

**NEW ZEALAND  
HANG GLIDING AND  
PARAGLIDING ASSOCIATION  
INCORPORATED**

**CONSTITUTION**

# RECORD OF AMENDMENTS

No.	DATE OF AMENDMENT	DATE ENTERED	ENTERED BY	No.	DATE OF AMENDMENT	DATE ENTERED	ENTERED BY
1	29 SEPT 95			33			
2	12 NOV 95			34			
3	07 OCT 99			35			
4	11 NOV 00	01 DEC 00	GCT	36			
5	8 JUL 06		MJH	37			
6	26 AUG 06		MJH	38			
7	1 SEP 07		MJH	39			
8	06 SEPT 08	31 Dec 08	Ross Gray	40			
9	13 July 10	13 July 10	SOS	41			
10	22 Sept 2012	28 July 2013	E Lamberton	42			
11	Sept 2013	1 Dec 2013	E Lamberton	43			
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# CONSTITUTION

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# NZHGPA (INC) CONSTITUTION

## 1 Name

The name of the Association is 'NEW ZEALAND HANG GLIDING AND PARAGLIDING ASSOCIATION INCORPORATED'.

## 2 Interpretation

In this constitution unless the context otherwise requires:

- (a) "Association" means the NEW ZEALAND HANG GLIDING AND PARAGLIDING ASSOCIATION INCORPORATED registered under this Constitution;
- (b) "Bylaw" or Bylaws means the flight rules, regulations, requirements and procedures of the Association created pursuant to the Rules herein and recorded in the Associations Exposition;
- (c) "Delegate" or "Delegates" mean those Full Members who have been appointed by Member Organisations to represent the Full Members of the Member Organisation at General Meetings and to vote on their behalf;
- (d) "Information Circular" means any printed material or electronic email message circulated to all Full Members of the Association;
- (e) "Member" or "Members" means any individual or group being made up of one or more of the following: Member Organisation, Full Member, Visitor Member, Student Member or Associate Member;
- (f) "Member Organisation" means a Club, incorporated under the Incorporated Societies Act 1908, and granted status as a Member Organisation of the Association in accordance with these rules;
- (g) "Member Organisations' Officers" means those individuals elected or appointed by Member Organisations to hold office within the Member Organisations and representatives of the Member Organisations who are to hold Delegate status at General Meetings of the Association;
- (h) "Rights" means those rights, benefits or privileges granted to Members of the Association by the Rules and By-laws;
- (i) "Rules" refers to the requirements of the Association and Members contained within this Constitution.
- (j) "Exposition" means the document containing the Bylaws of the Association. The "New Zealand Hang Gliding and Paragliding Operations and Procedures Manual" is the official exposition of the Association.

## 3 Objectives

- (a) Develop, protect and promote the sport of hang gliding and paragliding.
- (b) Act as a governing body for all Member Organisations, Full Members, Visitor Members, Student Members and Associate Members acting under the New Zealand Hang Gliding and Paragliding Association Incorporated Recreation

- Organisation Certificate issued by the Director of the Civil Aviation Authority of New Zealand.
- (c) Act as the body officially recognised by the New Zealand Government and its agency, the Civil Aviation Authority of New Zealand as the body responsible for recreational Hang Gliding and Paragliding within New Zealand, and to liaise with government and other authorities where necessary to further the objectives of the Association.
  - (d) Foster harmony between Member Organisations, Full Members, Visitor Members, Student Members, Associate Members, Civil Aviation Authority of New Zealand, public and local bodies, flying site owners and the general public.
  - (e) Encourage sharing of knowledge and provide for the benefit of all members and member organisations, advice, education and technical information to advance and promote safe hang gliding and paragliding.
  - (f) Encourage adherence to the Association constitution, bylaws and Civil Aviation Rules and promote the ethics of foot launch flying, particularly that of pilot responsibility within a framework of responsible regulation.
  - (g) Raise money by subscription and other legal means for the Association and to grant rights or privileges to any subscribers.
  - (h) Invest, control and dispose of the funds and property of the Association.
  - (i) Promote gliding meetings, competitions, technical seminars, gliding schools, social events, Booksellers, publications and anything else which may assist these objectives.
  - (j) Foster the technical development of the sport in terms of hardware and flying techniques.
  - (k) Identify, establish, or amend certifiable standards that will apply to hang gliding and paragliding within New Zealand as required.
  - (l) Co-ordinate and organise fair representation of the sport of foot launched flying nationally and internationally, to the public and official bodies.
  - (m) Support commercial Hang Gliding and Paragliding operators THAT UPHOLD AND OPERATE WITHIN THE ASSOCIATION OBJECTIVES (Above).
  - (n) Do all such things as are incidental or conducive to the attainment of any or all of the above objectives. Provided however that the foregoing objectives shall in no way limit the rights and powers conferred upon societies under the Act.

## 4 Membership

### 4.1. Membership Classifications

4.1.1. Members will be classified into the following categories:

- (a) Member Organisation, a body representing Full Members which has been recognised by the Association in accordance with these Rules, or
- (b) Full Member ( which includes Life Member) , an individual who has been recognised by the Association in accordance with these Rules, or

- (c) Visitor Member, an individual who has been recognised by the Association in accordance with these Rules, or
- (d) Student Member, an individual who has been recognised by the Association in accordance with these Rules, or
- (e) Associate Member, an individual who has been recognised by the Association in accordance with these Rules.

## 4.2. Admission to Membership

- 4.2.1. Individuals and groups wishing to be recognised by the Association will be required to meet the following prerequisites.
- 4.2.2. **Member Organisation;** bodies seeking to be granted Member Organisation status will be required to:
  - (a) be, or be in the process of becoming, an Incorporated Body as defined under the Incorporated Societies Act 1908 and its amendments, and
  - (b) submit a completed application form in accordance with the standards prescribed in the Bylaws, and
  - (c) submit a copy the applicant body's constitution and bylaws, and
  - (d) elect or appoint officers of the body to fulfil the requirements prescribed within the Associations Bylaws and Civil Aviation Rules, and submit a list of the applicant body's officers to the Association.
- 4.2.3. All applications by organisations for Member Organisation status will be considered and decided at General Meetings. The Association shall have the power to refuse admission to Member Organisation status to any organisation, and shall be under no obligation to explain any such refusal.
- 4.2.4. **Full Member.** Individuals seeking to become Full Members will be required to:
  - (a) be members of at least one Member Organisation according to the membership policies and bylaws of the association, and
  - (b) sign their agreement to be bound by the Rules and Bylaws of the Association, and agree to provide and allow the Association to use personal information where such use is consistent with the Rules, Bylaws and Objectives of the Association, and
  - (c) submit a completed application form in accordance with the standards prescribed in the Bylaws, and submit a completed Fit and Proper Person form in accordance with the standards prescribed in the Bylaws, and
  - (d) not have been expelled from the Association within the last 2 years, and
  - (e) tender the subscription as prescribed by the Bylaws.
- 4.2.5. All applications for membership by individuals for Full Membership status will be considered by the Executive Council. The Executive Council shall have the power to refuse admission to Full Member status to any individual. Explanation of the reason for declining an application will not necessarily be grounds for reconsideration of the application.
- 4.2.6. **Life Member.** Life membership is available to persons:
  - (a) Who have been nominated and seconded for Life Membership by members of the association in writing at an AGM.



- (b) Who have agreed to be bound by the Constitution and the Rules and Regulations of the Association.
- (c) Whose nomination has been approved by a majority vote at an AGM.

4.2.7. **Visitor Member;** individuals seeking to become Visitor Members will be required to:

- (a) sign their agreement to be bound by the Rules and Bylaws of the Association, and
- (b) agree to provide and allow the Association to use personal information where such use is consistent with the Rules, Bylaws and Objectives of the Association, and
- (c) submit a completed application form in accordance with the standards prescribed in the Bylaws, and
- (d) tender the subscription as prescribed by the Bylaws, and
- (e) are not and have not been New Zealand residents at any time in the previous twelve months.

4.2.8. All applications for membership by individuals for Visitor Membership status will be considered by the Executive Council. The Executive Council shall have the power to refuse admission to Visitor Member status to any individual, and shall be under no obligation to explain any such refusal to that individual.

4.2.9. **Student Member;** individuals seeking to become Student Members will be required to

- (a) sign their agreement to be bound by the Rules and Bylaws of the Association, and
- (b) agree to provide and allow the Association to use personal information where such use is consistent with the Rules, Bylaws and Objectives of the Association, and
- (c) submit a completed application form in accordance with the standards prescribed in the Bylaws, and
- (d) tender the subscription as prescribed by the Bylaws.

4.2.10. All applications for membership by individuals for Student Member status will be considered by the Executive Council. The Executive Council shall have the power to refuse admission to Student Member status to any individual, and shall be under no obligation to explain any such refusal to that individual.

4.2.11. **Associate Member;** individuals seeking to become Associate Members will be required to

- (a) sign their agreement to be bound by the Rules and Bylaws of the Association, and
- (b) agree to provide and allow the Association to use personal information where such use is consistent with the Rules, Bylaws and Objectives of the Association, and
- (c) submit a completed application form in accordance with the standards prescribed in the Bylaws, and

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- (d) tender the subscription as prescribed by the Bylaws, and

4.2.12. All applications for membership by individuals for **Associate Member** status will be considered by the Executive Council. The Executive Council shall have the power to refuse admission to **Associate Member** status to any individual, and shall be under no obligation to explain any such refusal to that individual.

### 4.3. Maintaining Membership

In order to maintain their status, and be eligible for Rights, Members are required to meet the following criteria.

4.3.1. **Member Organisations** will be required to:

- (a) sign up new Pilot and Visitor members and collect from them the prescribed Association subscriptions, fees and levies in the manner directed by the Executive Council, and
- (b) submit a copy of any amendments to the applicant body's constitution and bylaws, and
- (c) annually, and on each occurrence of a change of Member Organisations' Officers, update the register of Member Organisations' Officers by submitting the names, contact details and positions of the Member Organisations' Officers to the Association, and
- (d) not act against the best interests of the Association.

4.3.2. **Full Member** will be required to:

- (a) maintain membership of at least one Member Organisation, and
- (b) nominate which Member Organisation they wish to be represented by at General Meetings and
- (c) submit a completed membership renewal form and declarations annually in accordance with the standards prescribed in the Bylaws, and
- (d) pay all subscriptions, fees and levies as prescribed by the Bylaws, and
- (e) abide by the Rules and Bylaws of the Association, and
- (f) not act against the best interests of the Association.

4.3.3. **Life Member** will be required to:

- (a) Meet the criteria listed above in 4.3.2 (a) to (f) for a Full Member, except (d).
- (b) Unless membership is suspended or a life member is expelled or resigns from the Association in accordance with these rules, Life Membership is for the life of the member.

4.3.4. **Visitor Member** will be required to:

- (a) abide by the Rules and Bylaws of the Association, and
- (b) not act against the best interests of the Association.

4.3.5. **Student Member** will be required to:

- (a) abide by the rules and bylaws of the Association, and
- (b) not act against the best interests of the Association.

4.3.6. **Associate Member** will be required to:

- (a) abide by the rules and bylaws of the Association, and
- (b) not act against the best interests of the Association.

#### 4.4. Membership Rights

4.4.1. **Member Organisations** are entitled to the following:

- (a) to appoint one Delegate to vote at General Meetings for every 30 Full Members or part thereof represented by that Member Organisation.

4.4.2. **Full Members** are entitled to the following:

- (a) to apply for pilot certificates according to the Bylaws of the Association, and
- (b) to be appointed Delegates to General Meetings of the Association, and
- (c) to propose or second a motion to be put to a General Meeting, and
- (d) to nominate or second the nomination of an individual for election to the Executive Council or position of Internal Auditor.

4.4.3. **Visitor Members** are entitled to the following:

- (a) to pilot foot-launched aircraft according to the bylaws of the Association for a period of up to four months from the date of their being granted Visitor Membership status.

4.4.4. **Student Members** are entitled to the following:

- (a) to pilot foot-launched aircraft according to the Bylaws of the Association.

#### 4.5. Restrictions on Members

4.5.1. **Member Organisations** are restricted from the following activities:

- (a) undertaking any activity which contradicts the Objects of the Association.

4.5.2. **Full Members** are restricted from the following:

- (a) deriving any pecuniary gain, excluding prizes, from any of the Association's properties or activities, except to the extent that such a member may be remunerated by the Association with an honorarium for service as an Executive Officer, or for services rendered to the Association as a full time or part-time employee, contractor or as otherwise specifically provided for in these Rules. Competition organisers and seminar organisers may charge fees, and
- (b) using their Membership of the Association for any purpose other than those specified in clause 4.4 Membership Rights, and
- (c) conducting or attempting to conduct business of the Association while under the influence of any illegal substance or alcohol.
- (d) use of banned substances as defined by the Associations Drug and Doping Policy

4.5.3. **Visitor** and **Student Members** are restricted from the following:

- (a) deriving any pecuniary gain, excluding prizes, from any of the Association's properties or activities, except to the extent that such Member may be remunerated by the Association for services rendered to the Association as a

full or part-time employee, contractor or as otherwise specifically provided for in these Rules, and

- (b) using their Membership of the Association for any purpose other than those specified in clause 4.4 Membership Rights, and
- (c) conducting or attempting to conduct business of the Association while under the influence of any illegal substance or alcohol.
- (d) use of banned substances as defined by the Associations Drug and Doping Policy.

4.5.4. **Associate Members** are restricted from the following:

- (a) deriving any pecuniary gain, excluding prizes, from any of the Association's properties or activities, except to the extent that such Member may be remunerated by the Association for services rendered to the Association as a full or part-time employee, contractor or as otherwise specifically provided for in these Rules, and
- (b) using their Membership of the Association for any purpose other than those specified in clause 4.4 Membership Rights, and
- (c) conducting or attempting to conduct business of the Association while under the influence of any illegal substance or alcohol.

## 4.6. Termination of Membership

4.6.1. **Member Organisations** membership is deemed terminated when one of the following occurs:

- (a) notice of resignation is received from the **Member Organisation**, or
- (b) the **Member Organisation** is expelled from the Association.

4.6.2. The Association shall have the power to expel any **Member Organisation**. **Member Organisations** may only be expelled by means of a Resolution passed by a General Meeting.

4.6.3. **Full Members** membership is terminated when one of the following occurs:

- (a) outstanding subscriptions are not paid within 30 days of the beginning of the membership year, or
- (b) notice of resignation is received from the Full Member, or
- (c) the Full Member is expelled from the Association, or
- (d) the membership of the Member Organisation to which that Full Member belongs is terminated and the Full Member does not join another Member Organisation within 30 days.

4.6.4. The Association shall have the power to expel any **Full Member**. **Full Members** may only be expelled by means of a Resolution passed by Executive Council following:

- (a) a recommendation by the Disciplinary Committee; and
- (b) the expiry of the appeal period as described in rule 9. Disciplinary Committee.

4.6.5. **Visitor** or **Student Members** Membership is terminated when one of the following occurs:

- (a) the period for which membership was granted expires, or

- (b) notice of resignation is received from the Visitor or Student Member, or
  - (c) the Visitor or Student Member is expelled from the Association.
- 4.6.6. The Association shall have the power to expel any **Visitor** or **Student Member**. **Visitor** and **Student Members** may only be expelled by means of a Resolution passed by Executive Council.
- 4.6.7. **Associate Members** Membership terminates when one of the following occurs:
- (a) outstanding subscriptions are not paid within 30 days of the beginning of the membership year,
  - (b) or notice of resignation is received from the Associate Member, or
  - (c) the Associate Member is expelled from the Association.
- 4.6.8. The Association shall have the power to expel any Associate Member. Associate Members may only be expelled by means of a resolution passed by Executive Council.

## 5 General Meetings

General Meetings of the Delegates representing Member Organisations shall be held from time to time, for the purposes of transacting Association business;

### 5.1. Remits and Nominations

#### 5.1.1. Remits

- (a) Remits may only be proposed by current Full Members of the Association and must be seconded by a Full Member.
- (b) Remits must clearly document, the names and PIN's of the proposing and seconding members, plus their signatures, if the remit is submitted in a printed format.
- (c) Remits to an AGM must pertain to the Association constitution or annual budget.

#### 5.1.2. Remits for changes to the constitution should be structured as follows:

- (a) Remit heading.
- (b) Detail the existing line or section from the current constitution.
- (c) Detail the proposed amended wording or wording to insert.
- (d) Name of the proposing pilot including PIN, plus signature if the remit is submitted in a printed format.
- (e) Name of the seconding pilot including PIN, plus signature if the remit is submitted in a printed format.
- (f) Finish with a discussion that clearly explains and supports the remit.

- 5.1.3. All other remits should be structured as follows:
- (a) Remit heading.
  - (b) Remit.
  - (c) Name of the proposing pilot including PIN, plus signature if the remit is submitted in a printed format.
  - (d) Name of the seconding pilot including PIN, plus signature if the remit is submitted in a printed format.
  - (e) Finish with a discussion that clearly explains and supports the remit.
- 5.1.4. Remits to be tabled at an AGM must be delivered to the NZHGPA office no later than the advertised deadline, or if no deadline has been advertised no later than 20 days prior to the advertised date of an AGM.
- 5.1.5. Late remits to an AGM may only be added to an agenda during the meeting, if first a resolution to table them made by the meeting Chairperson is agreed by a majority vote.
- 5.1.6. Remits not requiring a change to Constitution, Executive Council or Budget may be submitted to the Executive Council for their consideration at an Executive Council Meeting at any time. Remits of this kind should be sent to the NZHGPA office and addressed to the NZHGPA Administrator.
- 5.1.7. Nominations
- (a) Nominations may only be submitted by current Full Members for a current Full Members of the NZHGPA.
  - (b) Nominations must have a proposing Full Member and a seconding Full Member.
  - (c) The proposing Full Member and seconding Full Member must be clearly identified on the Nomination form and must include their PIN number and signature verifying the nomination.
- 5.1.8. For any nomination to be valid the nominee must either:
- (a) Supply forms and/or documentation prescribed by the CAA for the purpose of Fit and Proper Person assessments relating to Senior Persons Positions.
  - (b) or have already been approved by the Director of CAA to fill a Senior Persons Position in the NZHGPA.
- 5.1.9. Nominations must be made using the prescribed form on which:
- (a) the proposing pilot has clearly documented the name of the nominee, nominee's PIN and the position to be filled.
  - (b) Proposing pilot writes their name, PIN and verifies the nomination with their signature.
  - (c) Seconding pilot writes their name, PIN and verifies their support with their signature.
  - (d) Nominee verifies they accept nomination for the position by signing the form.
- 5.1.10. Nominations must be delivered to the NZHGPA office no later than the advertised deadline, or if no deadline has been advertised no later than 30 days prior to the advertised date of an AGM.

## **5.2. Calling Notice**

- 5.2.1. The President may call a General Meeting at any time in accordance with this Rule. All General Meetings shall be called by not less than 30 days advance notice. The calling notice is to be published in an Information Circular and sent to the contact address for each Full Member of the Association by the Administrator. The calling notice is to include details of the purpose of the meeting; the date and place of the meeting; the closing date for nominations if an election is to be held, and the closing date for discussion and comments in writing that may be circulated with the agenda.

## **5.3. Agenda**

- 5.3.1. An agenda for any General Meeting is to be sent to the Secretary of each Member Organisation and each delegate and/or proxy, not less than 14 days before each meeting.
- 5.3.2. Where a Member Organisation has not yet identified who their delegates or proxies are, an appropriate number of agendas are to be sent to the Secretary of that Member Organisation who will distribute the agendas to their delegates and/or proxies.
- 5.3.3. The Agenda will be delivered with copies of any discussion papers received and any resumes received backing any candidate nominations, along with voting instructions/slips as determined by the President, or in their absence any other member of the Executive Council.
- 5.3.4. All discussion papers must address a meeting purpose as listed in the calling notice and be signed by a current Full Member. All nominations must be signed by a proposing Full Member.

## **5.4. Delegates**

- 5.4.1. A delegate shall be a Full Member who has been appointed by a Member Organisation to represent the Full Members of the Member Organisation at General Meetings and to vote on their behalf.
- 5.4.2. It is the responsibility of each Delegate to determine the wishes of the Full Members of the Member Organisation whom they represent and to ensure that these wishes are expressed in the votes cast by the Delegate in person or by proxy at General Meetings.

## **5.5. Minutes**

- 5.5.1. Full minutes of all General Meetings will be recorded permanently in s and be made available to all members within two months of the general meeting.

## **5.6. Quorum**

- 5.6.1. At least 50% of Member Organisations must be represented- in person, or by proxy, or by proxy by post. Only those Delegates present or represented by proxy will be recognised for voting and determining majority.

## **5.7. Procedure and Voting**

- 5.7.1. At all General Meetings the President and in their absence any other duly elected person shall take the chair.

- 5.7.2. Only the President, Vice-president and delegates or their proxy shall have speaking rights at General Meetings unless such rights are granted to individuals by the Chair and once granted may be revoked.
- 5.7.3. The Administrator or his/her agent will record in the minutes the names of all Delegates participating in the meeting and the method of participation whether in person; by proxy or by post and verify their entitlement to exercise one vote on behalf of a Member Organisation.
- 5.7.4. Resolutions at General Meetings must be duly recorded in a minute book with the proposer's name, a seconder's name, (both of whom must be Full Members) and the result of the vote.
- 5.7.5. Voting at any General Meeting on matters other than previously notified business shall be by a show of hands or at the request of any Delegate a particular vote may be by ballot.
- 5.7.6. Voting by ballot at any General Meeting shall be by official voting slip entered in a ballot box. The Administrator shall mix postal votes unsighted into the ballot box on behalf of absent Delegates. The Chair will count the votes, scrutinised by those Delegates present.
- 5.7.7. For a postal vote to be valid the Chair must receive it in a sealed envelope prior to the meeting with the Delegates signature and the subject of the vote externally evident. Inside must be a completed folded official voting form that may be removed and mixed into the ballot box by the Administrator without it being possible to later identify the voter.
- 5.7.8. A simple majority is required to carry any motion or resolution at General Meetings except for the following occurrences;
- (a) a majority of two thirds is required to pass resolutions that alter, add to, or rescind the Rules. Any such changes shall have been duly described in the notice summoning the meeting, and
  - (b) a majority of two thirds is required to pass or confirm a resolution to dissolve or wind up the Association, and
  - (c) a majority of two thirds is required to pass a vote of no confidence in an Executive Council member or the Internal Auditor.
- 5.7.9. Only Delegates may vote. Each Delegate shall have one vote at any General Meeting, and this vote may be cast in person, by proxy or by proxy by post.
- 5.7.10. In the event of an undecided ballot the Chair may exercise a casting vote.

## **5.8. Election of Executive Council**

### 5.8.1.

- a) The Executive Council shall consist of a minimum of 6 and a maximum of 8 full members.
- b) The minimum positions to be filled shall be President, Vice-president, Hang Gliding Operations and Training Managers and Paragliding Operations and Training Managers.

### 5.8.2.

- (a) All nominations for the positions on the Executive Council must be circulated with the agenda for the General Meeting.



- (b) Positions left vacant at the commencement of the general meeting may be filled by nominations from the floor. If more than one nomination is received for a vacant position then a ballot shall be held in accordance with 5.8.3.
- 5.8.3. Election of the Executive Council shall be by ballot. Election voting shall follow the prescribed order of:
- (a) the election of the President shall be first, followed by
  - (b) the election of the Vice President, followed by
  - (c) the election of the Operations Managers, followed by
  - (d) the election of the Training Managers, followed by
  - (e) the election of any remaining positions.
- 5.8.4. For the election of each Executive Council member, each delegate may cast one vote. Delegates may cast their votes in person, by proxy or by proxy by post. The elections shall be decided by a simple majority where the candidate who receives the most votes will be elected to the applicable vacant positions.
- 5.8.5.
- (a) Executive Council members shall hold office until the next Annual General Meeting held in the second year after their election (i.e. approx 2 years), and thereafter be eligible for re-election.
  - (b) A 2/3 majority vote of delegates at a general meeting may remove any member of the executive from office before the expiry of their term and elect a new member to the position for the remainder of the term of office of the person removed.

## **5.9. Eligibility for Executive Council, Internal Auditor and Standing Committee Members**

- 5.9.1. Any full or life member shall be eligible for election or appointment to the Executive Council, Standing Committees, and Internal Auditor of the Association provided that member:
- (a) shall not be in employment with the Association such that this is their major source of income, and
  - (b) is acceptable to the Director of Civil Aviation as a listed senior person where the position requires such a person, and
  - (c) has not had a penalty imposed on them by an Executive Council or a Disciplinary Committee of the Association within the previous three years, and
  - (d) has declared to Members all commercial and other potential conflict of interests in the affairs of the Association prior to appointment or election.
- 5.9.2.
- (a) Any position vacated during the term of office of a member either by resignation or any other reason except 5.8.5 (b) shall be offered first to the person with the next highest votes cast for the position at the last election.
  - (b) If the position is not filled according to 5.9.2 (a) then nominations shall be called and a member elected by the executive for the remainder of the term.

- 5.9.3. No person elected to the position of Internal Auditor shall concurrently hold a position on the Executive Council or any Standing Committee.
- 5.9.4. Should any event or thing occur during the term of office of any member elected under these rules which would render them ineligible for election to that position under rule 5.9.1 then that person shall be required to stand down from the position and rule 5.9.2 shall apply.

## **5.10. Membership Subscriptions and Levies.**

- 5.10.1. The Annual Subscription payable by Members shall be set by resolution at a General Meeting.
- 5.10.2. The Association may set further subscriptions, fees and levies at General Meetings by resolution, where the Association considers it necessary or expedient for the objectives of the Association and its Members.
- 5.10.3. All subscriptions, fees and levies set at General Meetings will stand until superseded, amended or rescinded at a subsequent General Meeting.

## **5.11. Borrowing**

- 5.11.1. The Association shall have the power to borrow or raise money from time to time by the issue of bonds, mortgages, bills, notes, receipts or any other security founded or based on all or any of the property and/or rights of the Association or without any such security and upon such terms as to priority and otherwise as the Association shall think fit.
- 5.11.2. The powers of the Association to borrow or raise moneys in excess of 50% of the previous years revenue shall only be exercised on the passing of a resolution to that effect at a General Meeting.

## **5.12. Contracts**

- 5.12.1. The Association shall have the power to enter into contracts.
- 5.12.2. The powers of the Association to enter into any binding contract for a term of more than three years or to pay in excess of 50% of the previous years revenue for a contract, shall only be exercised on the passing of a resolution to that effect at a General Meeting.

## **5.13. Dissolution & Winding Up**

- 5.13.1. The Association shall not be put into liquidation except by Resolution passed at a General Meeting convened for that purpose and confirmed in like fashion by the Delegates at a subsequent General Meeting held not earlier than 31 days nor later than 41 days after the passing of such Resolution appointing a liquidator.
- 5.13.2. The liquidator so appointed shall dispose of all of the assets of the Association and, after payment of all costs debts and liabilities, shall pay the surplus, if any, to some other association or associations having objects similar to those of the Association, in such proportions as may have been decided by the Delegates present at the time the confirming resolution was passed, and in default thereof in such manner as may be directed by any Judge of the High Court of New Zealand.
- 5.13.3. No Member of the Association shall, either directly or indirectly, participate in or benefit from the distribution of any surplus on the winding up of the Association.

## 5.14. Annual General Meeting

- 5.14.1. The President or in their absence or inability any other member of the Executive Council shall cause one General Meeting to be held each year in the months of August or September to be known as the Annual General Meeting. At this meeting the following minimum business must be transacted:
- (a) presentation of the President's annual report giving an overview of the Association's performance, and
  - (b) formal presentation of the Reviewed financial accounts for approval or query, and
  - (c) appointment of a Financial Reviewer (if an even numbered year), and
  - (d) presentation of a budget for the coming year, and
  - (e) elections of members of the Executive Council.
- 5.14.2. The President's report, the reviewed accounts, nominations for Executive Council positions and details of nominated auditors must all be distributed along with the Agenda.

## 5.15. Extraordinary Executive Council Meeting

- 5.15.1. One Extraordinary Executive Council meeting shall be held immediately following the Association Annual General Meeting. All delegates assembled for the Annual General Meeting and who attend the extraordinary meeting, including elected executives, shall have speaking and voting rights and shall be able to table resolutions. Each delegate physically present at the meeting shall represent one vote. An executive member who is also a delegate shall have two votes. A two-thirds majority is required to pass any resolution. *(1998 AGM)*

## 5.16. Special General Meeting

- 5.16.1. The President or in their absence or inability any other member of the Executive Council will at any time call a General Meeting forthwith upon the receipt in writing of a request signed by four Delegates asking that a General Meeting be called and stating the purposes for which the meeting is required. Such a meeting shall be deemed a Special General Meeting
- 5.16.2. The only business which will be transacted at a Special General Meeting is that for which the meeting was called.

## **6 The Rules**

### **6.1. Altering, Adding and Rescinding the Rules**

- 6.1.1. Rules of the Association can only be altered, added or rescinded by resolution at a General Meeting of the Association.

## **7 Control of Association Assets**

### **7.1. Financial & Audits**

- 7.1.1. At every Annual General Meeting held in an even numbered year a Financial Auditor or Auditors shall be appointed, to hold office for the ensuing two years, thereafter being eligible for re-appointment always provided that no member of the Executive Council or employee of the Association shall be eligible for appointment as Financial Auditor.
- 7.1.2. The financial year of the Association shall commence on the first day of July in each year.
- 7.1.3. The audited accounts, including but not limited to, a statement of income and expenditure of the Association and a balance sheet containing a summary of the Association's assets and liabilities will be duly presented at the Annual General Meeting for approval.

### **7.2. Association Seal**

- 7.2.1. The Common Seal of the Association shall consist of the words 'New Zealand Hang Gliding and Paragliding Association Incorporated' in the form of a circle, with the words 'Common Seal' in the centre. This seal shall be kept in the custody of the Administrator.
- 7.2.2. The Common Seal shall not be affixed to any document except pursuant to a resolution of the Executive Council and in the presence of the President or Vice President and any two other members of the Executive Council who shall attest the execution of the document accordingly.

### **7.3. Association Logo**

- 7.3.1. The existence of the Association's logo is, by these Rules, acknowledged and recognised as the Association's logo or insignia.
- 7.3.2. No change shall be made to the substantive design of the Association's logo or insignia except by resolution of the Delegates in General Meeting.
- 7.3.3. The Association's logo or insignia shall appear in all advertisements published by or on behalf of the Association.
- 7.3.4. The Associations logo or insignia may only be reproduced for purposes authorised by the Executive Council.

## 8 Executive Council

- 8.1.1. The Executive Council as elected at a General Meeting is to provide leadership, formulate and maintain currency of the bylaws and manage the financial and organisational overview of the Association.

### 8.2. Procedure and Voting

- 8.2.1. Meetings of the Executive Council may be convened at one week's notice to all Executive Council members by letter or similar communication stating the purpose of the meeting and four Executive Council members shall form a quorum.
- 8.2.2. Executive Council members are each entitled to one vote and a two-thirds majority is required to pass any resolution. (1996 AGM).
- 8.2.3. Full minutes of all council meetings shall be kept in a printed format. An electronic copy of these minutes should be available for inspection by any Member upon request.

### 8.3. Duties of the Executive Council

- 8.3.1. It shall be the duty of the Executive Council generally to conduct the affairs of the Association, to keep minutes of its proceedings, manage and record the finances of the Association, keep all Association records, to notify Member Organisations of intended meetings and the business to be transacted thereat. More specifically it shall be the duty of the Executive Council to:
- (a) collect on behalf of the Association all subscriptions, levies and other moneys owing, and
  - (b) set and collect Administration and Management Fees where such fees are discretionary or for services not defined as Rights under these Rules and Bylaws and
  - (c) manage the finances of the Association in a responsible manner, and
  - (d) make payments on behalf of the Association in accordance with the financial procedures stipulated in the By-Laws, and
  - (e) maintain records of all Association assets and their location and how disposed of once written down, and
  - (f) prepare and submit to the Annual General Meeting a balance sheet, and a statement of income and expenditure (both duly audited), as at balance date, for the preceding financial year, and
  - (g) prepare and submit to the Annual General Meeting a projected set of accounts and Association subscription, and
  - (h) make up and forward to the Registrar of Societies, annual returns of the income and expenditure funds and effects and number and particulars of Members in accordance with the Incorporated Societies Act 1908. Also forward duplicate copies of every alteration, addition, rescission, or amendment to this Constitution to the registrar in accordance with the requirements of the Incorporated Societies Act 1908, and
  - (i) select staff, appoint officers and committees to further the objectives of the Association, and

- (j) create, rescind or alter Bylaws in keeping with the objectives of the Association as defined further in Rule 8.4 Create, Alter or Rescind Bylaws, and
- (k) direct staff and officers to police the Rules and Bylaws, and
- (l) take disciplinary action as permitted by these Rules and enforce the decisions of the Disciplinary Committee, and
- (m) maintain a register of Member Organisations' Delegates to the Association, and
- (n) maintain records of Members, and
- (o) maintain a current set of Bylaws and Rules of the Association including all changes to the Rules passed by resolution in General Meeting or changes to the Bylaws passed by resolution in Executive Council meeting, and
- (p) provide all Members via an Information Circular, details of these Rule and Bylaw changes, and
- (q) ensure appropriate flows of information regarding the proceedings of the Executive council through devices such as newsletters meetings and Information Circulars.

#### **8.4. Powers of the Executive Council**

- 8.4.1. The Executive Council may exercise all powers of the Association not excluded by these Rules which are required to provide leadership and handle the financial overview and organisational overview of the Association.

#### **8.5. Create, Alter and Rescind Bylaws**

- 8.5.1. For the proper and efficient management, control and regulation of the Association's activities and affairs generally, the governing of the conduct of Members, the preservation of the Rights of Members, the attainment of the objectives and the carrying into effect of these Rules, the Executive Council shall have power, to make, alter, or rescind such Bylaws as they may deem to be appropriate and in keeping with the spirit of these Rules PROVIDED HOWEVER that such Bylaws shall not be inconsistent with these Rules, nor with the Civil Aviation Act 1990 nor with the general laws relating in particular to aviation.
- 8.5.2. Without limiting the general power conferred on the Executive Council by this Rule it is hereby declared that Bylaws may be made, altered or rescinded concerning all or any of the following;
- (a) The conduct and control of Members, Visitor Members or Member Organisations in any matter or activity associated with the Associations objectives, or
  - (b) the organisation structure and staff positions (paid or voluntary) and methods of control that are deemed necessary to further the Association's objectives, or
  - (c) the control of the Association's financial affairs.
- 8.5.3. Bylaws of a non-urgent nature created, altered or rescinded by the Executive will not become binding on Members before 30 days have passed after said Bylaw has been advised to representatives of all Member Organisations. Furthermore the Executive Council will ensure that notice of all new, altered or rescinded Bylaws are posted in an Information Circular and the Associations internet Web Site. Bylaws of an urgent

nature as determined by the Executive will become binding immediately upon being advised to representatives of Member Organisations. With regard to Urgent Bylaws, dissemination of a specific follow up notice to those affected should be considered.

## **8.6. Borrowing and Contracts**

- 8.6.1. The Executive Council shall have the power to borrow or raise money and enter into contracts on the behalf of the Association where the current totals of such borrowings or contracts is less than the threshold described in Rule 5.10 Borrowing and Rule 5.11 Contracts.

## **8.7. Appoint Staff and Officers**

- 8.7.1. The Executive Council by its resolution may appoint staff and officers to undertake activities on behalf of the Association. Individuals may be appointed to paid and unpaid positions including those defined in the Bylaws.
- 8.7.2. Within one month of the election of the Executive Council at the Annual General Meeting the Executive Council will appoint the following Officers in accordance with the Rules and Bylaws: the Internal Auditor.

## **8.8. Committees of the Executive Council**

- 8.8.1. The Executive Council shall have full power upon its resolution to set up, control and remove any number of committees and to delegate to them any of its own powers, authorities and/or duties.
- 8.8.2. The majority of all positions on any committees shall be Full Members of the Association.
- 8.8.3. Within one month of the election of the Executive Council at the Annual General Meeting the Executive Council will appoint the following Standing Committees in accordance with the Rules and Bylaws:
- (a) the Hang Gliding Competition Committee, and
  - (b) the Paragliding Competition Committee.
- 8.8.4. The Disciplinary Committee and Flight Safety Committees are two committees that may be established, when required, at the discretion of the Executive Council.
- 8.8.5. The Executive Council may appoint other ad hoc committees as it deems necessary from time to time.

## **8.9. Restrictions on the Executive Council**

- 8.9.1. No member of the Executive Council shall, either by themselves personally, or by virtue of or through their having a proprietary or financial interest in any company or firm, or close personal relationship to any contractor or proposed contractor, enter into any contract agreement or arrangement with the Association (other than the provision of any service available to them by virtue of their Membership of the Association) without first declaring their interest to the Executive Council at a properly convened meeting and, having so declared their interest shall, if otherwise entitled to vote, refrain from voting on any motion relative to that contract agreement or arrangement.
- 8.9.2. Any failure to observe this rule shall disentitle the Executive Council member so concerned to any benefit or profit under any such contract agreement or arrangement

and in the event of any such failure, the Executive Council member concerned shall be brought before the Disciplinary Committee.

## **8.10. Indemnity for Executive Council Members**

- 8.10.1. All officers, employees and Executive Council Members of the Association, acting in pursuance of the powers vested in them, shall be indemnified by the Association against all reasonable claims, losses and expenses suffered or incurred by them in the course of the lawful execution of their duties, PROVIDED that such indemnity shall not extend to protect them from or against any claims or expenses arising out of their own wilful act or default.

## **8.11. Disputes**

- 8.11.1. Where there are disputes with decisions of the Executive Council, or disputes between the Association and its members, or between members of the Association, that the Sports Tribunal of New Zealand is a recognized forum available for the resolution of such disputes.



## 9 Disciplinary Committee

The purpose of the Disciplinary Committee is to investigate reported breaches of the Rules and Bylaws of the Association by Members. The Disciplinary Committee is to determine the appropriate action for the Association to take regarding the reports and make recommendations or take action in accordance with these Rules.

### 9.1. Objectives of the Disciplinary Committee

9.1.1. The objectives of the Disciplinary Committee are:

- (a) to ensure that the Rules and Bylaws developed by the Association are interpreted and enforced in a fair and just manner, and
- (b) to ensure that Member and public concerns are addressed in a professional and timely manner, and
- (c) to encourage all Members to voluntarily abide by the Rules and Bylaws of the Association.
- (d) to implement the Association's Drug and Doping Policy and enforce penalties/sanctions imposed by the Sports Tribunal of New Zealand where a member has committed an anti-doping violation.

### 9.2. Composition of the Disciplinary Committee

9.2.1. The Disciplinary Committee shall comprise three (3) individuals.

9.2.2. Not more than one Executive Council member will be appointed to the Disciplinary Committee at any one time. A minimum of two members of the Committee must be Full Members of the Association (one of whom may also be a member of the Executive Council.)

9.2.3. One of the individuals shall be appointed as the Convenor and Chair (such Convenor and Chair being hereinafter in this Rule referred to as 'the Convenor').

9.2.4. The Disciplinary Committee shall, subject to this Rule, meet at such times and places as the Convenor may deem necessary and/or desirable.

9.2.5. In the event of any member of the Disciplinary Committee being a party to any matter under enquiry by the Disciplinary Committee, they shall vacate their seat until the matter has been finally dealt with by the Disciplinary Committee, and the remaining members of the Disciplinary Committee shall be empowered to appoint (pro tem) any other Full Member to sit in their place so as to enable the matter to be disposed of in the manner provided by these Rules.

### 9.3. Proceedings of the Disciplinary Committee

9.3.1. Except as expressly provided in these Rules, the Disciplinary Committee may regulate its procedure as it thinks fit.

9.3.2. No member deemed guilty of any breach of these Rules or Bylaws shall escape the consequences of their action by reason only of any technical defect in form or proceeding.

9.3.3. For the purposes of determining fines and sanctions the Disciplinary Committee shall consider previous Disciplinary Committee cases and any previously established Association guidelines. HOWEVER, the Disciplinary Committee shall not be bound

by such previous cases and guidelines and shall exercise the disciplinary powers of the Disciplinary Committee as they see fit.

- 9.3.4. Details of all proceedings of the Disciplinary Committee in relation to any Member shall be retained in the Association's records and be available to the Disciplinary Committee at any time within a period of seven (7) years following the proceedings.

#### **9.4. Complaints Against Members**

- 9.4.1. Every person who seeks to make a formal complaint that any Member has done anything which renders the exercise of the powers of the Disciplinary Committee expedient in the interests of the Association or the public at large shall make the complaint to the Convenor.
- 9.4.2. Every complaint shall be in writing setting out the substance and details of the complaint and be accompanied by such statements or other evidence as the complainant may wish to adduce in support, or as the Disciplinary Committee may require to be adduced in support of the complaint.
- 9.4.3. Where the Convenor has received any complaint as aforesaid, or where facts are brought to their knowledge which satisfy the Convenor that there may be grounds for such a complaint, the Convenor shall, as soon as practicable, convene a meeting of the Disciplinary Committee. It shall then be the duty of the Disciplinary Committee to investigate fully the complaint or facts, as the case may be, in accordance with this Rule.

#### **9.5. Preliminary Investigations**

- 9.5.1. For the purposes of any investigation undertaken pursuant to these Rules the Disciplinary Committee may:
- (a) Make, or employ any person to make on its behalf, whatever preliminary enquiries it deems necessary, and/or
  - (b) Require the production of any evidence, written or otherwise, by either the complainant or the Member against whom the complaint has been made (such Member being hereinafter called 'the Member Concerned'), and/or
  - (c) Require the Member Concerned to produce any other information of whatever kind or nature which, in the opinion of the Disciplinary Committee, is or may be relevant to the complaint under investigation.
- 9.5.2. Every Member Concerned who, without lawful excuse or justification, fails or refuses to produce to the Disciplinary Committee or to any person employed by the Disciplinary Committee, any evidence or information which the Disciplinary Committee has required them to produce, is in breach of these Rules and renders themselves liable to any penalty which the Disciplinary Committee may, pursuant to these Rules, impose.

#### **9.6. Preliminary Determinations**

- 9.6.1. Before the Disciplinary Committee makes any preliminary determination relative to any investigation under this Rule:
- (a) The Convenor shall cause to be posted or delivered to the Member Concerned:

- (b) a copy of the written complaint or summary of facts, as the case may be, together with copies of all statements or other written evidence adduced in support of the complaint, and
- (c) a notice setting out any further particulars that may be necessary to disclose the reason for the investigation, and inviting the Member Concerned within such period (being not less than 7 days) as may be specified to give to the Disciplinary Committee any written explanation the Member may wish to offer and to say whether the Member Concerned wishes to be heard by the Disciplinary Committee, furthermore

9.6.2. The Disciplinary Committee shall give due consideration to any written explanation submitted by the Member Concerned.

9.6.3. If, after having considered any written explanation submitted by the Member Concerned, the Disciplinary Committee should decide either that the complaint cannot be substantiated or that the complaint, although substantiated, disclosed a violation of only a minor nature, the Disciplinary Committee may, as the case may require:

- (a) Notify the Member Concerned that the complaint has been dismissed; or
- (b) Reprimand, in writing, the Member Concerned.

## **9.7. Disciplinary Committee Hearings**

9.7.1. If, after having considered any written explanation submitted by the Member Concerned, the Disciplinary Committee should conclude that a prima facie case has been made out against the Member Concerned, or if the Member Concerned has intimated that they wish to be heard in their own defence, the Convenor shall cause to be posted or delivered to the Member Concerned a notice calling upon them to appear before the Disciplinary Committee and be examined as to the allegations made against the Member Concerned.

9.7.2. The notice calling upon the Member Concerned to appear shall specify the time, date and place of the hearing (which date shall be not less than 10 days after the posting of the notice or 7 days after its delivery as the case may be and may take the form of a telephone conference call or similar communication) and shall notify the Member Concerned of their rights and liabilities as to the conduct of the hearing and their attendance thereat. In the case of an investigation into actions of a Member Organisation, the President (or person of equivalent position) will be required to appear before the Disciplinary Committee as the representative of that Member Organisation.

9.7.3. The Member Concerned must attend at the hearing and answer truthfully all questions put to them by the Disciplinary Committee or allowed by the Convenor to be put to the Member Concerned.

9.7.4. Should the Member Concerned fail without good cause previously notified to the Disciplinary Committee to attend the hearing, the hearing shall be continued in their absence.

9.7.5. The Member Concerned may appear before the Disciplinary Committee on their own behalf or, at their own option, be represented by an advocate, and in either case shall be given reasonable opportunity to answer the allegations made against the Member Concerned and to make any reasonable submissions on their own behalf.

- 9.7.6. The Disciplinary Committee may call upon any person to assist it with the supply of any information or particulars or expertise, which it might require.
- 9.7.7. No person other than:
- (a) The members of the Disciplinary Committee, and
  - (b) A legal advisor (if any) appointed by the Disciplinary Committee, and
  - (c) A stenographer or minute taker appointed by the Disciplinary Committee, and
  - (d) The Member Concerned, and
  - (e) The advocate (if any) for the Member Concerned shall, without the consent of the Convenor first having been given, be permitted to remain at any hearing of the Disciplinary Committee after having, as the case may be, given evidence or made submissions.

## **9.8. Decisions of the Disciplinary Committee**

In any case where the Disciplinary Committee has, consequent upon a hearing as aforesaid, not been satisfied on the balance of probability that a complaint against a Member should be sustained, it shall dismiss the complaint and forthwith notify the Member Concerned of its decision.

If any Member:

- (a) is convicted of any offence under the Civil Aviation Act 1990 or any statutory Rules or Regulations made thereunder, or
- (b) is convicted of any other offence where the Disciplinary Committee judges this conviction to impinge on the objectives or reputation of the Association, or
- (c) is judged by the Disciplinary Committee to have been guilty of wilfully disregarding any of these Rules or the Bylaws made hereunder, or
- (d) is judged by the Disciplinary Committee to have been guilty of wilfully or recklessly damaging or using without proper authorisation the property of the Association,
- (e) then the Disciplinary Committee may exercise, in respect of the Member Concerned, all or any of the its disciplinary powers. The Member Concerned shall be notified within 7 days of such a decision being made. The Member Concerned shall be told the Disciplinary Committee's findings and decision and the Member Concerned will be informed of their right of appeal as defined in these Rules.
- (f) All decisions of the Disciplinary Committee shall, within 14 days, be reported by the Convenor to the Executive Council.

## **9.9. Powers of the Disciplinary Committee.**

- 9.9.1. The Disciplinary Committee may exercise all or any of the following disciplinary powers:
- (a) reprimand, in writing, the Member Concerned, and/or
  - (b) direct the Member Concerned to pay to the Association a fine, and/or
  - (c) direct the Member Concerned to pay any costs of the hearing, and/or

- (d) direct the Member Concerned to pay all or any part of the replacement, restoration, or repair for loss or damage to property found by the Disciplinary Committee to have been done resultant upon actions of the member concerned, and/or
- (e) prohibit the Member Concerned from participating in all or any of the Association's flying or social or other activities for any period not exceeding 12 months, and/or
- (f) suspend the membership of the Member Concerned for any period not exceeding 12 months, and/or
- (g) recommend that the Member Concerned be expelled from the Association, and/or
- (h) publish details of the Disciplinary Committee findings for consumption by either Members or the general public after the expiry or completion of any appeals.

9.9.2. PROVIDED:

- (a) Firstly: That no fine may be imposed in any case where a monetary penalty has been imposed by any Court in respect of the same offence,
- (b) Secondly: That any monetary penalty imposed upon the Member Concerned and all costs, including costs of replacement, restoration, or repair which the Member Concerned has been directed to pay, shall be recoverable from them as a debt due to the Association,
- (c) Thirdly: That where the expulsion of the Member Concerned has been recommended, the member shall be suspended from membership pending the final determination of the matter by the Executive Council,
- (d) Fourthly: That no decision of the Disciplinary Committee exercising any of the powers conferred upon it by this Rule, other than prohibition or suspension under either of paragraphs (1.e) or (1.f) above shall take effect whilst the Member Concerned remains entitled to appeal the decision, or whilst any such appeal by them awaits final determination by the Executive Council,
- (e) Fifthly: That the Disciplinary Committee, upon reaching a decision following a hearing shall forthwith give written notification of its decision to the Member Concerned and inform the member of their right of appeal.

9.9.3. In any case where a recommendation has been made by the Disciplinary Committee to expel a Member, the Executive Council in the case of Pilot or Visitor Members or the Delegates in the case of Member Organisations, shall at the next scheduled meeting or at an earlier special meeting called for that purpose, consider the recommendation, and the evidence in relation thereto, as it affects the interests of the general body of Members, and either:

- (a) confirm the expulsion, or
- (b) substitute a penalty of suspension of the membership of the Member Concerned for any period not exceeding 12 months, or
- (c) allow the membership of the Member Concerned to stand.

9.9.4. In any case where a Member has been expelled from the Association, the Executive Council or Delegates may fix a time, being not less than two (2) years, after which

time the former Member may re-apply for membership. If no such period is fixed the former Member may reapply for membership after the expiry of two (2) years.

### **9.10. Appeals**

In any case where the Disciplinary Committee has exercised any of its disciplinary powers (other than to reprimand a Member) in respect of any Member under this rule, that Member may, not later than 28 days after the date of the notification by the Disciplinary Committee to the Member concerned of its decision, appeal to the Sports Tribunal of New Zealand against such decision or against any penalty imposed if it relates to NZHGPA competition rules, the appeal be directed to the Sports Tribunal on NZ not the Executive Council.