






CONSTITUTION  
OF THE  
NEW ZEALAND  
FOUR WHEEL DRIVE  
ASSOCIATION  
INCORPORATED

The undersigned members of the New Zealand Four Wheel Drive Association Incorporated hereby certify that these are their Rules of the Society as Altered

Name, Role, Address	Signature	Date
Neville Dunton Whakamarama Rd, Tauranga  National President		30 July 2019
Kath Jaggard Ranfurly Place, Whangarei  National Secretary		30 July 2019
Grant Purdie Kahu Rd, Paremata  National Public Relations Officer		30 July 2019

Dated this 30th day of July 2019

# CONSTITUTION OF THE NEW ZEALAND FOUR WHEEL DRIVE ASSOCIATION INCORPORATED

(Explanatory Notes – these are for assistance only and are not part of the Constitution.)

The Constitution as filed in the Registry of Companies Office on 11 April 2006 has subsequently been amended:

- (a) On 23 May 2010 by Special Resolution at the AGM in Palmerston North, Rule 31 was amended by adding sub-clauses 31(g), (h), and (i) to permit appeal of any decision of the Association to the Sports Tribunal of New Zealand.
- (b) On 23 May 2010 by Special Resolution at the AGM in Palmerston North a new Rule 31A was added whereby the NZFWDA adopted the Sports Anti-doping Rules made by Drug Free Sport New Zealand (DFS) effective from 1 June 2010.
- (c) On 20 May 2012 by Special Resolution at the AGM in Dunedin, Articles 7(c) and 16(a)(i) were amended to confirm as an association officer and member of the National Executive, the National Competitions Officer.
- (d) On 25 May 2014 by Resolution passed at a Special General Meeting at Auckland, the date in Article 14(d) was changed to 28 February and in Articles 34(b) and 34(f) the date was changed to 15 November.)
- (e) On 24 May 2015 by Resolutions at the AGM at Queenstown the Constitution was amended:
  - (i) By adding new clauses 4(a)(iv) family members and 4(a)(v) day members;
  - (ii) By amending clauses 6(b), 6(c)(iii) and 6(e) to change the dates and
  - (iii) By amending clauses 6(c) to refer to day members and 6(e) to refer to “renewing” members.
- (f) On 12 May 2019 by Resolutions at the AGM at Palmerston North:
  - (i) AGM notice period, Article 21, all sub-clauses.
  - (ii) AGM Financials Timing, Article 33(f).
  - (iii) Executive Council, Articles 16(d), 16(g) and 16(i).
  - (iv) Proxy Voting at General Meetings, Article 22(h).
  - (v) Affiliation Fees, Articles 4.1, 4.2, 6(c) iii, iv, v, vi and vii, 4,1(b), 21(b) ix.
  - (vi) Renton's Guide, Article 20.
  - (vii) Health and Safety Reporting, Article 25(b) ii.

- (viii) Life Membership, Article 4(c).
- (ix) Notices, Article 40 and references at Articles 6(c) iii and iv, 10(d), 24(b) i, 24(d), 25(a) i and ii.
- (x) Objects Article 2(f).
- (xi) General Clarifications, Articles 17(c), 19(e), 5(c), 19(d) and (e), 24(d), 25(b) iv, 27(c) i.
- (xii) Format of Constitution Document, Article 31A renumbered to 32, all subsequent Articles incremented by 1, Table of Contents added.

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## 1 NAME OF THE ASSOCIATION

The name of the Association is the New Zealand Four Wheel Drive Association Incorporated (hereinafter referred to as the Association).

## 2 OBJECTS OF THE ASSOCIATION

The objects of the Association shall be the furtherance and improvement of Four Wheel Drive activities in New Zealand and the doing of all such things as are incidental or conducive to the attainment of the above object and without limiting the generality of the foregoing more particularly:

- (a) To negotiate and arrange with Private or Public bodies for the access and the use of lands by any affiliated club and to disseminate such information gained to all affiliated clubs and committees.
- (b) To present the case of Four Wheel Driving at any public or private hearing, the purpose of which may be considered to impinge upon Four Wheel Driving activities.
- (c) To arrange, control and manage Four Wheel Drive competition provided that the Association may delegate to any affiliated club or zone, the control and management of such competition.
- (d) To consider and settle disputes between affiliated clubs or committees.
- (e) To acquire the freehold or leasehold of or limited rights over such real or personal property as may be considered advisable for the acquisition, maintenance and control of any building erected or acquired in relation to Four Wheel Driving.
- (f) To make, maintain and enforce rules, regulations and by-laws for the control, governing, administration and promotion of Four Wheel Driving throughout New Zealand.
- (g) To invest, control and dispose of the funds and property of the Association as may be considered by the Association advisable for the advancement of the sport and in particular, but without in any way limiting the foregoing:
  - (i) To invest the same in such securities as are authorised trustee securities.
  - (ii) To advance and lend money to any affiliated club or committee without interest and upon such terms and conditions as it thinks fit.
  - (iii) To employ such workers, servants or agents as the Association may consider necessary.
- (h) To borrow and raise money for the purpose of the Association and to secure payment thereof in such manner as may be determined and for the purpose to charge or mortgage all or any part of the property or assets of the Association.
- (i) To sell, manage, improve, develop, exchange, lease, dispose of, turn into account or otherwise deal with all or any part of the property or assets of the Association.
- (j) To receive any gifts or bequests whether subject to any trust, or restriction or not and to administer such gifts, bequests to trusts.
- (k) To act alone or with any other Association in the interest of sport.

- (l) To exercise all or any of the powers conferred upon Associations by the Incorporated Societies Act 1908.

### 3 INTERPRETATION

In this Constitution unless the context otherwise requires:

"The Act" means - "The Incorporated Societies Act 1908" and its subsequent amendments.

"The Association" means - "The New Zealand Four Wheel Drive Association Incorporated" and shall consist of all Affiliated Clubs, Organisations, Zones, and their current financial members.

"The Executive" means - the National Executive Committee of the New Zealand Four Wheel Drive Association Incorporated.

"Affiliated Club" means - any Four Wheel Drive Club (whether Incorporated or not) or organisation affiliated to the Association in the manner hereinafter provided, within New Zealand from time to time and approved by the Association.

"Zone" means - "all those sub-regions of the Association controlled by a committee elected by the clubs in that region and will have powers as in this Constitution and as delegated by the Annual General Meeting of the Association or the Executive".

"In Writing" and "written" means any mode of representing or reproducing words in visible form.

### 4 MEMBERSHIP

#### 4.1 The following shall be members of the Association:

##### a) Ordinary members

- i. Every individual member of an affiliated club shall be, by virtue of their membership thereof, a member of the Association (subject to Article 6) and every member of a Club which shall, hereafter become affiliated to the Association shall be a member of the Association (subject to Article 6) upon such affiliation as hereinafter provided in these rules or regulations made hereunder, or
- ii. Any individual upon application to the Zone for membership, who can satisfy the Zone that because of geographical location, distance or other reasonable factors they could not reasonably be expected to join an existing Club, may be affiliated to the Association as a member upon such terms and conditions as the Zone may think fit.
- iii. Any member who belongs to more than one affiliated club shall nominate a club for purpose of capitation and voting. Any such member shall only have one vote.
- iv. If an affiliated club's constitution permits, ordinary members may nominate themselves as Family Members which may include partner and any dependent children of the family under 18 years of age. Family members shall have only one vote for each family membership and,

unless a specific family member is nominated, only the first named adult member of the family may vote and is a member for voting purposes. Only one Association affiliation fee is payable for each Family Membership.

- v. If an affiliated club's constitution permits, day members shall be temporary members of the Association in order to participate in an Association/Club event either as an individual Day Member or as a Family Day Member (as per 4(a)(iv)) subject to:
  - A. Day Members shall have the same benefits and obligations as ordinary members but without voting rights and may not hold elective office and may not hold a competition licence.
  - B. Day Members shall pay a day membership fee (for either individual or Family day membership) to the affiliated club of an amount considered by that club as being appropriate and shall, upon payment of such fee, be entitled to participate in an Association/Club event following which either:
    - i. The Club shall accept the Day Member as an Ordinary or Family Member or
    - ii. The Day Member declines (or is deemed to decline) to become an Ordinary Member of the Association/Club and may no longer participate in Association/Club events
  - C. If the Day Member becomes an ordinary member the current applicable annual Affiliation Fee shall be forwarded to the Association and the member shall pay such other Club membership fees as may be required by that affiliated club from time to time.
- b) United 4WD (U4WD) supporters shall have the same benefits and obligations as members of Association-affiliated clubs or organisations but without voting rights and may not hold elective office and may not hold a competition licence. There shall be two categories: a) Individual b) Commercial. The Association Treasurer or their delegate shall maintain a separate membership and financial record of supporting members.
- c) Life Members

The Association may award the distinction of Life Membership for services rendered in connection with the sport and/or association beyond service to a particular club. Nominations should be made to the Executive which may at its discretion accept or reject any nomination. A nomination may be made by any member, through their zone, and should be seconded by any other member. The distinction shall be conferred only by resolution at the Annual General Meeting or a meeting of the Executive, provided that each affiliated club shall be given at least one month's notice in writing of the intention to move a resolution. This type of membership shall carry with it the right to attend all meetings of the association without the right to exercise a vote, and free gate admissions at all times to competition and championships organised by the Association.



## 4.2 Membership Year

The membership year is from 1 June each year to 31 May the following year.

## 5 CESSATION OF MEMBERSHIP

Any member of the Association shall cease to be a member thereof if:

- a) Such member shall resign.
- b) Such member shall be suspended, disqualified, dismissed or expelled by the Executive or the Association in accordance with Article 6) (f), Article 30), and /or Article 31) hereof.
- c) If such member's affiliation fees are not paid in accordance with Article 6 hereof.
- d) The affiliated club to which the member belongs (and has designated as per Article 4 a) (iii) hereof) ceases to be an affiliated club of the Association.

## 6 AFFILIATIONS

- a) Annual affiliation fees shall be paid to the Association by:
  - i. Every affiliated Club on behalf of the members for the time being of that Club.
  - ii. Every other member of the Association except for its life members.
- b) The annual affiliation fees shall be paid at the rate from time to time decided upon by the Association at the Annual General Meeting, and voted on by the delegate voting in accordance with paragraph 19 of this constitution. Such affiliation fees shall be payable annually in advance and shall become due and payable on the first day of June each year.
- c) Such affiliation fees shall be paid to the Association in the following manner (where applicable):
  - i. Through the affiliated club where such a club is in existence.
  - ii. Direct by the member where they belong to no affiliated club.
  - iii. The affiliated clubs or members as in 6(c) (i) and (ii) shall forward the annual affiliation fees with names and contact details of all members to the National Treasurer by 31 July each year.
  - iv. Names and contact details and pro-rata affiliation fees of members joining after the 31 July are to be forwarded on receipt.
  - v. Pro-rata affiliation fees for members joining after 31 July may be set at the Annual General Meeting.
  - vi. Day Members shall only become fully affiliated upon becoming an ordinary member and payment of the applicable annual Affiliation fee to the Association.
  - vii. A percentage of the fees collected by the National Treasurer, as decided at the Association General Meeting, shall be paid to the Zone committees according to the number of Zone members, for Zone use.

- d) Affiliation fees must be paid before a member may take part in any activities in which members are participating.
- e) Any renewing member whose affiliation fees are not paid by the 31st July in any year shall be deemed unfinancial and be suspended until such affiliation fees and any arrears are paid.
- f) If any member shall have been suspended because of his/her arrears of affiliation fees he/she shall not be reinstated as a member of the Association until such time as he/she has paid the arrears for which he/she was suspended for non-payment of together with the prescribed affiliation fees which are levied for the current financial year in which he/she makes application for reinstatement.

## 7 OFFICERS

- a) The Officers of the Association shall be a Patron, a President, and the President of each zone who will become the Vice-presidents of the Association, a Secretary, a Treasurer, a National Public Relations Officer, a National Competitions Officer, and a Public Relations Officer from each Zone.
- b) The Offices of Secretary and Treasurer may be held by one person but in this case, the person holding the combined post shall have only one vote.
- c) The Officers including the National Public Relations Officer, but excepting the Vice-Presidents and Zone Public Relations Officers and the National Competitions Officer shall be elected at the Annual General Meeting of the Association. The Vice-Presidents and the Zone Public Relations Officers and the National Competitions Officer shall be confirmed in Office at the Annual General Meeting to the Association.
- d) No person who is an employee of the Association or of any body in which the Association has a financial interest shall be eligible to be an office bearer of the Association.

## 8 OFFICERS AND OFFICIALS TERM OF OFFICE

The term of Office for all positions listed below shall commence after the Annual General Meeting of the Association, and shall terminate after the next Annual General meeting of the Association.

- a) The officers of the Association as elected under Article 7)
- b) The National Chief Steward.
- c) The Zone Chief Stewards.
- d) The Zone Chief Scrutineers.

## 9 DUTIES OF THE PRESIDENT

The President shall: -

- a) Preside over all Executive and General Meetings of the Association.
- b) Uphold the Constitution of the Association.

- c) Represent, and be the voice of, the Association, where able, at any meetings or negotiations with other organisations.
- d) Provide leadership and guidance to the Association, and ensure that all members receive fair and impartial consideration.

## 10 DUTIES OF THE SECRETARY

The Secretary shall:

- a) Attend all meetings of the Executive
- b) Keep a true and proper record of the affairs of the Association and shall keep the Minutes of all meetings of the Association.
- c) Conduct all general correspondence and keep copies of such correspondence.
- d) Maintain a roll of all members of the Association, their names and contact details.
- e) Give due Notice of all meetings and within one month after any Executive or General Meeting of the Association, send out the Minutes of such meetings to all Officers of the Association and all Affiliated Clubs and Zone Committees.

## 11 DUTIES OF THE TREASURER

The Treasurer shall: -

- a) Keep the books and accounts of the Association.
- b) Render all such financial statements as the Executive or the Association may require.
- c) Issue receipts for all incoming funds.
- d) Pay all accounts after approval is given by the Executive or the Association.
- e) Prepare the Annual Statement of Accounts and Balance Sheet and submit for auditing.

## 12 DUTIES OF THE NATIONAL PUBLIC RELATIONS OFFICER

The National Public Relations Officer shall: -

- a) Disseminate all information of relevance on land access and public relations matters to Executive members, Zone Committees, Clubs, and members.
- b) Co-ordinate negotiations with Government Departments and lobbying groups, etc., regarding land access issues.
- c) Assist Zone Public Relations Officers on all matters of publicity and land access.
- d) Present an Annual Report to the AGM.

## 13 DUTIES OF THE NATIONAL COMPETITIONS OFFICER

The national Competitions Officer shall: -

- a) Co-ordinate as necessary all Official Competitions, including drawing up the calendar of events for the coming season.

- b) Disseminate all information of relevance on competitive matters to Event Organisers, Officials, and Competitors.
- c) In conjunction with the Competitions Committee, administer the Competition Regulations.
- d) Oversee the running of the National Finals, and liaise with the Organisers to ensure compliance with any Executive directives.
- e) Represent the views and concerns of the competitors.
- f) Present an Annual Report to the AGM.

## 14 DUTIES OF THE REMIT SUB-COMMITTEE

The Remit Sub-Committee shall: -

- a) Consider all Remits submitted to the next AGM of the Association regarding alterations to the Constitution or the Regulations.
- b) Ensure that all Remits are permitted under the Incorporated Societies Act, are grammatically correct, are logical and practicable, are not contradictory, do not conflict with an existing article, Rule, Bylaw, or Regulation, do not compromise the safety of vehicles, competitors, officials, or the public, are necessary in that they improve the understanding, or administration of the Constitution or Regulations, and that there is no duplication of Remits.
- c) Return Remits which are not acceptable in terms of the above to the proposer with an explanation as to the reasons such remits have been deemed unacceptable and if possible, any suggested amendments which would make such Remits acceptable.  
The proposer shall have the rights to re-submit Remits, which have been deemed unacceptable.  
Re-submitted Remits (either as originally submitted or with amendments) must be received by the Secretary of the Association within 30 days of being returned by the Remit Sub-Committee
- d) Forward all accepted and re-submitted Remits for the AGM to the Executive for confirmation by 28 February each year.

## 15 MANAGEMENT

The management of the Association shall be vested in the Executive and Zone Committee. The Executive shall exercise all the powers of the association except for those matters expressly reserved for the Association in general meeting. The Zone committees shall exercise all the powers of the Association except for those matters expressly reserved for the Executive or Association in general meeting.

## 16 NATIONAL EXECUTIVE COUNCIL

- a) There shall be a National Executive Council of the Association, which shall comprise the following persons:
  - i. The President, Vice-Presidents, Secretary, Treasurer and Public Relation Officers and the National Competitions Officer as elected/confirmed in Article 7.

- ii. The Executive if it thinks fit, having regard to the number of other members of the Association as defined by Article 4 (a) (ii) hereof, appoint any member of the Association to be a delegate to the Executive to represent those members.
- b) The President shall preside over the Executive or, in the absence of the President, one of the Vice-Presidents shall be appointed by the Executive to preside over the meeting.
- c) The permanent headquarters of the Executive shall be at the address of the Secretary, but individual meetings may be held at such times and places, as the Executive shall from time to time determine.
- d) A quorum of a meeting of the Executive shall not be less than six members of the Executive attending provided that the quorum is never less than 50% of the Executive.
- e) Each member of the Executive present shall be entitled to one vote and the Chairman shall have the casting vote. Any motion which fails to obtain a majority of votes shall be lost.
- f) Voting shall be of voice or show of hands, but any member may request and obtain a ballot.
- g) Any member of the Executive representing a Zone or Competition Committee may appoint any other delegate to the Zone Committee or Executive of the Competition Committee to vote in the absence of such delegate at a meeting of the Executive. Such appointment shall be in writing and shall be handed to the Chairman prior to the commencement of that meeting.
- h) Any club or organisation may petition for the removal of an Association officer, either elected or appointed, from Office. The request shall be made in writing to the National President. If recommending removing the National President the request shall be made to the Secretary. Said President or Secretary shall facilitate a vote of the Delegates on said petition within 60 days after receipt. Removal of an Officer shall require a two-thirds 2/3 majority vote of the total member club delegates. Vote may be taken by mail if necessary.
- i) Proxy votes are not accepted at meetings of the Executive.

## 17 POWERS OF THE EXECUTIVE:

Without limiting in any way the general powers herein conferred by Article 2 the Executive shall exercise the following specific powers on behalf of the Association:

- a) To carry out the objects of the Association, provided that matters of policy shall be referred to the Association in general meeting for ratification.
- b) To manage and control the finances of the Association.
- c) To grant affiliation of clubs in the manner hereinafter provided by Article 24.
- d) The approval and organisation of competition through affiliated clubs or organisations and championships national and international save that the Executive may if it thinks fit, delegate to any affiliated club or committees the power to organise any such competition or championship.

- e) To investigate any breaches of the Constitution or Regulations of the Association, complaints of misconduct or any other matter brought before it, and to inflict penalties on affiliated clubs, officers and members for any infringement of the Constitution or Regulations of the Association or on complaints of misconduct.
- f) To delegate such power, as it may deem advisable to its Zone committee, duly appointed representatives or committee or the governing body of an affiliated club.
- g) To appoint an official recorder for the Association whose responsibility it shall be to receive duly certified results from Zone Committees and keep a true and proper record of such results.
- h) To appoint a Chief Steward for the Association whose responsibility it shall be to keep an accurate record of accredited stewards and to conduct such examinations of the stewards as the Executive may from time to time decide.
- i) Sub-committees
  - i. To appoint such sub-committees as it may deem advisable from time to time, to assist in carrying out its duties.
  - ii. To appoint a Remit Sub-Committee after each AGM consisting of one member from each Zone and two Executive members.
- j) To enlist by co-option for any special purpose the services of any members of the Association to fill any vacancies (excluding that of Secretary, Treasurer, President or Vice Presidents) which may occur in its body or any of the sub-committees.
- k) To receive bequests, subscriptions and donations for approved specific or general purposes connected with Four Wheel Driving and manage the same.
- l) Remits
  - i. To receive all Remits to the next AGM after due consideration by the Remit Sub-Committee and to confirm the decisions of the Remit Sub-Committee.
  - ii. To forward all confirmed Remits for the AGM to be received by all Club Secretaries by the 31st March each year.
  - iii. To forward all confirmed Remits for Special General Meetings to Club Secretaries not less than six weeks before the date of the meeting.
- m) To grant the Association medals, trophies and certificates subject to such regulations as may be in force from time to time.
- n) To make such regulations for putting into effect the rules of this constitution as they may deem advisable from time to time.
- o) To be the sole interpreter of the rules of this constitution and the decision of the Executive in this matter shall be final save as provided by Article 33 (b) of these rules.

## 18 MEETING OF THE EXECUTIVE

- a) A meeting of the Executive shall be held regularly with a lapse of no more than six months between any two meetings and may be called at any time by the Secretary by notice in writing stating the time and place of the meeting and the business to be

dealt with and sent to each member of the Executive at least 28 days before the appointed time for such meeting provided that the Secretary shall call a meeting in the manner aforesaid within two weeks of the receipt of a written request signed by three members of the Executive.

- b) The National Executive Council may, when time is imperative, conduct necessary business by a telephone conference. Decisions reached by telephone meetings shall require a majority vote. Any vote shall be confirmed in writing in order to retain a permanent copy of the vote.

## 19 POWERS RESTRICTED TO THE ASSOCIATION IN GENERAL MEETING

The following powers shall be restricted to the Association in general meeting.

All voting on the matter is to be by the delegate method, in accordance with Article 22.

- a) The alteration of these rules.
- b) The expulsion of any officer, member, affiliated club or delegate subject however as hereinbefore and hereinafter provided by these rules.
- c) The Election of officers and honorary life members of the Association.
- d) To determine the amount of annual affiliation fees payable by members of the Association to the New Zealand Four Wheel Drive Association Inc.
- e) To determine the percentage of the annual affiliation fee defined in 19 (d), that is payable by the Treasurer of the Association to the Zone Committees.
- f) Such other powers as may be expressly reserved by these rules or by the Annual General Meeting of the Association from time to time.

## 20 PROCEDURE

The general procedure of meetings shall be in harmony with the principles set forth in the current version of the publication "Law of Societies" by Mark von Dadelszen in so far as they do not conflict with any provision of these Articles.

## 21 GENERAL MEETING

- a)
  - i. The Annual General Meeting of the Association shall be held at any time during May each year at a time and place to be fixed by the Secretary or the Executive. Notwithstanding the place shall be located twice in the North Island in any period of three years.
  - ii. Preliminary notice of the proposed date and proposed location of the meeting shall be advised by the Secretary after consultation with the Secretary of the local club concerned, in writing and to each member of the Executive and to the Secretary of each affiliated club and committee no later than three months before the date of the meeting.
  - iii. Formal notice of time and place and business shall be given by the Secretary after consultation with the Secretary of the local club concerned, in writing

and not less than 28 days before the meeting. Such notice shall be sent to each member of the Executive and to the Secretary of each affiliated club and committee.

- b) The annual report shall be submitted by the Executive and the annual balance sheet, duly audited shall be submitted by the Treasurer. Copies of the balance sheet shall be sent with the notices of the meeting. The order of business shall be as follows:
- i. Roll call of affiliations
  - ii. Minutes of previous Annual General Meeting.
  - iii. Annual Report and Balance sheets of Zone Committees
  - iv. Annual Report and Balance Sheet of the Association.
  - v. Motions of which notice has been given pertaining to the Constitution.
  - vi. Election of Officers and Honorary Life Members.
  - vii. Reimbursement of expenses to Association Officers.
  - viii. Election of Honorary Auditor.
  - ix. Affiliation Fees and Application Fees for the membership year commencing in the next financial year.
  - x. Next years conference - venue.
  - xi. General Business.
- c) The quorum of all general meetings shall consist of fifteen people present and entitled to vote.
- d) If there is no quorum the meeting shall be adjourned and the Secretary shall call a special meeting as set down in article 21 (e).
- e) Special General Meetings may be called at any time by the Secretary if directed by the Executive or upon requisition of not less than eight members of the Association from each Zone. The Secretary shall give notice of such meetings stating the time and place and business of such meetings not less than 14 clear days before the meeting time appointed for such meeting. The date of the Special General Meeting requisitioned for, shall be a time within one month of the date of the receipt of the notice of requisition of by the Secretary. Only specific business laid down in writing lodged with the Secretary may be dealt with at the meeting.

## 22 VOTING AT GENERAL MEETING

- a) All voting on matters at General meetings shall be by Delegate Voting Method as described below.
- b) Each affiliated club may be represented at all general meetings of the Association by one or more delegates.
- c) The number of votes which an affiliated club may exercise shall be determined on the basis of one vote per twenty or part thereof financial members of the Association in that club. No delegate shall be permitted to exercise more than three (3) votes.



- d) Affiliated clubs shall be given notice in writing of the number of votes available to them prior to the meeting. Clubs must inform the Secretary of the name(s) of the delegate or delegates appointed to represent that club and the number of votes will exercise prior to the start of any general meeting of the Association. Delegates need not be a member of the club, which they represent but they must be financial members of the Association.
- e) The Chairman shall have a casting vote.
- f) To facilitate meetings, the Chairman may call for a vote by a show of hands or voice. However, any delegate may call for and shall be granted a count of the delegate votes. The Delegate votes so counted shall decide the matter.
- g) Failure by any Delegate to call for such a Delegate vote (or the absence of any Delegate) shall not be grounds for subsequent objections and/or appeals regarding the voting method employed.
- h) Proxy votes are not accepted at General Meetings however delegates may be appointed as set out in this Constitution.

## 23 SUB-COMMITTEES

- a) Sub-Committees shall be formed to manage the affairs of the Association, as deemed necessary by the Executive. These shall consist of:
  - i. Zone Committees - one each in Northern, Central and Southern Zones.
  - ii. Competition Committee.
  - iii. Any other Committees as may be deemed necessary from time to time.

## 24 AFFILIATED CLUBS

- a) Any club or organisation conducting regular activities in Four Wheel Driving and wishing to become affiliated to the Association, shall apply in writing to the Executive
- b) Every application for affiliation shall be accompanied by an application fee as set at the AGM and state the following particulars:
  - i. The names and contact details of all persons duly appointed to exercise control of the organisation or club.
  - ii. The number of members actively participating in Four Wheel Drive activities in the area.
  - iii. The place at which activities are based.
- c) In considering every application for affiliation, the Executive shall take into account the existing Four Wheel Drive activities in the area, from which the application comes, and shall not approve the application if in its opinion it is likely to compete against an existing affiliated club to the detriment of such affiliated club.
- d) Upon approval of the application by the Executive the applicant shall thereupon come an affiliated club, or organisation, and shall forthwith furnish for registration names and contact details of all financial members, such information related to its

activities and pay such amount in respect of annual affiliation fees as shall be determined by the Executive

- e) Every affiliated club shall have the exclusive right and control over the affairs of that club, subject to these rules.

## 25 OBLIGATION OF AFFILIATED CLUBS, OR ORGANISATION

Every affiliated club or organisation shall:

- a) Hand to the Secretary of the Association and Zone Committee within 14 days after the Annual General Meeting of such affiliated club:
  - i. The names and contact details of its executive.
  - ii. The name and contact details of its delegate
  - iii. Notify the date of the Annual General Meeting.
  - iv. Such other information as from time to time be required by the Zone Committee or Executive
- b)
  - i. Be the medium of communication between its members and the Association.
  - ii. Furnish in a timely manner a report to the Executive on any significant accident or incident and/or death or serious injury, and any incident relating to the misconduct of any member or official for any reason whatsoever, with details of the accident or incident and any decision, from time to time.
  - iii. From time to time furnish the Executive with a true copy of the Constitution of the Club as amended.
  - iv. Be responsible to the Association for the payment of all affiliation fees due to it by every member of that affiliated club or organisation.

## 26 RULES OF AFFILIATED CLUBS

Any rule, by-law or regulation of any affiliated club, which is in conflict with these rules, shall be invalid.

## 27 RESIGNATIONS

- a) Any affiliated club of the Association may resign at any time by giving notice in writing to the Secretary of the Zone to which that club belongs, provided that the club remains liable to the Association for all sums due and owing as at the date of ceasing to be an affiliated club of the Association.
- b) Any member who ceases for any reason to be a member of an affiliated club shall thereupon cease to be a member of the Association provided that he/she shall remain liable to the Association for all sums due and owing as at the date of ceasing to be a member of the Association.
- c) The Association in general meeting may by resolution dismiss from the Association any member from an affiliated club or any member (and the members of such

affiliated club shall thereupon cease to be members of the Association) in any of the following cases:

- i. For failure to pay any sums required to be paid to the Association by way of affiliation fee returns, profits or otherwise authorised payment by these rules.
  - ii. For any persistent or flagrant breach of the rules of the Association.
- d) (d) Provided however, that these rules shall not be interpreted so as to deprive the Executive of the power to dismiss any such member.

## 28 DISMISSAL OF AFFILIATED CLUBS OR ORGANISATION

- a) The Association in general meeting may by resolution dismiss from the Association any affiliated club, which ceased to function as an active club.
- b) Any affiliated club which has ceased to be a member for any reason may re-apply for membership and the Executive shall, if it thinks fit, allow the application on such terms as it thinks fit.

## 29 DISCIPLINARY LAWS

No person who has been suspended for violation of these rules may participate in any activity of the Association.

## 30 MISCONDUCT

- a) In all cases of alleged misconduct by any member of the Association whether regarded as individuals, officials, or parties or otherwise, an inquiry shall be held within 30 days by the Zone or Affiliated club most directly interested and authorised to do so by the Executive
- b) Where an Affiliated Club has suspended or expelled any member or official for any reason whatsoever, it shall be reported to the Executive and if confirmed, shall be made general throughout the jurisdiction of the Association.
- c) Any persons so expelled or suspended as aforesaid shall not be entitled to become a member of any other Affiliated Club without the express permission of the Executive and upon such terms as it may think fit.

## 31 RIGHT OF APPEAL

- a) Any Affiliated club or member of the Association penalised by any decision, ruling or interpretation given by an Affiliated Club or Committee may appeal to the Executive and the Executive shall take such action by disqualification or otherwise as it may deem fit, PROVIDED THAT the person or persons against whom such misconduct is alleged shall be given an opportunity of attending at the Executive meeting at which any action is to be taken and may make submissions thereof before any decision is made.
- b) Appeal from any decision, ruling or interpretation given by the Executive may be made to the Association at a special general meeting called for that purpose. Upon receipt of such request the Secretary shall call a special general meeting.
- c) The decision of the Association shall be final and binding on all parties concerned.

- d) Pending the decision of any appeal, all penalties imposed shall be operative unless otherwise directed by the Executive
- e) No appeal shall be considered unless lodged with the Secretary of the Association within 14 days of the ruling, decision or interpretation given or made.
- f) An appeal must be in writing, and the Executive may require written statements (which must be received by the Executive within 30 days of being requested) from any official or member of an affiliated club, which it deems in any way concerned in the matter. Failure to supply written statements will result in a decision on any appeal being made without such written statements.
- g) Notwithstanding any statement to the contrary in either these rules or any rules (including, for the avoidance of doubt, competition rules) made under the authority of these rules, any Affiliated Club, Association Committee, or Association Member who is dissatisfied by a decision of the Association may appeal the decision to the Sports Tribunal of New Zealand.
- h) An application to appeal a decision of the Association shall be lodged with the Sports Disputes Tribunal of New Zealand within 15 working days of the decision of the Association.
- i) An appeal to the Sports Disputes Tribunal of New Zealand shall be heard and determined in accordance with the rules of the Sports Disputes Tribunal of New Zealand.

## 32 SPORTS ANTI-DOPING RULES

- a) The Sports Anti-Doping Rules made by Drug Free Sport New Zealand (DFS) under the provisions of the Sports Anti-Doping Act 2006, and as amended from time to time by DFS, will become New Zealand Four Wheel Drive Association Anti-Doping Rules from 1 June 2010 and will replace all other anti-doping rules of the Association and its member clubs.
- b) All persons driving, or otherwise having control over any vehicle or equipment attached to that vehicle during any NZFWDA event, be it competition or otherwise, shall be subjected to the same DFSNZ rules as athletes in competition.
- c) All marshals, scorers, and officials at any NZFWDA event, be it competition or otherwise, shall be subjected to the same DFSNZ rules as athletes in competition.
- d) As a condition of membership, all members of NZFWDA are required to comply with the Sports Anti-Doping Rules.

## 33 FINANCE

- a) The funds of the Association or zone committee shall be devoted to the furtherance of the objects as set out in these rules.
- b) All monies shall be banked in the name of the Association or committees in an appropriate account at a bank.
- c) All payments shall be made by cheque duly signed and passed for payment by the Executive or committees. All cheques shall be signed by any two of the President, Treasurer or one member of the Executive or committee duly appointed for that purpose.

- d) An imprest petty cash account of \$100.00 shall be allowed the Secretary.
- e) The Executive shall have the power to open special accounts.
- f) The financial year shall be from the 1st day of January to the 31st day of December each year following a shortened transitional financial period of 1 April to 31 December 2019.
- g) Honorary Auditor: The auditor shall hold office for the year being eligible for re-election each year. The auditor shall not be a member of the Executive or committees.
- h) No part of any income or other funds of the Association may be used or be available to be used for the private pecuniary profit of a member of the Association.
- i) Reimbursements to cover costs and expenses incurred during the business or other activities of the Association may be made to members.
- j) No member of the Association, or any person associated with a member, shall participate in or materially influence any decision made by the Association in respect of the reimbursement or payment to or on behalf of that member or associated person whatsoever.

### 34 COMMON SEAL

There shall be a common seal of the Association which shall be kept in the custody of the Secretary who shall affix it to such documents as the Executive shall from time to time by resolution direct provided that such seal shall not be affixed except in the presence of two members of the Executive who shall sign the document.

### 35 ALTERATIONS TO CONSTITUTION

- a) Alterations to these rules may only be made at the Annual/Special General Meeting by resolution carried by a not less than two-thirds majority of the votes exercised by the delegates present and entitled to vote.
- b) Proposed alterations for the AGM shall be submitted as Remits which must be received by the Secretary of the Association by 31 January each year.
- c) Remits to alter these rules will only be accepted from financial members of the Association.
- d) Remits for the AGM will be considered by the Remit Sub-committee, as under Article 14, and after confirmation by the Executive, shall be received by all Club Secretaries by the 31st March each year.
- e) A Special General Meeting to make alterations to the Constitution may only be called by the Executive. The Notice of Meeting and proposed alterations must be received by Club Secretaries no less than six weeks before the date of the Special General Meeting.
- f) Remits submitted after 31 January may be accepted at the sole discretion of the Executive. The Remit Subcommittee will advise the Executive whether it can meet its duties in the time remaining.
- g) The President may propose a change to a failed Constitution Remit where he feels that change will be acceptable to a two-thirds voting majority.

## 36 VALIDATION

No action taken by the Executive or any committee or person acting under the powers delegated to them by the Association, Executive or any committee shall be deemed to be invalidated by reasons only of an inadvertent irregularity provided that such action is ratified at the first meeting of the Association or Executive subsequent to the discovery.

## 37 INDEMNITY CLAUSE

The Executive and their officers and servants (whether voluntary or paid) of the Association shall be indemnified by the Association against expenses incurred in or about the discharge of their duties except such as happens to be their own wilful act, neglect or default.

## 38 DISSOLUTION

- a) The Association or zone committee shall not be dissolved unless a motion to that effect has been passed by a majority of the delegates present and entitled to vote at any special general meeting convened for that purpose and in accordance with the provisions of the Incorporated Societies Act 1908 and its amendments.
- b) Upon dissolution of a committee any surplus monies remaining after payments of all liabilities, shall be paid over to the New Zealand Four Wheel Drive Association Inc.
- c) If upon the winding up or dissolution of the organisation there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall not be paid to, or distributed among the members of the organisation but shall be given or transferred to some other charitable organisation or body having objects similar to the objects of the first organisation, or for some other charitable purpose, within New Zealand.

## 39 INSPECTION OF RULES

The rules and regulations of the Association shall be open to inspection at the address of the Association at all reasonable times, and a copy thereof shall be supplied on such terms and conditions as the Executive may from time to time direct.

## 40 NOTICES

All notices requiring to be given by these rules shall be deemed to have been given if they have been sent to the last known contact details of the addressee as last advised by the member or the member's club.