwritten or typed on paper or electronically.

4) Purposes

A. The primary purposes of the **Society** are to:

- I. Promote the Production, Performance and Prosperity of Paints and their People
- II. This to be done by the collecting, recording and preserving the pedigrees of Paint Horses, to publish a registry, and to stimulate and regulate any and all other matters such as may pertain to the history, breeding, exhibition, recreation, promotion, publicity, sale or improvements to this breed.

B. The **Society** must not operate for the purpose of, or with the effect of:

- I. any **Member** of the **Society** deriving any personal financial gain from membership of the **Society**, other than as may be permitted by law, or
- II. returning all or part of the surplus generated by the **Society's** operations to **Members**, in money or in kind, or
- III. conferring any kind of ownership in the **Society's** assets on **Members**

C. But the **Society** will not operate for the financial gain of **Members** simply if the **Society**:

- I. engages in trade,
- II. for matters that are incidental to the purposes of the **Society**, pays a **Member** of the **Society** that is a body corporate that is not, or are the trustees of a trust that are not, carried on for the private pecuniary profit of any individual,
- III. reimburses a **Member** for reasonable expenses legitimately incurred on behalf of the **Society** or while pursuing the **Society's** purposes,
- IV. provides benefits to members of the public or of a class of the public and those persons include **Members** or their families,
- V. pays a **Member** a salary or wages or other payments for services to the **Society** on arm's length terms (terms reasonable in the circumstances if the parties were connected or related only by the transaction in question, each acting independently, and each acting in its own best interests; or are terms less favourable to the Member than those terms),
- VI. pays any **Member** interest at no more than current commercial rates on loans made by that **Member** to the **Society**, or
- VII. provides a **Member** with incidental benefits (for example, trophies, prizes, or discounts on products or services) in accordance with the purposes of the **Society**.

D. No **Interested Member** is allowed to take part in, or influence any decision made by the **Society** in respect of payments to, or on behalf of, the **Interested Member** of any income, benefit, or advantage.

E. Any payments made to an **Interested Member** must be for goods and services that advance the Society's purpose and must be reasonable and comparable to payments that would be made between unrelated parties.

5) Act and Regulations

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

6) Registered office

The Registered Office of the **Society** shall be at such place in New Zealand as the **Committee** from time to time determines, and changes to the Registered Office shall immediately be notified to the Registrar of Incorporated Societies in a form and as required by the Act.

7) Power to borrow money

The **Society** does not have the power to borrow money.

8) Other powers

In addition to its statutory powers, the **Society** may (subject to exercising the care and skill that a prudent person of business would exercise in managing the affairs of others) for the purposes of carrying on any operation within the scope of its objects:

- A. use its funds to pay the costs and expenses to advance or carry out its objects,
- B. employ or contract with such people as may be appropriate, and
- C. invest in any investment.

9) Affiliation:

As a requirement of affiliation with American Paint Horse Association, the Society shall remain governed by American Paint Horse Association Bylaws, Rules and Regulations.

10) Place of Business:

Members or officers may be residents of any state, zone, province, territory, or country; and business may be carried on at any place convenient to such members or officials as may be participating.

11) Members

A. Minimum number of members

The **Society** shall maintain the minimum number of **Members** required by the **Act**.

B. Types of members

The classes of membership and the method by which **Members** are admitted to different classes of membership are as follows:

- I. **Financial Member:** A financial **Member** is an individual or business admitted to membership under these **Rules** and who or which has not ceased to be a **Member**.

a. Membership shall consist of four categories: **Annual, Multi-Year, Junior** and **Life** memberships. Membership shall not be limited to natural persons, but may include corporations and partnerships. Proper receipts and membership cards shall be issued upon payment of fees.

b. The application for membership should indicate clearly the name in which the memberships to be recorded. Any registrations or transfers submitted utilizing the membership shall be recorded in the same exact name as that appearing on the membership, or a non-member fee will be charged. In no case shall the membership name exceed 30 characters (letters and spaces).

- II. **Honorary Life Member:** A Honorary Life **Member** is a person honoured for highly valued services to the **Society** elected as a Honorary Life **Member** by resolution of a **General Meeting** passed by a two-thirds majority of those **Members** present and voting. A Honorary Life **Member** shall have all the rights and privileges of a **Member** and shall be subject to all the same duties as a **Member** except those of paying subscriptions.
- III. **Honorary Member:** An Honorary **Member** is a person honoured for services to the **Society** or in an associated field elected as an Honorary **Member** by resolution of a **General Meeting** passed by a two-thirds majority of those present and voting. An Honorary **Member** has no membership rights, privileges or duties.

C. Financial Memberships:

i. **ANNUAL MEMBERSHIP.** An annual membership consists of a 12-month period beginning with the first day of July and expiring the last day of June. An annual fee shall be paid for each (12-month) annual membership. Renewal notice to the members shall be sent to their last known address/email not less than thirty (30) days prior to the expiry. When an annual membership expires, the membership can be reinstated by simply paying the current year's annual fee.

a. Any member whose membership becomes delinquent can be reinstated by paying the current year's dues. There is no penalty for reinstatement.

b. Regular memberships may be paid in advance in three to five year increments based on the annual membership period. See fee schedule in front of Rule Book.

c. If a membership is paid after the the 1st of March but prior to 1 July it will be rolled over to include the following year to 30 June. In the initial March-June period the member can show and file documentation with the Society but will not have voting rights at the initial June AGM. Neither will any points be accumulated in the initial March-June period for end of year Hi Point awards.

ii. **LIFE MEMBERSHIP.** A fee is required for lifetime membership, but no annual fees are required. A life member is entitled to receive a life membership certificate, and to register or transfer horses, or obtain any other Society services at the member rate.

a. Life memberships may be purchased on the installment plan, with two equal installments, 12 months apart. Any life membership for which payment has not been completed within the specified time frame shall forfeit all fees paid to date.

iii. **JUNIOR MEMBERSHIP:** The annual dues for junior members of the Society are found in the fee schedule at the front of the Rule Book. Junior membership is available to unmarried youths eighteen (18) years of age or younger. A birth date must be submitted to the Society office at the time of application for membership. A birth certificate may be required to verify age if any question arises. Junior membership must be purchased under one individual's name.

a. To establish legal guardianship over a minor, the appropriate legal document must be submitted. Such document must be issued by the appropriate court with jurisdiction over the matter and must be a certified copy that has been recorded. To rescind this document or order, or change the legal guardian, a new order would be required.

b. A Junior membership consists of a 12-month period beginning with the first day of July and expiring the last day of June. An annual fee shall be paid for each (12-month) annual membership. Renewal notice to the junior members shall be sent to their last known address/email not less than thirty (30) days prior to the expiry. When an annual membership expires, the membership can be reinstated by simply paying the current year's annual fee. See fee schedule in front of rule book.

c. A 3-year Junior membership consists of a 36-month period beginning with the month of July and expiring the last day of the subsequent 36th month.

Exception: youth memberships automatically expire on June 30th of the year in which the youth is 18 years of age as of July 1.

d. A Junior membership does not include voting privileges in the APHBANZ except as pertains to Youth matters. A Junior member may register horses in his/her name at member rates for the full term of said membership.

iv. **MULTI-YEAR MEMBERSHIP.** A multi-year membership consists of a 36-month period beginning with the first day of July of year purchased and expiring the last day of June in the subsequent 36th month, or a 60-month period beginning with the first day of July of year purchased and expiring the last day June of the subsequent 60th month. (See fee schedule at front of book for 3-year and 5-year fees.)

v. A **Signature Authorization** must be on file for all legal entities purchasing a membership. An authorization form is available free of charge from APHBANZ. There is

a filing fee, see front of rule book under fee schedule.

a. The owner(s) as listed on the signature authorization may be disciplined, suspended, fined or expelled from the Association, along with the named legal entity, and one or all may be denied any and all privileges of the Association, if it shall have been established by satisfactory evidence that there has been a violation on the part of the entity, or official representative as designated by the signature authorization, for any By-Law, rule or regulation of the Association. See Rules 37, 41, and 42.

D. Becoming a member: consent

Every applicant for membership must consent in writing to becoming a **Member** on the appropriate application form with all areas filled out and form signed.

E. Becoming a member: process

An applicant for membership must complete and sign the application form, supply any information, or attend an interview, as may be reasonably required by the **Committee** regarding an application for membership.

- I. Members shall be admitted to the Association on an application accompanied by the current membership fee. Membership may be terminated or rejected by the Committee for cause detrimental to the interests of the Association. (See 3) By applying for membership, the applicant automatically agrees to be bound by and to abide by all rules, regulations and policies of the Association.
- II. A membership fee is not refundable.
- III. Termination or application rejection proceedings shall be conducted under the Association's disciplinary procedure for notice, hearing and temporary suspension. The effect of termination or rejection may be denial of the privileges of the Association as set forth in the Association's disciplinary procedure and this will be advised in writing.

F. Conditions of Membership:

Members of the Association shall be admitted, retained, suspended, or expelled in accordance with such Policies and Procedures as the Committee may, from time to time, adopt. In all matters governed by the vote of the members, every member in good standing who has reached the age of at least 19 years shall be entitled to vote. Members on probation are not considered in good standing. In the election of Society Committee, current members (at least 19 years of age) in good standing at the time the election is conducted shall be entitled to vote.

- I. Member in Good Standing: A member in good standing shall be defined as a member currently free of disciplinary restrictions.
- II. Whenever in these Bylaws the term member or members shall be used, unless otherwise specified, it shall mean a member in good standing having the right to vote.

G. Obligations and rights

Every **Member** shall provide the **Society** with that **Member's** name and contact details (including postal address, telephone number(s), and any email address) and promptly advise the **Society** of any changes to those details.

Membership does not confer on any **Member** any right, title, or interest (legal or equitable) in the property of the **Society**.

H. Other obligations and rights

General privileges and responsibilities of members and non-members are as follows:

- I. All members, while in good standing, shall have equal rights, interests and responsibilities with respect to the Association and its property; shall obey and be bound by all By-Laws, Rules and Regulations of the Association and decisions or actions of the Committee; shall have the right to vote in the Society Committee Elections if a regular or life member prior to 1st March of the year the election is conducted; shall have the right to vote by personal attendance at membership meetings and shall have the right to hold office and committee assignments, except as otherwise limited.
- II. In regard to individuals who are non-members, but own American Paint Horses, file registration applications and other documents with the Association, or participate in Association-approved events, by such actions and in regard to such transactions, do hereby agree to be bound by all By-Laws, Rules and Regulations of the Association and decisions and actions of the Committee.
- III. All members and individuals who are non-members, but own American Paint Horses, file registration applications and other documents with the Association, or participate in Association-approved events, by such actions, and in regard to such transactions, do hereby agree that as a part of their relationship with the Society, said members and non-members are obligated to submit to any and all Society-approved Ranch/Farm Inspections, and to assist and cooperate fully with all Society employees and/or designated representatives with regard to said inspection. Ranch/Farm Inspections shall include, but not be limited to, a visual inspection of all horses listed with the Association as being owned by the member or non-member. The Association is under no obligation to advise members or non-members of a pending Ranch/Farm Inspection. Every member, and non-member, shall cooperate fully with the Society and its representatives in connection with any ranch/farm inspection or related procedures.

Refusal to cooperate, or delays in providing assistance, may be construed as a violation of this Rule and subjects the member, or non-member, to disciplinary action.

IV. All exhibitors and owners must possess a current Society/Junior Society membership in order to show in Society-approved classes. See **Rule SC160.A., AM-015.A., and YP-005.A.5.** regarding exhibitor and owner membership requirements.

V. All **Members** (including **Committee Members**) shall promote the interests and purposes of the **Society** and shall do nothing to bring the **Society** into disrepute.

VI. All Members give to the Society the rights to publish members names and any information been given, to other persons, or organizations, relating to the following: Printing of name in a Membership list; information regarding Members horses which may be printed in a newsletter, emails or website etc, details of any horses Member may own, have bred or sold, or any other information it may hold in regards to breeding and showing of horses.

VII. A **Member** is only entitled to exercise the rights of membership (including attending and voting at **General Meetings**, accessing or using the **Society's** premises, facilities, equipment, online sites and other property) if all subscriptions and any other fees have been paid to the **Society** by their respective due dates, but no **Member** or Life **Member** is liable for an obligation of the **Society** by reason only of being a **Member**.

VIII. The **Committee** may decide what access or use **Members** may have of or to any premises, facilities, equipment, online sites or other property owned, occupied or otherwise used by the **Society**, including any conditions of and fees for such access or use.

12) Subscriptions and fees

The annual subscription and any other fees for membership for the then current financial year shall be set by resolution of a **General Meeting** (at which it may also be decided whether payment can be made by periodic installments).

A. Any **Member** failing to pay the annual subscription (including any periodic payment), any levy, or any capitation fees, within 1 calendar month(s) of the date the same was due for payment shall be considered as unfinancial and shall (without being released from the obligation of payment) have no membership rights and shall not be entitled to participate in any **Society** activity or to access or use the **Society's** premises, facilities, equipment and other property until all the arrears are paid. If such arrears are not paid within 3 calendar months of the due date for payment of the subscription, any other fees, or levy the **Committee** may terminate the **Member's** membership (without being required to give prior notice to that **Member**).

13) CHANGE OF NAME:

The name of a member may be changed in the membership records of the Association to reflect a change of name. Such a change shall be made upon submission of documentation (e.g. marriage license, court decree, etc.) reflecting a change of name by said member. If the member desires to have his/her name corrected on registration certificates, the member must submit the original certificate of registration(s). A current membership in the new name is required. (See fee schedule in front of Rule Book for corrected certificate fee)

14) Ceasing to be a member

A. A **Member** ceases to be a **Member**:

- I. on death (or if a partnership on dissolution of the partnership), or
- II. by resignation from that **Member**'s class of membership by notice to the **Secretary**, or
- III. on termination of a **Member**'s membership under these **Rules**.

B. With effect from (as applicable):

- I. the date of death of the **Member** (or if a partnership from the date of its dissolution), or
- II. the date of receipt of the notice of resignation by the **Secretary** (or any subsequent date stated in the notice of resignation), or
- III. the date of termination of membership under these **Rules**, or
- IV. the date specified in a resolution of the **Committee**.

15) Obligations on resignation

A **Member** who resigns or whose membership is terminated under these **Rules**:

- I. remains liable to pay all subscriptions and other fees to the **Society**'s next balance date,
- II. shall cease to hold himself or herself out as a **Member** of the **Society**, and
- III. shall return to the **Society** all material provided to **Members** by the **Society** (including any membership certificate, badges, trophies).
- IV. shall cease to be entitled to any of the rights of a **Society Member**.

16) Becoming a member again

Any former **Member** may apply for re-admission in the manner prescribed for new applicants, and may be re-admitted by paying the current year's dues. There is no penalty for reinstatement.

However, if a former **Member's** membership was terminated following a dispute resolution process, the applicant may be re-admitted only by a **General Meeting** on the recommendation of the **Committee**.

17) General meetings

A. Annual General Meetings

An **Annual General Meeting** shall be held once a year on a date and at a location determined by the **Committee** and consistent with any requirements in the **Act**, and the **Rules** relating to the procedure to be followed at **General Meetings** shall apply.

I. Annual General Meetings: business

The business of an **Annual General Meeting** shall be to:

- a. confirm the minutes of previous **Society** Meeting(s),
- b. adopt the annual report on **Society** business,
- c. adopt the **Treasurer's** report on the finances of the **Society**, and the annual financial statements,
- d. set any subscriptions for the current financial year,
- e. consider any motions,
- f. consider any general business.

II. The **Committee** must, at each Annual General Meeting, present the following information:

- a. an annual report on the affairs of the **Society** during the most recently completed accounting period,
- b. the annual financial statements for that period, and
- c. notice of any disclosures of conflicts of interest made by **Committee Members** during that period (including a brief summary of the matters, or types of matters, to which those disclosures relate).

B) Special General Meetings

Special General Meetings may be called at any time by the **Committee** by resolution. The **Committee** must call a **Special General Meeting** if the **Secretary** receives a written request signed by at least 10 per cent of **Members** or 5 **Members**, whichever is greatest. Any resolution or written request must state the business that the **Special General Meeting** is to deal with.

- I. The **Rules** relating to the procedure to be followed at **General Meetings** shall apply to a **Special General Meeting**, and a **Special General Meeting** shall only consider and deal with the business specified in the **Committee's** resolution or the written request by **Members** for the Meeting.

18) General Meeting Procedure

- A. The **Committee** shall give all **Members** at least 20 **Working Days'** Notice of any **General Meeting** and of the business to be conducted at that **General Meeting**.
- B. The **General Meeting** and its business will not be invalidated simply because one or more **Members** do not receive the **Notice** of the **General Meeting**.
- C. All financial **Members** may attend, speak and vote at **General Meetings**:
 - I. in person, or
 - II. by a signed, written proxy (an email or copy being acceptable) in favour of some individual entitled to be present at the meeting and received by, or handed to, the **Secretary** 1 hour before the commencement of the **General Meeting**, or
 - III. No other proxy voting shall be permitted.
- D. No **General Meeting** may be held unless at least 10 eligible financial **Members** attend. This will constitute a quorum.
- E. If, within half an hour after the time appointed for a meeting a quorum is not present, the meeting – if convened upon request of **Members** – shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the **Chair/President** of the **Society**, and if at such adjourned meeting a quorum is not present those present in person or by proxy shall be deemed to constitute a sufficient quorum. Any decisions made when a quorum is not present are not valid.
 - I. **General Meetings** may be held at one or more venues using any real-time audio, audio and visual, or electronic communication that gives each member a reasonable opportunity to participate.
 - II. All **General Meetings** shall be chaired by the **Chair/President**. If the **Chair/President** is absent, the Deputy or Vice **Chair/President** shall chair that meeting.
 - III. Any person chairing a **General Meeting** has a deliberative and, in the event of a tied vote, a casting vote.
 - IV. Any person chairing a **General Meeting** may:
 - a. With the consent of majority at that **General Meeting** adjourn the **General Meeting** 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.
- b. Direct that any person not entitled to be present at the Meeting, obstructing the business of the Meeting, behaving in a disorderly manner, being abusive, or failing to abide by the directions of the chairperson be removed from the Meeting, and
 - c. In the absence of a quorum or in the case of emergency, adjourn the Meeting or declare it closed.
- v. The **Committee** may put forward motions for the **Society** to vote on (**'Committee Motions'**), which shall be notified to Members with the notice of the **General Meeting**.
 - vi. Any **Member** may request that a motion be voted on (**'Member's Motion'**) at a **General Meeting**, by giving notice to the **Secretary** at least 15 **Working Days** before that meeting. The **Member** may also provide information in support of the motion (**'Member's Information'**).

19) Minutes

Minutes must be kept by the **Secretary** of all **General Meetings**.

20) Committee

A. Authority of the Committee:

The business and property of the Association shall be managed and controlled by the Committee. The Committee shall have accountability and final authority regarding:

- I. Electing Officers of the Executive Committee .
- II. The governance of the Association.
- III. Conducting a periodic review of the Society Rule Book as well as preparing motions for changes, as needed, to the Rule Book for consideration and voting by the Members.
 - a. Updating the Bylaws and Rulebooks with amendments and changes as voted by the membership.
- IV. Acting on any matter brought before it by a Committee member or any member.
- V. Originating and acting on resolutions.
- VI. The Association's financial performance.
- VII. Engage the audit firm on behalf of the Audit Committee.

VIII. Developing, adopting, or amending its Policies and Procedures and other procedures for the conduct of Committee business.

IX. Establishing rules for year-end point tabulation for year-end awards prior to the point earning period which cannot be altered during or after that point earning period has been completed.

X. Ensure results of the Association.

XI. Set the date of the AGM (month determined by Incorporated Society Registry) giving at least twenty (20) working days notice in writing (email or post) and official publication.

B) Composition

I. The **Committee** will consist of up to 11 **Committee Members** who are:

- **Members**; and
- natural persons; and
- not disqualified by these **Rules** or the **Act**.

II. The **Committee** will include:

- a **Chair/President**,
- a **Deputy Chair/Vice President**,
- a **Secretary**
- a **Treasurer**
- a **Registrar**, and

not fewer than 2 or more than 6 other **Committee Members**.

C) Qualifications

I. Prior to election or appointment, every **Committee Member** must consent in writing to be a **Committee Member** and certify in writing that they are not disqualified from being appointed or holding office as a **Committee Member** by these **Rules** or the **Act**.

II. The following persons are disqualified from being appointed or holding office as a **Committee Member**:

- a. a person who is under 16 years of age,
- b. a person who is an undischarged bankrupt,
- c. a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or

- unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993,
- d. a person who is disqualified from being a member of the **Committee** of a charitable entity under section 31(4)(b) of the Charities Act 2005,
 - e. a person who has been convicted of any of the following, and has been sentenced for the offence, within the last 7 years:
 - 1. an offence under subpart 6 of Part 4,
 - 2. a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961),
 - 3. an offence under section 143B of the Tax Administration Act 1994,
 - 4. an offence, in a country other than New Zealand, that is substantially similar to an offence specified in subparagraphs (i) to (iii),
 - 5. a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere,
 - f. a person subject to:
 - 1. a banning order under subpart 7 of Part 4 of the Incorporated Societies Act 2022; or
 - 2. an order under section 108 of the Credit Contracts and Consumer Finance Act 2003; or
 - 3. a forfeiture order under the Criminal Proceeds (Recovery) Act 2009; or
 - 4. a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act.
 - g. a person who is subject to an order that is substantially similar to an order referred to in paragraph (f) under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the regulations (if any) of the new Incorporated Societies Act.
 - h. Any person who is disqualified or does not comply with any qualifications for officers as prescribed from time to time by a resolution of the **Committee**.

D) Election or appointment

The election of **Committee Members** shall be conducted as follows

- I. **Committee Members** shall be elected during **Annual General Meetings**. Election of the Committee shall be by a simple majority of the votes cast by members at the Annual Meeting of the Association.
- II. A candidate's written nomination, accompanied by the written consent of the nominee (who must be a financial member) with a certificate that the nominee is not disqualified from being appointed or holding office as a **Committee Member** by these **Rules** or the **Act**, shall be received by the **Secretary** at least 10 **Working Days** before the date of the **Annual General Meeting**. If there are insufficient valid nominations received, further nominations may be

- received from the floor at the **Annual General Meeting**.
- III. Votes shall be cast in such a manner as the person chairing the Meeting determines.
 - IV. Two **Members** (who are not nominees) or non-**Members** appointed by the **Chair/President** shall act as scrutineers for the counting of the votes and destruction of any voting papers.
 - V. The failure for any reason of any financial **Member** to receive such **Notice** shall not invalidate the election.
 - VI. In the event of any vote being tied, the tie shall be resolved by the incoming **Committee** (excluding those in respect of whom the votes are tied).
 - VII. Vacancy: However, if a vacancy in the position of any **Committee Member** occurs between **Annual General Meetings**, that vacancy shall be filled by resolution of the **Committee** (and any such appointee must, before appointment, supply a signed consent to appointment and a certificate that the nominee is not disqualified from being appointed or holding office as a **Committee Member** by these **Rules** or the **Act**). Any vacancy filled shall be for the remainder of the unexpired term. Succession or election to fill any vacated Committee position shall not count toward the term limit for that office. If more than one candidate for the vacancy it may be filled by a majority vote of the Committee at its next regularly scheduled meeting.

21) Advisory Committees

A. All Advisory committees shall consist of not less than three Society members and will be appointed for not less than one year. Every member of the Advisory committee shall be a member in good standing. All Sub-committee appointments shall be made by the President with the advice and consent of the Committee.

B. The Chairperson and Vice-Chairperson of each committee shall be appointed annually and a listing of all committee members shall be published as soon as possible after the annual meeting. The Chairperson shall only vote in the case of a tie.

C. The Advisory Committees at present are: (not all may be operational every year)

Breed Integrity & Registration Advisory Committee

Competition Advisory Committee

International Advisory Committee

Judges Advisory Committee

Long Range Planning Advisory Committee

Professional Horseman Advisory Committee

Equestrian Experience Advisory Committee

Rules Advisory Committee

22) Sub-committees

In addition to the committees specified within these regulations the **Committee** may appoint sub-committees consisting of such persons (whether or not **Members** of the **Society**) and for such purposes as it thinks fit. Unless otherwise resolved by the **Committee**:

- A. the quorum of every sub-committee is half the members of the sub-committee but not less than 2,
- B. no sub-committee shall have power to co-opt additional members,
- C. a sub-committee must not commit the **Society** to any financial expenditure without express authority, and
- D. a sub-committee must not further delegate any of its powers.

23) Term

- A. The term of office for all **Committee Members** shall be 1 year(s), expiring at the end of the **Annual General Meeting** in the year after their election.
- B. No **Committee Member** shall serve for more than 5 consecutive terms in the same role.
- C. No **Chair/President** shall serve for more than 2 consecutive years as **Chair/President**.

24) Removal

- A. Any voting member of the Committee may be removed from office at any meeting of the Committee, by a 3/4ths vote of the voting members of the Committee.
 - I. Removal of office proceedings shall be conducted under the Society's disciplinary procedure for notice, hearing and temporary suspension.
- B. Where a complaint is made about the actions or inaction of a **Committee Member** (and not in the **Committee Member's** capacity as a Member of the **Society**) the following steps shall be taken:
 - I. The **Committee Member** who is the subject of the complaint, must be advised of all details of the complaint.
 - II. The **Committee Member** who is the subject of the complaint, must be given adequate time to prepare a response.

- III. The complainant and the **Committee Member** who is the subject of the complaint, must be given an adequate opportunity to be heard, either in writing or at an oral hearing by the **Committee** (excluding the **Committee Member** who is the subject of the complaint) if it considers that an oral hearing is required,.
- IV. Any oral hearing shall be held by the **Committee** (excluding the **Committee Member** who is the subject of the complaint), and/or any oral or written statement or submissions shall be considered by the **Committee** (excluding the **Committee Member** who is the subject of the complaint).

C. If the complaint is upheld the **Committee Member** may be removed from the **Committee** by a resolution of the **Committee** or of a **General Meeting**, in either case passed by a 75% majority of those present and voting.

25) Cessation of Committee membership

- A. A **Committee Member** shall be deemed to have ceased to be a **Committee Member** if that person ceases to be a **Member**.
- B. Each **Committee Member** shall within 30 **Working Days** of submitting a resignation or ceasing to hold office, deliver to the **Secretary** all books, papers and other property of the **Society** held by such former **Committee Member**.

26) Functions

From the end of each **Annual General Meeting** until the end of the next **Annual General Meeting**, the **Society** shall be governed by the **Committee**, which shall be accountable to the **Members** for the advancement of the **Society's** purposes and the implementation of resolutions approved by any **General Meeting**.

27) Indemnification:

The Association shall indemnify each of its officers and Committee members to the fullest extent provided by, and in accordance with, the NZ Incorporated Societies Act as that act is in effect on the date of the occurrence giving rise to such indemnification as is provided herein. The Association shall indemnify each of its volunteer committee chairs, committee members and employees to the same extent as its officers.

28) Officers' duties

At all times each **Committee Member**:

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

29) Duties of Executive Committee Officers

A. President:

The President shall be a voting member of the Committee and shall additionally hold ex-officio membership in all sub committees. The President shall serve as the Society's Chairperson of the Committee. The President shall be familiar with all the activities of the Society. The President's term of office shall begin at the conclusion of the first Committee meeting after which an election takes place and shall end at the conclusion of the first Committee meeting one year from that date after which another election takes place, or when a successor is seated. The President is eligible for 2 consecutive one year terms as President, followed by a one-year absence from the position and if still a member of the Committee.

- A. The President is hereby empowered to appoint five advisors, without voting privileges, to the Committee. Any member of the Society in good standing shall be eligible for selection as an advisor. The five advisors will have specific duties and responsibilities with a defined time frame as determined by the President.
- B. The President is hereby empowered to appoint a non-member as an advisor, without voting privileges, to the Committee or any sub-committee.

B. Vice President:

The Vice President shall serve as a member of the Committee to prepare for a term of President and assume the duties of the President in the absence or incapacity of the President. The Vice President's term of office shall begin at the conclusion of the first Committee meeting after which an election takes place and shall end at the conclusion of the first Committee meeting one year from that date after which another election takes place.

c. Secretary:

A Secretary shall be appointed for a term. The Secretary shall, under the direction of the Committee, perform such duties as may be assigned by the Committee. The Secretary shall have the following accountability and authority:

- I. Keep or cause to be kept an accurate record of the minutes and transactions of the Committee at Committee meetings
- II. Keep or cause to be kept an accurate record of minutes and transactions at General Meetings
- III. Maintain an accurate Register of Members
- IV. Maintain an Interests Register of Committee Members to be tabled at Annual General Meeting.
- V. Collation of year-end point tabulation for year-end awards.
- VI. Supervise all other employees and agents of the Society.
- VII. Carry out the day-to-day operations of the Society.
- VIII. Carry out decisions of the Committee.
- IX. Keep the Committee informed of correspondence in and out.
- X. Ensure the Committee has the best information available to make decisions.
- XI. Ensure financial statements and any remits are uploaded to Incorporated Societies Registrar within 2 months of a General Meeting.
- XII. Notify results of Officer elections to each member within thirty (30) days of the election.

d. Treasurer:

A Treasurer shall be appointed for a term. The Treasurer shall, under the direction of the Committee, perform such duties as may be assigned by the Committee. The Treasurer shall have the following accountability and authority:

- I. Reviewing receipts and expenditure and outstanding accounts at least two monthly and presenting at Committee meetings.
- II. Prepare an annual budget
- III. Prepare year to date financial report to all members accounting for all funds generated by the Society.
- IV. Reviewing and putting up for resolution at Committee meetings financial expenditures not included in the annual budget.
- V. Recommending financial policies and procedures.

- VI. Developing and recommending to the Committee financial accounting policies and reporting practices, and a system of internal financial controls.
- VII. Reviewing the scope and general extent of the examination to be performed prior to each year's Audit.
- VIII. Reviewing the financial results, upon completion of the Audit, with the Secretary and President and the independent accountants, prior to their release
- IX. Reviewing proposed capital expenditures.
- X. Establishing/maintaining banking relationships.
- XI. Issue Receipts from the Association for monies received.

E. Registrar:

The Registrar shall be appointed for a term and be a member of the Committee. The Registrar shall, under the direction of the Committee, perform such duties as may be assigned by the Committee. The Registrar shall have the following accountability and authority:

- I. Maintain an accurate record of Registration applications, breeding returns, stallion classifications and horse listings
- II. Issue accurate Registration certificates upon an application having fulfilled all obligations
- III. Update the studbook with Registration number and appropriate details of the horse.
- IV. Assist members with any registration questions.

30) Powers

Subject to these **Rules** and any resolution of any **General Meeting** the Committee may:

- A. exercise all the **Society's** powers, other than those required by the **Act** or by these **Rules** to be exercised by the **Society** in **General Meeting**, and
- B. enter into contracts on behalf of the **Society** or delegate such power to a **Committee Member**, sub-committee, employee, or other person.

31) APHA State Director:

One member of the Society's Committee will be nominated to apply for the State Director role in the APHA Zone/Representative Area that includes New Zealand for a term of office.

- A. This member will have their membership with APHA paid by the Society if they are not already a member for their term as a State Director.
- B. If they are already a member they will have their APHA membership for those years reimbursed by the Society. This will be done in New Zealand dollars.

32) General issues

A. Resolutions:

- I. Resolutions pertinent to the objectives of the Society or in relation to any report by an officer, sub-committee, or task force of the Society shall be submitted to the Secretary in writing at least 5 days in advance of the Committee meeting at which such resolutions are to be considered. Resolutions submitted within 5 days of such a meeting shall be considered only as provided in the body's Policies and Procedures. Any member of the Society may submit a resolution. The Committee may vote or abstain from voting on any matter before the body.
- II. The **Committee** and any sub-committee may act by resolution approved in the course of a conference call using audio and/or audio-visual technology or through a written ballot conducted by email, electronic voting system, or post, and any such resolution shall be recorded in the minutes of the next **Committee** meeting.
- III. Other than as prescribed by the **Act** or these **Rules**, the **Committee** or any sub-committee may regulate its proceedings as it thinks fit.
- IV. Subject to the **Act**, these **Rules** and the resolutions of **General Meetings**, the decisions of the **Committee** on the interpretation of these **Rules** and all matters dealt with by it in accordance with these **Rules** and on matters not provided for in these Rules shall be final and binding on all **Members**.

B) Conflicts of interest

- I. An Officer or a member of the **Committee** and/or member of a sub-committee who is an **Interested Member** in respect of any matter being considered by the **Society**, must disclose details of the nature and extent of the interest (including any monetary value of the interest if it can be quantified)—
 - a. to the **Committee** and or sub-committee; and
 - b. in an **Interests Register** kept by the **Committee**.
- II. Disclosure must be made as soon as practicable after the member of the **Committee** and/or sub-committee becomes aware that they are interested in the matter.
- III. A member of the **Committee** and/or sub-committee who is an **Interested Member** regarding a matter—
 - a. must not vote or take part in the decision of the **Committee** and/or sub-committee relating to the matter; and
 - b. must not sign any document relating to the entry into a transaction or the initiation of the matter; but

- c. may take part in any discussion of the **Committee** and/or sub-committee relating to the matter and be present at the time of the decision of the **Committee** and/or sub-committee (unless the **Committee** and/or sub-committee decides otherwise).
- IV. However, a member of the **Committee** and/or sub-committee who is prevented from voting on a matter may still be counted for the purpose of determining whether there is a quorum at any meeting at which the matter is considered.
- V. Where 50 per cent or more of **Committee Members** are prevented from voting on a matter because they are interested in that matter, a **Special General Meeting** must be called to consider and determine the matter, unless all non-interested members agree otherwise, and where 50 per cent or more of the members of a sub-committee are prevented from voting on a matter because they are interested in that matter, the **Committee** shall consider and determine the matter.

33) Committee meetings

A. Frequency

- I. The **Committee** shall meet at least quarterly at such times and places and in such manner (including by audio, audio and visual, or electronic communication) as it may determine and otherwise where and as convened by the **Chair/President** or **Secretary**.
- II. Meetings: One of these meetings shall take place not later than 30 days following the Annual General Meeting. The other meetings shall take place at such other times and places as the Executive Committee may determine.
- III. Each Committee member shall receive notice of such meetings no less than ten (10) working days prior to the meeting,
 - a. unless it is the first meeting commencing immediately after the Annual General Meeting and all Committee members can attend.
- IV. All members of the Society shall be notified of Committee meetings by mail (electronic or post) or official publication at least ten (10) days prior with exception of 33.A.III.a
 - a. Any member may attend but needs to seek permission prior to meeting from President to speak. They will not have voting privileges at Committee meetings.
- V. Any action required or permitted to be taken at a meeting of the Committee may be taken without a meeting if a consent in writing, setting forth the action to be taken, shall be signed by all of the voting members of the Committee, and such a consent shall have the same force and effect as a unanimous vote of the members of the Committee at a meeting of the Committee.

B) Urgent Meeting

The President shall call urgent meetings when requested by one-third of the current voting members of the Committee.

- I. Such special meetings shall be called in like manner and on no less than 24 hours notice.
- II. Such notice of a special meeting of the Committee shall specify the business to be transacted at, and the purpose of, such special meeting. No other business than specified may be transacted.
- III. This shall be notified to the general membership and advised whether an open or closed meeting no less than 24 hours prior to the meeting.

C) Procedure

The quorum for Committee meetings is at least a majority of the number of Committee Members.

34) Records

A. Register of Members

The **Secretary** shall keep an up-to-date **Register of Members**, recording for each **Member** their name, contact details, the date they became a **Member**, and any other information required by these **Rules** or prescribed by Regulations under the **Act**.

B. Contents of Register of Members

- I. The information contained in the **Register of Members** shall include each **Member's**:
 - a. postal address
 - b. phone number (landline and/or mobile)
 - c. email address (if any)
 - d. the date the **Member** became a **Member**,
 - e. whether the **Member** is financial or unfinancial
- II. Every **Member** shall promptly advise the **Secretary** of any change of their contact details.

C. Access to Register of Members

With reasonable notice and at reasonable times, the **Secretary** shall make the **Register of Members** available for inspection by **Members** and **Committee Members**. However, no access will be given to information on the **Register of Members** to **Members** or any other person, other than as required by law.

D. Interests Register

The **Secretary** shall maintain an up-to-date register of the interests disclosed by Officers.

E. Access to other information

- I. A **Member** may at any time make a written request to the **Society** for information held by the **Society**.
 - a. The minutes of the proceedings of the Committee, the membership books, and books of account shall be open to inspection upon the written demand of any member at any reasonable time.
 - b. Further, such documents shall be produced for inspection at any time when requested by the demand of 10 percent of the members at any meeting. Such inspection may be made by the member, agent, or attorney, and shall include the right to make extracts thereof.
 - c. Demand of inspection, other than at a meeting of the members, shall be in writing to the President or the Secretary of the Society and shall include an affidavit that such inspection is not desired and will not be used for a purpose which is in the interest of a business or object other than the business of the Society.
 - d. The request must specify the information sought in sufficient detail to enable the information to be identified.
- II. The **Society** must, within a reasonable time after receiving a request:
 - a. provide the information, or
 - b. agree to provide the information within a specified period, or
 - c. agree to provide the information within a specified period if the **Member** pays a reasonable charge to the **Society** (which must be specified and explained) to meet the cost of providing the information, or
 - d. refuse to provide the information, specifying the reasons for the refusal.
- III. Without limiting the reasons for which the **Society** may refuse to provide the information, the **Society** may refuse to provide the information if:
 - a. withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons, or
 - b. the disclosure of the information would, or would be likely to, prejudice the commercial position of the **Society** or of any of its **Members**, or

- c. the disclosure of the information would, or would be likely to, prejudice the financial or commercial position of any other person, whether or not that person supplied the information to the **Society**, or
- d. withholding the information is necessary to maintain legal professional privilege, or
- e. the disclosure of the information would, or would be likely to, breach an enactment, or
- f. the burden to the **Society** in responding to the request is substantially disproportionate to any benefit that the member (or any other person) will or may receive from the disclosure of the information, or
- g. the request for the information is frivolous or vexatious.

IV. If the **Society** requires the **Member** to pay a charge for the information, the **Member** may withdraw the request, and must be treated as having done so unless, within 10 **Working Days** after receiving notification of the charge, the **Member** informs the **Society** —

- a. that the **Member** will pay the charge; or
- b. that the **Member** considers the charge to be unreasonable.

Nothing in this **Rule** limits Information Privacy Principle 6 of the Privacy Act 2020.

35) Finances

A) Control and management

The funds and property of the **Society** shall be:

- I. controlled, invested and disposed of by the **Committee**, subject to these **Rules**, and
- II. devoted solely for the promotion of the objects and purposes of the **Society**.

B) Accounts and Funds

I. The Committee shall ensure true accounts are kept of all sums of money received and expended by the Association and the matters in respect of which such receipt and expenditure take place and of the assets and liabilities of the Association.

II. The books of Accounts (either electronic or hard copy) shall be retained by the appointed Treasurer of the Association or at another such place the Committee sees fit.

- III. All fees or monies due the Association are the property of the Association upon collection and shall be turned over to the Association within thirty (30) days of collection. The officers of such club and/or individuals responsible for the collection and disbursement of such funds shall be personally liable and, in addition, subject to the rules pertaining to violations and disciplinary procedures.
- IV. All fees or monies due the Association must be paid in NZ\$ only. All monies received by the Association shall be acknowledged by a receipt issued by the Treasurer on behalf of the Association.
- V. All monies are to be paid into the Associations bank account within 5 working days of receiving the monies unless otherwise authorized and minuted at a Committee meeting.
- VI. A minimum of 3 signatories to be on the bank account, being the President, Secretary and Treasurer, with any two to sign together. The Registrar to have view only access.
- VII. All accounts due by the Association shall be itemised on a Payment Form prepared by the Treasurer, showing who the payment is to, their bank account, what it is for and the amount being paid. This form is to be kept with the financial records and forms part of the Book of Accounts. The Payment Form is then to be presented at the next Committee meeting for approval and countersigned by President or the person acting on their behalf at the meeting.
- VIII. Each payment will then be loaded on internet banking and Authorised by two of the 3 signatories on the Account, the two signatories must be from different households.
- IX. The Treasurer shall submit to the Committee at least every two months, unless otherwise instructed, a statement of receipts and expenditure and outstanding accounts.
- X. The Annual Financial Statements shall be audited by the Associations Auditor prior to being presented to the Annual General Meeting.

C) Balance date

The **Society's** financial year shall commence on 01 April of each year and end on 31 March (the latter date being the **Society's** balance date).

36) Fraudulent Practices

A. No person shall represent any animal owned or managed by him to be registered unless the same be registered in the official stud book.

B. No person, firm or corporation shall issue, sell, exchange, give away or receive, or offer to do any thereof, any false or fraudulent certificate representing same to be a genuine official certificate issued by the Society.

C. No person shall advertise, or enter in any Society horse event or competition any animal registered or listed with the Society by a name other than that by which it is registered or listed.

D. No change in or alteration of a certificate of registration or listing or identification required by the Society shall be made except by the Society or its official representative upon proper showing of the necessity for such change or alteration by reason of change in color or markings, mistake or the like; nor shall any person display or advertise or have in his possession any such certificate, including but not limited to the original certificate issued, a duplicate certificate issued, a photocopy, a scanned copy or image that has been changed or altered otherwise, other than by the Society or on its authority.

E. No person shall alter in any way, change or attempt to hide or alter the natural markings of a horse, by surgery, dye or in any other manner. **See also SC-080.A.**, regarding any alteration of a horse's natural conformation or appearance.

F. No person shall represent as a registered American Paint Horse Breed Association New Zealand horse any horse other than the horse for which said certificate was issued.

G. No person shall bribe, or attempt to bribe, a Society representative, Society approved judge, or any other official of a Society-approved event.

H. Conduct prohibited as described in Rule 37

37) Unsportsmanlike Conduct

A. Conduct by Society members, non-members, exhibitors, trainers, owners, owner's representatives, spectators, and all other persons present on the show grounds or in show facilities, events where the Society has approved or sponsored the event, the event is held in conjunction with a Society approved event or the Society has sponsored added money or awards, shall be orderly, responsible, sportsmanlike and humane in the treatment of horses, such as to promote the implementation of the show or event and promote fair competition.

- I. Unsportsmanlike or irresponsible conduct or any other form of misconduct, that is, illegal, indecent, profane, intimidating, threatening, harassing, or abusive is prohibited, as is the inhumane treatment of horses.
- II. Further, Show Management may immediately expel offenders from show grounds or show facilities in order to preserve the decorum of the show and shall file a written report with the Society concerning the transaction.

38) Inhumane Manner of Treatment

A. No person on show grounds, including but not limited to, barns, stalls, parking areas and show arena, may treat a horse in an inhumane manner, which includes but is not limited to the following:

- a. Placing an object in a horse's mouth so as to cause undue discomfort or distress;
- b. Tying a horse in a manner as to cause undue discomfort or distress in a stall, trailer or when lunging or riding;
- c. Letting blood from a horse;
- d. Use of inhumane training techniques or methods, poling or striking horse's legs with objects (i.e. tack poles, jump poles, etc.); Elevated logs must be round and elevated no more than 12" in a standard block or cup.
- e. Use of inhumane equipment, including, but not limited to, saw tooth bits, ***hock hobbles, tack collars, or tack hackamores***;
- f. Any item or appliance that restricts the movement or circulation of the tail; or,
- g. Intentional inhumane treatment which results in bleeding.

B. IMMEDIATE REPORT BY SHOW MANAGEMENT. Upon discovery by any show official of inhumane treatment, show management shall immediately report the matter to the Society.

C. ACCEPTED STANDARD OF CONDUCT MEASUREMENT. The standard, by which conduct or treatment will be measured, is that which a reasonable person informed and experienced in generally accepted equine training and exhibition procedures would determine to be cruel, abusive and inhumane. See Rules 37.A.I., 41.A., 41.D., **SC-075 and SC-160. P.**

D. OWNER, TRAINER, EXHIBITOR RESPONSIBILITY. The owner/trainer/ exhibitor are each responsible for a horse's condition and treatment while on the show grounds including but not limited to, barns, stalls, parking area and show arena. The owner/trainer/exhibitor is responsible for the actions of any and all employees while under their employment with regard to inhumane treatment.

39. Prohibited Procedures

A. See **Rule SC-080. A.**

40) Dispute resolution

A) Raising disputes

I. Any grievance by a **Member**, and any complaint by anyone, is to be lodged by the complainant with the **Secretary** in writing, signed and dated, and must provide such

details as are necessary to identify the details of the grievance or complaint. All **Members** (including the **Committee**) are obliged to cooperate to resolve disputes efficiently, fairly, and with minimum disruption to the **Society's** activities.

- a. The individual filing the complaint must be prepared for full disclosure of the complaint to the party (parties) concerned in the complaint and must be prepared to appear at a hearing if deemed necessary.
 - b. The Committee, upon learning of or acquiring information about a potential violation by any means, may institute a complaint/investigation against any member or non-member. Any member (person) involved in the complaint as a potential witness must appear (either in person or via teleconference) at a hearing if deemed necessary.
- II. The complainant raising a grievance or complaint, and the **Committee**, must consider and discuss whether a grievance or complaint may best be resolved through informal discussions, mediation or arbitration. Where mediation or arbitration is agreed on, the parties will sign a suitable mediation or arbitration agreement.
 - III. The resolution of all disputes must be conducted in a manner that is consistent with natural justice.

B) Investigating disputes

I. 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."

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

III. Rather than investigate and deal with any grievance or complaint, the **Committee** may:

- a. appoint a sub-committee to deal with the same, or
- b. refer the same to an external arbitrator, arbitral tribunal, or external visitor (or referee), so long as minimum standards of natural justice and the following requirements under this rule are satisfied,

IV. The **Committee** or any such sub-committee or person considering any grievance or complaint is referred to hereafter as the "decision-maker".

v. The decision-maker:

- a. shall consider whether to investigate and deal with the grievance or complaint, and
 - b. 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; the matter is trivial or does not appear to disclose material misconduct or material; the matter raised appears to be without foundation or there is no apparent evidence to support it; some damage to **Members'** interests may arise; or the conduct, incident, event or issue has already been investigated and dealt with by the **Society**).
- V. Where the decision-maker decides to investigate and deal with a grievance, the following steps shall be taken:
- a. The complainant and the **Member**, or the **Society** which is the subject of the grievance, must be advised of all details of the grievance.
 - b. The **Member**, or the **Society** which is the subject of the grievance, must be given an adequate time to prepare a response.
 - c. The complainant and the **Member**, or the **Society** 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.
 - d. Any oral hearing shall be held by the decision-maker, and/or any written statement or submissions shall be considered by the decision-maker.
- VI. Where the decision-maker decides to investigate and deal with a complaint, the following steps shall be taken:
- a. The complainant and the **Member** complained against must be advised of all allegations concerning the **Member**, and all details of the complaint.
 - b. The **Member** complained against must be given an adequate time to prepare a response.
 - c. The **Member** complained against 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.
 - d. Any oral hearing shall be held by the decision-maker, and/or any written statement or submissions shall be considered by the decision-maker.
- VII. A **Member** may not make a decision on or participate as a decision-maker in regards to a grievance or complaint, if 2 or more **Committee Members**, or the decision-maker, consider that there are reasonable grounds to infer that the person may not approach the grievance or complaint impartially, or without a predetermined view. Such a decision must take into account the context of the **Society** and the particular case, and may include consideration of facts known

by the other **Members** about the decision-maker, so long as the decision is reasonably based on evidence that proves or disproves an inference that the decision-maker might not act impartially.

C) Resolving disputes

The decision-maker may:

- I. dismiss a grievance or complaint, or
- II. uphold a grievance and make such directions as the decision-maker thinks appropriate (with which the **Society** and **Members** shall comply),
- III. uphold a complaint and:
 - a. reprimand or admonish the **Member**, and/or
 - b. suspend the **Member** from membership for a specified period, or terminate the **Member's** membership, and/or
 - c. order the complainant (if a **Member**) or the **Member** complained against, to meet any of the **Society's** reasonable costs in dealing with a complaint.

41) Disciplinary Procedure

A) Any member may be disciplined, suspended, fined or expelled from the Society, and any member or non-member may be denied any and all privileges of the Society, or any registration certificate may be canceled whenever it shall have been established by satisfactory evidence and following procedure that such member or non-member has violated any By-law, rule, or regulation of the Society. **See Rule SC-120.D.**

B). When it is determined that there is sufficient cause for a hearing, the person charged with any alleged violation shall be given not less than twenty-one (21) days' notice of a time and place for hearing such allegations by the Committee, at which time and place they shall have the opportunity, in person or by counsel, to be heard and to present evidence in their own behalf, and to hear and receive evidence offered against them.

- I. The Committee shall have the authority to schedule a disciplinary hearing when they determine there is sufficient cause for a hearing.
- II. Four members of the Committee shall constitute a quorum for purposes of disciplinary hearing. None of the members must be named in the complaint.
- III. Testimony may be taken at a hearing via telephone/electronic communication. Any person desiring to present testimony via telephone should notify all involved persons in writing, at least five (5) days prior to the scheduled hearing. This notice should contain the name, address and telephone number/link of each person who will testify via telephone. This provision is not intended to limit or preclude other appropriate procedures for offering testimony or evidence at hearings.

- IV. No continuance shall be granted unless requested in writing at least seven (7) days prior to the hearing, and good cause is shown. A continuance shall be granted or denied at the sole discretion of the Committee.
- V. The decision and action of the Committee shall be final and binding on all parties.

C. In regard to any violation of Society rules or By-laws, as a part of its disciplinary action, the Committee may revoke participation privileges in all Society-approved events for determined or indefinite period, assess a fine (see E. and F. below); and may deny access to presence on show grounds.

D. Pending final hearing by the Committee or such other appropriate committee, the President may, by giving written notice of his action:

I. Temporarily suspend such member, the effect of which shall be to deny him further Society privileges until the Committee can hear the matter and take the appropriate disciplinary action; and

II. Temporarily suspend the registration of the horse in question, and upon Society request, the owner shall return the registration certificate to the President, pending final determination of its validity, the effect of which shall be to suspend participation privileges in Society-approved events.

III. See also SC-085.L., regarding temporary show suspensions.

E. On or after such time as any person has been denied participation privileges in Society-approved events, but that their membership privileges are not effected, the following restrictions shall apply:

- I. That person shall not be eligible to participate in any Society-approved event or in events where the Society has sponsorship of added money or awards are given.
- II. That person shall not be eligible to hold approved judges credentials, or serve as a Society officer, Committee member, or hold any other Association accreditation:
- III. Horses which are recorded in the name of such person or owned in whole or in part by such person, are not eligible to participate in any Society-approved event:
- IV. During the period of denial of Society privileges failure to comply with these restrictions and any other express conditions or restrictions of said disciplinary actions may constitute grounds for further disciplinary action.

F. When a member is disciplined, suspended, expelled or fined, or a non-member is denied membership privileges, or when a member or nonmember is temporarily suspended by the Committee, pending hearing, the name of such member or non-member may be published in the Society publication and/or published utilizing electronic media.

G. See **SC-085.L.** for additional provisions.

H. PROBATION

Probation means that a person's conduct and actions with respect to all Society activities are subject to strict review during the period of probation.

- I. A person who violates a Society by-law, rule or regulation while on probation is subject to more severe disciplinary action than might otherwise be the case.
- II. Members on probation are not in good standing with the Society. They will retain membership, be able to participate in Society-approved events and to conduct business with the Society. They cannot, however, serve as an officer of the Society while on probation, be on the approved judges list, be affiliated with Society's Professional Horsemen, or any other Society recognition programs, while on probation. When the Probation has ended the member may be readmitted to full participation.

I. In the event any disciplinary action is taken against a member or non-member, publication of the action shall be made as soon as practical in the Society publication and published utilising electronic media. Said publication shall include rule number violated for disciplinary action to have been assessed.

J. From the date any person has been suspended, expelled or denied further Society privileges, in addition to other provisions of this handbook or policy of the Society, the following restrictions shall apply until reinstatement:

- I. That person shall not participate, and shall be ineligible to participate, in any Society-approved event. Nor shall such person be eligible to hold approved judge's credentials and may not serve as an officer, Committee member of the Society while on suspension, or hold any other Society accreditation.
- II. That person or their partner shall not register or lease any horse with the Society, or transfer registered horses into their name or that of a partner or minor child under the age of eighteen (18) living in the same household.
- III. No money orders, cash or credit cards of any kind will be accepted from the suspended individual, partner or minor child under the age of eighteen (18) living in the same household, for Society transactions during the period of suspension.

Exception: Any form of payment may be accepted for the purpose of paying fines or fees associated with removal from suspension or transferring horses out of the suspended party's ownership.

IV. No horse shall be registered which is either sired by a stallion or out of a mare owned by such person or partner where the breeding date is shown to be on or

subsequent to the date of disciplinary action; provided, however, when a suspension arises out of the failure to pay any financial obligation owing to the Association, or the failure to file a stallion breeding report, the Committee may approve the registration requests upon the payment of all money due and owing the Association or filing all the delinquent stallion breeding reports, together with any additional fee that may be required for such registrations. Additionally, the Committee may permit the registration of horses resulting from breedings occurring during a period of suspension when it determines that a third party will be unjustly penalized if such registration is not permitted.

V. No horse which is registered in the name of such person or partner is eligible to participate in any event approved or recognized by the Association, such as shows or races.

VI. Signatures:

a. The Association shall not accept the signature of such person, nor such person's partner, nor that of such person's children, under the age of eighteen (18), living in the same household, on any breeder's certificates, or stallion breeding reports, evidencing breeding taking place on or after the date of suspension.

b. The signatures of the suspended person and that person's partner will be honoured on transfer reports for the purpose of allowing such disciplined person or partner to transfer horses recorded in his or her ownership at the time of the disciplinary action.

VII. Advertising: a. No person on suspension, or any non-member who has been denied privileges, nor that person's partner, may advertise in the Society publication during the period of their suspension, nor may that person's name, logo or ranch name, nor that of their partner, or such persons' children under the age of eighteen (18) living in the same household, appear in any advertisements or print media, regardless of person placing the advertisement, in the Society publication during the period of suspension.

b. If publication deadlines or other factors make it impractical to stop advertising that is in violation of Rule 41.J.VII.a. this advertising will be terminated as soon as possible.

VIII. If the disciplinary action taken against a member, or non-member, includes denial of access or presence on show grounds, the member, or non-member, shall refrain from entry or presence on show grounds during any Society-approved show during the term of suspension.

K. During the period of expulsion, suspension or denial of Association privileges, failure to comply with these restrictions and any other express conditions or restrictions of said disciplinary action may constitute grounds for further disciplinary action.

L. Written leases filed with the Society office, prior to date of suspension, covering horses owned by the suspended member shall be valid, and the signature of the lessee shall be accepted during the time of such lease but for no renewal thereof. Suspended members may not record leases into or out of their ownership while membership privileges are denied.

M. The provision of the disciplinary rules which pertains to notice and hearing procedure shall also apply to hearings regarding registration issues and other non-disciplinary matters.

N. The Society has adopted the following provision for the mutual benefit of members and with the intention of reducing the Society's litigation expenses, which expenses would ultimately be borne by members and non-members participating in Society activities. Every member, by joining the Society, or non-member, by purchasing American Paint Horse Breed Association New Zealand horses, filing a registration application or other documents with the Society, or participating in Society-approved events, does thereby agree as follows:

I. If unsuccessful in an attempt to overturn Society decisions, actions, rules or regulations, to reimburse the Society for its reasonable attorney's fees, court costs and other expenses in defense of such suit; and,

II. That they will not commence any action, whether in law or equity, against the Society in any courts other than New Zealand courts.

O. General Notice Procedure:

Notice required by these rules and regulations may be served by delivering a copy of the notice to the person to be served, or their attorney, either in person or by mail, postage prepaid, to their last known address as it appears on the Society's records, and upon mailing, such notice shall be deemed received by such person when it is deposited in the New Zealand mail.

42) Violations

A. Any member may be suspended and denied privileges of the Society, and any non-member may be denied the privileges of the Society by the President of the Society, following disciplinary procedures, for the failure to pay when due any obligation owing the Society. This includes but is not limited to the Society publication, or to an approved show, entry fees, stall fees, office charges, stock charges or any other fees or charges connected with the exhibition of horses; or for failure to timely file with the Society required annual stallion breeding reports, genetic testing by DNA, stallion breeding report, listing cards or any related fees.

I. Fifteen (15) days before action by the President, written notice of the account due or delinquent stallion breeding report and the intention to suspend or withhold

privileges of the Society shall be mailed to such member or non-member.

II. Upon suspension by the President, the name of the member or nonmember may be published as soon as practical after the date of suspension. Any suspension and denial of privileges of the Society under this section shall terminate upon full payment of the obligations due the Society and/or upon filing of the requisite stallion breeding report, listing card and/or filing, listing or late fees due. (Rule 41 A-O. of the disciplinary procedures shall apply.)

B. To make a formal complaint concerning unsportsmanlike conduct or other rule violation, at a Society-approved show, contest or event, such complaint must be in writing, signed by the complainant and contain the name of the alleged violator and the date, location and nature of the violation. The complaint must be received within sixty (60) days of the date the show, contest or event was held.

I. If the complaint results in a Committee hearing, the Society must provide the alleged violator with notice of any complaint(s) and copies of same.

C. If it is determined by a court of law that any officer, member or appointed official of an approved Society club has misappropriated funds of the club in any manner, that person may be suspended, fined, or denied all privileges of the Society.

D. When any person is guilty of the following: failure to pay when due any obligation owing to the Association; failing to pay for entry fees, stall fees, office charges connected with the exhibition of horses, such person, whether member or non-member, will be subject to disciplinary procedures insofar as practical.

E. If a member or non-member fraudulently claims or advertises a Society title, award or points prior to the title, award or points being officially awarded or recorded by the Society, or uses a title other than the official title of the award as specified by Society rules, the registration certificate may be revoked permanently and the owner of record may be subject to disciplinary action.

F. Every member and every non-member who violates in any manner the Constitution, By-Laws or Rules and Regulations of the Society; whose practices in the breeding of Paint Horses or in supplying information for the Society's records; or whose conduct has endangered or may endanger the good order, welfare or credit of the Society; or who is convicted in a court of law for cruelty to animals and upon submission of certified evidence of such conviction from any court, may be censured, suspended or, in the case of a member, expelled from membership in the Society and denied all privileges of the Society, including, without limitation of the generality of the foregoing, the privilege of registrations or change in ownership of Paint Horses on the records of the Society by the Committee.

G. Ownership of an issued registration certificate remains with the Society. Such registration certificate is issued in reliance upon the information provided on the written application submitted and attested by the owner at the time of foaling; and upon the

express condition that the Society has the privilege to correct and/or cancel the certificate for cause under its rules and regulations. No person shall refuse an Association request for the return of a registration certificate, either before, after or pending hearing to determine registration participation privilege in Society-approved events. The Society may retain possession of a certificate pending resolution of the matter for which the return of the certificate was requested. (See Rule RG-33)

H. An owner or lessee may be subject to disciplinary action if his/her horse and third party, i.e. trainer/exhibitor, is found guilty of a repeat offense.

43) Winding up

The **Society** may be wound up, or liquidated, or removed from the Register of Incorporated Societies in accordance with the provisions of the **Act**.

A. Process

The **Secretary** shall give **Notice** to all **Members** of:

- I. the proposed motion to wind up the **Society** or remove it from the Register of Incorporated Societies, and
 - II. the **General Meeting** at which any such proposal is to be considered,
 - III. the reasons for the proposal, and
 - IV. any recommendations from the **Committee** in respect to such notice of motion.
- Any resolution to wind up the **Society** or remove it from the Register of Incorporated Societies must be passed by a **two-thirds** majority of all **Members** present and voting.

B. Surplus assets

If the **Society** is wound up, or liquidated, or removed from the Register of Incorporated Societies, no distribution shall be made to any **Member**.

On the winding up or liquidation or removal from the Register of Incorporated Societies of the **Society**, its surplus assets after payment of all debts, costs and liabilities shall be vested in **New Zealand Western Riding Federation**.

- I. However, on winding up by resolution under this rule, the **Society** may approve a different distribution to a different entity from that specified above, so long as the **Society** complies with these **Rules** and the **Act** in all other respects.

44) Alterations to the Rules

A. Amending these Rules

- I. The **Society** may amend or replace these **Rules** at a **General Meeting** by a resolution passed by a simple majority of those **Members** present and voting.
- II. Any proposed motion to amend or replace these **Rules** shall be signed by at least 10 per cent of eligible **Members** and given in writing to the **Secretary** at least 20 **Working Days** before the **General Meeting** at which the motion is to be considered and accompanied by a written explanation of the reasons for the proposal.
- III. At least 15 **Working Days** before the **General Meeting** at which any amendment is to be considered the **Secretary** shall give to all **Members** notice of the proposed motion, the reasons for the proposal, and any recommendations the **Committee** has.
- IV. When an amendment is approved by a **General Meeting** it shall be notified to the Registrar of Incorporated Societies in the form and manner specified in **the Act** for registration and shall take effect from the date of registration.
- V. A proposed rule change that doesn't significantly (as determined by the Committee) alter the Governance Rulebook can be made without an AGM by the following process:
 - a. Sent in to Committee for consideration
 - b. Committee decides if will significantly alter Rulebook or not
 - c. If accepted by Committee that it will not significantly alter Rulebook then it can be sent out to the membership for consideration via post and email.
 - d. Members can then vote (yay, nay or abstain) and have 28 days to reply to Committee.
 - e. 75% of the Membership (members who are financial at the end of the 28 days) need to have voted by the 28days and the majority in favour for the rule change to pass.
 - f. If 75% of the membership is not reached or the rule change does not obtain approval, then the proposed rule change can still be considered for a future Rulebook and go to the next General Meeting.
 - g. All accepted rule changes will be deemed to be effective once the change has been uploaded appropriately to the Incorporated Societies Register.

B. Bylaws and Operational Rules

The **Committee** from time to time may make and amend operational rules and bylaws, and policies for the conduct and control of **Society** activities and codes of conduct applicable to **Members**, but no such bylaws, policies or codes of conduct applicable to **Members** shall be inconsistent with the **Act**, regulations made under the **Act**, or these **Rules**.

- I. Amending Bylaws: The Bylaws may be amended by an affirmative more than 50% vote of the voting members at a General Meeting. Prior to amending the Bylaws, the Committee shall submit a resolution to the membership, containing the proposed amendment and the reasons for it.

C. Proposed Operational Rule/Bylaw Changes

I. A Society member, an advisory committee, the Committee or the Society staff may propose a Rule Book change. A Rule Book Change is any change to the By-Laws or an addition or deletion to any other rules contained in the Operational Rule Book. All proposed Rule Book Changes must be submitted on the form designated for this purpose and available free of charge from the Society. Any registration Rule Book Change or amendment must “grandfather in” all horses bred during the calendar year immediately prior to the effective date of the new rule or amendment, pursuant to the registration rules in effect when the horses were bred. All blanks must be completed and a justification for the proposed change cited. Forms which are incomplete, lacking the justification, or failing to cite the specific change requested, will be returned to the originator.

a. Whenever a Rule Book Change in the Rule Book is proposed, the rule with the reason and intent for the proposed change must be received in the Society office no later than 30 days prior to the month of the AGM.

Exception: If a Society member, an advisory committee, the Committee or the Society staff feels a rule book change proposal, that was not received by the Society on or before the required deadline, has such significance to the Association and/or breed, a request for deadline extension can be made to the Committee. Such request should contain the rule book change proposal and shall set out the rationale for such request. If the Committee does not approve the request for deadline extension, the rule book change proposal will not be sent forward and must be submitted the following year by the required deadline.

b. All proposed Rule Book Changes, after having been thoroughly researched and reviewed by Staff, and Executive Committee, shall then be reviewed by the Rules Committee for completeness and placed in proper and legal wording. The Rules Committee cannot change the intent of the rule as it was received from its original source. A proposed Rule Book Change that contains possible legal or financial implications, or any consequences deemed not in the best interest of the Association, may be subject to action by the Executive Committee. All proposed Rule Book Changes will be published for Membership Review. (A complete routing procedure and actions that may be taken concerning a proposed Rule Book Change may be obtained from the Society)

c. The proposed Rule Book Change, legally and properly worded, will be presented for consideration on the agenda of the appropriate advisory committee at the Annual General Meeting, unless returned to the originator by the Rules Committee and/or tabled by the Executive Committee. Any additional comments based on input from staff, legal counsel, etc., will be included at that time.

i. Amendments must be significant improvements on the proposed change to avoid confusion, add clarity and/or to remedy potential confusion for

the membership, judges and/or exhibitors. Amendments should be presented to the appropriate advisory committee during those committee meetings if considered to be a significant improvement, then sent to the rules committee per paragraphs (ii) and (iii) below.

- ii. The Rules Committee has been given authority by the Executive Committee to interpret any and all rules in the Official Rule Book, and to determine whether any change is a clarification, a rule change, and/or or a change of intent.
- iii. The proposed amendment to the Rule Book Change will be returned to the Rules Committee to determine whether there is any change of intent in the proposed amendment and for review of proper and/or legal wording. The Rules Committee cannot change the intent of the Rule Book Change proposal if amended nor can an amendment be allowed if it is deemed a change of intent.
- iv. If the amendment is not a change of intent, it must be voted on at this time and as presented in the appropriate committee report. Only the amendment itself may be debated.
- v. If the amendment is passed, the wording will be so modified and the rule forwarded for voting as rewritten at the AG meeting. If the amendment fails, the proposed change will go forward for voting as originally written.

d. At the Society's Annual General or special meeting, the membership will approve or reject the recommended proposed Rule Book Change exactly as written (no further amendments). If the proposed Rule Book Change is approved, it will then become effective July 1 of the following calendar year, unless approved for early implementation under Rule 44.C.I.e. If the proposed Rule Book Change fails to obtain approval, it can still be considered for a future Rule Book Change provided it is sent back to the Advisory Committee by following all of the above procedures.

e. Early Implementation. If a proposed Rule Book Change is considered to be of such extraordinary importance by the advisory committee that it must be acted upon sooner than its normal effective date, an Early Implementation Request may be made to specify an early implementation date. Such an Early Implementation Request, if not submitted with the original rule change proposal, and with approval from the originator, must be presented to the Executive Committee prior to any Annual or Special meeting. If the Executive Committee, with input from Society staff deem the Early Implementation Request to be in the best interest of the Association and/or breed such that it

- i.concerns the safety, health or well-being of a horse and/or rider;
- ii.materially benefits the Association's programs or its financial stability; or

iii.involves other compelling circumstances, the Early Implementation Request will be added to the original rule change proposal and be presented at the General meeting and continue through the normal rule change process. If the Early Implementation Request is denied, the rule change proposal will continue

through the rule change process as it was originally written.

f. A new or amended rule or regulation may be considered for change, addition or repeal, two calendar years after the proposed rule takes effect, which limitation may be waived by the Committee upon finding an extraordinary circumstance which

- i. concerns the safety, health or well being of a horse and/or rider;
- ii. materially benefits the Association's programs or its financial stability; or
- iii. involves other compelling circumstances.

45) Television and Media Rule

A. Attendance at a Society-approved event, in whatever capacity, shall constitute authorization for the Society, its agents, designees, or assigns to photograph, video tape, televise, or record by other means (hereinafter referred to as "photographic material") any person or animal on the premises of a Society-approved event, and shall further constitute authorization for the use of such person's name, voice and biography, or the name, pedigree and performance record of any animal on the premises (hereinafter referred to as "related information") in conjunction with any photographic material.

B. The photographic material and related information referred to above may be used in any manner that the Society, in its sole discretion, determines would be beneficial to promoting the purposes and goals of the Society; provided, however, that no photographic material or related information will be used in conjunction with the endorsement of any product unless prior written consent is obtained.

C. Attendance at a Society-approved event shall further constitute agreement to the terms and conditions outlined above, and shall constitute a waiver and release, without limitation, of any individual television, radio, motion picture, photographic or other similar rights, including right of privacy, any person or animal may have in or to such photographic material or related information when such information is obtained at a Society-approved event by the Society, its agents, designees, or assigns.

D. A Society member, including a member using Society data for commercial purposes, has a duty to preserve and protect the pedigree registry/ performance records and the property of the Society, including, but not limited to, Society electronic data made available to members via the Society Website or other prearranged consensual access thereto, and the duty to use such data only for the purposes which the Society has granted conditional license. Publication of such data shall carry the following designation: "This information was provided by the American Paint Horse Breed Association NZ from its Official Records."

46) SOCIAL MEDIA

A. The Society treats all personal social media postings, blogs, status updates and tweets as public comment. Postings (written, photos or videos) must be family-friendly and feature positive Society news and event. No personal information about our members can be disclosed without their permission.

No statements will be made that might bring the Society into disrepute, must not offend, intimidate, humiliate, or bully another person, must not be misleading, false or injure the reputation of another person, should respect and maintain the privacy of members.

Abusive, discriminatory, intimidating, or offensive statements will not be tolerated.

Members must conduct themselves appropriately when using electronic communication to share information with other members or posting material on public websites and social media whether or not connected to the Society

B.Society Social Media Pages

Two pages will be available to members, who will be able to post/comment. No posts will contain offensive language.

- I. **Public** - Postings (written, photos or videos) must be family-friendly and feature positive Society news and events. Except as per Rule 11.H.VI no personal information about our members can be disclosed without their permission. No statements will be made that might bring the Society into disrepute, must not offend, intimidate, humiliate, or bully another person, must not be misleading, false or injure the reputation of another person, should respect and maintain the privacy of members. Abusive, discriminatory, intimidating, or offensive statements will not be tolerated. Offending posts will be removed and those responsible will be blocked from the site following the disciplinary procedures. Members must conduct themselves appropriately when using electronic communication to share information with other members or posting material on public websites, social media connected to the Society. Posts will require Admin approval .
- II. **Members Only** – This is for the purpose of providing a safe platform for the general discussion by the membership of matters that potentially may impact the Society whether in a negative or a positive way. Any member may post to this page without prior approval for all members to view. No content from this page is to be shared outside of the Society Members except with the express permission of the Committee. No statements will be made that purposely offend, intimidate, humiliate, or bully another person, must not be misleading, false or injure the reputation of another person, should respect and maintain the privacy of members. Abusive, discriminatory, intimidating, or offensive statements will not be tolerated. Offending posts will be removed and those responsible will be blocked from the site following the disciplinary procedures. Members must conduct themselves appropriately when using electronic communication to share information with other members.

47).Responsibility

A. The Society will not assume the responsibility for civil disputes concerning financial issues, ownership, health, fertility, soundness, breeding, or any other civil matter.

B. No person shall refuse a reasonable request to assist the Society, its officers, committees or agents in locating, identifying and inspecting or to answer promptly and truthfully any inquiry concerning an animal or ancestor thereof in his ownership or control, which has been registered or listed, for which application to register or list has been made, or to sign requested documentation. A violation of this rule may be grounds for disciplinary action. In addition, persons who do not return registration certificates when requested, provide information when requested and/or cooperate with DNA testing, shall also be considered to be in violation of this rule and thereby subject to disciplinary action.

C. In the furtherance of their official duties, all Society representatives shall be treated with courtesy, cooperation and respect and no person shall direct abusive or threatening conduct toward them.

D. All information furnished to the Society as a basis for any action by the Society or any of its officers shall be true and correct. This includes, but is not limited to, registration applications, application for show approval, and all information with regard to Society investigation of third parties.

E. Accuracy of records furnished by the Society, either as hard copy or on-line service, is warranted by the Society only to the extent of using its best efforts in the compilation thereof and then solely for the benefit of the member or party purchasing the record. Reimbursement of the expense of the record on a showing of material inaccuracy is the sole remedy available to anyone receiving inaccurate information from the Society. Consequential damages are expressly excluded. No warranties, express or implied, arise from records issuance, other than as stated therein, as the purchaser receives this record on an "as is" basis. For absolute accuracy, independent verification must be obtained from the current owner or his predecessor in title to the subject horse.

F. In all proceedings concerned with or affecting the registrations and records of the Society and in all disciplinary actions, the burden of resolving any doubt as to the true parentage or identification of an animal, or qualification for registration (either by color, type or bloodline) shall be upon the applicant, owner, lessee or other member(s) or non-member(s) involved. The determination, decision or action of the Executive Committee upon all such questions shall be final and binding upon all parties. As the owner has the burden of proof, by failure to present evidence concerning such questions to the Society or at a hearing scheduled to resolve the question, the owner shall be deemed to have waived his right to later present such evidence to a court of law, if he seeks judicial review of the Society's action.

G. When an exhibitor, owner or trainer is found guilty of Rule 37 Unsportsmanlike Conduct, **SC-075/Inhumane Treatment, SC-080/ Prohibited Procedures, and/or SC-085/Drugs & Medications**, such person is subject to disciplinary action by the Society,

including but not limited to, fines, probation and/or suspension

I. Responsible Parties: All owners, trainers and exhibitors are accountable for the condition of any horse which they enter or allow to be entered, in any Society-sponsored or approved event or event held in conjunction with a Society-approved show, whether or not the event is approved by the Society. Responsible Parties are presumed to know all rules and regulations of the Association and are accountable for their horse's condition and care, including care administered by staff or caregivers. All responsible parties are subject to disciplinary action.

48).Liability

A. The Society, its officers, directors, members of committees, inspectors, employees, representatives, and agents will attempt to obtain true and complete information in connection with registration of Paint Horses, transfer of registration certificates, hearing, and all other matters relating to Society activities. Except for proven intentional wrongdoing, neither the Society nor its officers, directors, members of committees, inspectors, employees, representatives nor agents will be liable in any way, whether in damages or otherwise, for issuance of any pedigree certificate, for the transfer of any pedigree certificate, for the cancellation of any pedigree certificate, for the refusal to issue a pedigree certificate, for the issuance of any pedigree statements, for the refusal to transfer any pedigree certificate, for any disciplinary procedure brought against or penalties imposed on any member or any person or for any other activities engaged in, by or on behalf of the American Paint Horse Breed Association New Zealand Incorporated.

49) . Release of Liability

A. The Society and co-sponsoring organizations, if any, shall not be responsible for any personal injury, or for loss or damage to property, occurring at any Society activity. Each owner, exhibitor, handler, or consignor shall indemnify and hold harmless the Society, its officers, directors and employees from and against all claims, demands, causes of actions, and expenses of every kind, including attorney's fees, arising out of or related in any manner to the acts or omissions of an owner, exhibitor, handler, or consignor, or the actions of any animal under the care, custody, or control of the owner, exhibitor, handler or consignor. Presentation of signed entry or consignment forms shall be deemed acceptance of the conditions of this rule. In the event an entry or consignment form is not signed or presented, appearance on the grounds or at the sale ring of any Society activity as an exhibitor, handler, owner, or consignor shall be deemed to be acceptance of the conditions of this rule.

B. Disclaimer of Responsibility for Safety of Show or Event Participants:

- I. Show/event management is responsible for the condition of show/ event premises, including arena and exercise areas; the conduct and competence of show/event employees and other representatives; implementation of show activities and events; and all other aspects of a Society-approved show/ event.
- II. The Society does not assume or accept duty or responsibility for safety at this show/event in regard to participants or any other third parties, or for the horses or other property thereof.
- III. As an express condition of the privilege to participate at a Society approved or sponsored show or event, each owner of an American Paint Horse Breed Association New Zealand horse, exhibitor, trainer, participants, assume the risks of participation, and release and discharge the Society, its officers, directors, representatives, and employees, from any and all liability, whenever or however arising, as to personal injury or property damage, occurring as a result of participation in a show/event conducted by the show/ event or on the show/event grounds thereof.

50) Other

A. Common seal

The common seal of the **Society** must be kept in the custody of: the **Registrar**.

The common seal may be affixed to any document:

- I. On Registration Certificates signed by the Registrar
- II. by resolution of the **Committee**, and must be countersigned by 2 **Committee Members** or by 1 **Committee Member** and the **Secretary, or:**
- III. by such other means as the **Committee** may resolve from time to time.

B. Contact person

The **Society** shall have at least 1 but no more than 3 contact person(s) whom the Registrar can contact when needed.

The **Society's** contact person must be:

- I. At least 18 years of age, and
- II. An Officer, and
- III. Ordinarily resident in New Zealand, and
- IV. Not disqualified under the Act from holding that office.

and shall be the **Secretary**

Any change in that contact person or that person's name or contact details shall be advised to the Registrar of Incorporated Societies within 20 **Working Days** of that change occurring, or the **Society** becoming aware of the change.

C. Facsimile(FAX) /Electronic Scan Transmissions

The Society's staff is authorized, but not required, to accept a facsimile transmission "fax" or electronic scan of an original document, when in the opinion of the staff representative, the sender is

- I. the authorized party executing the document, or
- II. a party having substantial interest in the subject horse, has obtained the original document from the authorized person, and so verifies the genuineness of the document in the sender's possession to the satisfaction of the staff representative.

D. Confidential Information:

Society members, officers, employees, and agents shall maintain in confidence and not use or disclose to others, except as permitted by law, these Bylaws, or written consent of the Society, confidential information of the Society.

E. Publications:

To fulfill objectives of the Association, the Committee may authorize publication of periodicals.

F. Insurance or Other Arrangement:

The Society shall have the power to purchase and maintain insurance or another arrangement on behalf of any person who is or was a Officer, or employee of the Society, or who is or was not an Officer, or employee of the Society, but is or was serving at the request of the Society as an Officer, or employee or any other capacity in another corporation, or a partnership, joint venture, trust, or other enterprise, against any liability asserted against such person and incurred by such person in such capacity, arising out of such person's status as such, whether or not such person is indemnified against such liability by the provisions of these Bylaws.

G. Exclusion of Certain Acts From Indemnification:

Notwithstanding any other provision of these Bylaws, no Officer, volunteer committee chair, committee member or employee of the Society shall be indemnified for any dishonest or fraudulent acts, willful violation of applicable law, or actions taken by such person when acting outside of the scope of such person's office, position, or authority with or granted by the Society or the Committee.

H.Compensation/Reimbursement:

The Society shall develop policies relating to the reimbursement of expenses for Committee members, and elected Officers reasonably incurred in attending meetings and performing special assignments of the Society.

I.Authority During Transition:

If, in the initial implementation of these Bylaws, it is not feasible to fill certain positions by the means prescribed in these Bylaws, the Executive Committee shall have the authority to make initial appointments for such positions. Thereafter, such positions shall be filled by the means prescribed by these Bylaws.

THE END