



## **THE INCORPORATED SOCIETIES ACT 1908**

### **RULES OF THE EAST COAST MINIATURE HORSE CLUB (INC)**

#### **THE CLUB**

##### **1. Name**

The name of the Club is the East Coast Miniature Horse Club (Incorporated).

The Club is constituted by resolution dated 15<sup>th</sup> November 2015.

##### **2. Registered Office**

The registered office of the Club shall be situated 71 Montana Road, Bridge Pa, RD5, Hastings 4175.

The Registered Office may be changed be decided by the Committee. Notice of the change of registered office shall be duly sent to the Registrar.

##### **2. Objectives** - The objectives for which the Club has been established are to:-

- (a) Promote miniature horses of all types
- (b) Provide rally days, shows, events and activities for members
- (c) Educate and inform members on the care and wellbeing of the miniature horse.
- (d) Cater for all types of miniature horse at rally days, shows, events and activities
- (e) Facilitate a supportive, fun and sportsmanlike environment for owners and handlers of miniature horses
- (f) Co-operate with all other like minded clubs to provide jointly run activities and fun days
- (g) Provide opportunities for social contact between members
- (i) Collect fees, subscriptions and other funds and use them for achieving these Objectives

##### **3. Pecuniary Gain**

The income and property of the Club however derived shall be applied solely towards the promotion of the objectives of the Club as documented in these rules. No portion shall be paid or transferred directly or indirectly by way of dividend bonus or by way of profit to the members of the Club provided that nothing shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the Club or to any member of the Club in return for any services actually rendered to the Club. This shall not prevent the payment of interest at a rate not exceeding interest at the rate for the time being charged by the banker for overdrawn accounts on money lent or reasonable and proper rent for premises provided by any members to the Club.

## **MANAGEMENT OF THE CLUB**

### **4. Executive Committee**

4.1 The Club shall have an Executive Committee consisting of the following persons, all of whom must be current financial members of the Club:-

- The President
- Vice President
- The Secretary
- The Treasurer
- Any other Committee members as the Club shall decide.

4.2 There shall be a minimum of two Committee Members in addition to the Executive Officers.

### **5. Appointment of Committee Members**

5.1 The committee is to maintain a minimum of six members, including position holders, with a maximum of ten.

5.2 At the inaugural meeting of the Club the Club shall elect the Executive Officers, namely, a President, a Vice President, a Treasurer, a Secretary, and two or more Committee members.

5.3 Positions may be combined upon the approval of the Committee.

5.4 The Executive positions shall be appointed for a term of two years and shall be eligible for re-election at the end of their two year term. The general Committee member(s) shall be appointed for a term of one year and shall be eligible for re-election at the next Annual General Meeting.

### **6. Cessation of Committee Membership**

6.1 Persons cease to be Committee Members when:-

- They resign by giving written notice to the Committee
- They are removed by majority vote of the Club at a Club meeting
- Their term expires
- They fail to attend three consecutive Committee meetings and/or meeting attendance is so irregular that they are unable to meet their obligations with regard to conducting the business of the Club

6.2 If a person ceases to be a Committee member that person must within 10 days, give to the Committee all Club documents and property.

### **7. Nomination and Appointment of Committee Members**

7.1 Nominations for retiring members of the Committee, including the Executive Officers, shall be called at the Annual General Meeting from the floor.

7.2 Nominees must be financial members and be eligible for appointment.

#### **7.4 Vacancies on the Committee**

7.4.1 If the position becomes vacant between Annual General meetings, the Committee will co-opt another member to fill that vacancy until the next Annual General meeting. At their discretion the Committee may agree to combine positions, or if the position is a Committee position that it may remain vacant until the next Annual General Meeting.

## **8. Role of the Committee**

### **8.1 The role of the Committee is to:-**

- Administer, manage and control the Club
- Ensure that the objectives of the Club are carried out
- Carry out the purposes of the Club and use Money or other Assets to do that
- Manage the Club's financial affairs including approving the annual financial statements for presentation to the Members at the Annual General Meeting
- Set accounting policies in line with generally accepted accounting practice
- Delegate responsibility and co-opt members where necessary
- Ensure that all Members follow the rules
- Decide how a person becomes a Member and how a person stops being a Member
- Decide the times and dates for meetings and set the Agenda for meetings
- Decide the procedures for dealing with complaints
- Set membership fees including subscriptions and fees which will be put to the Annual General Meeting for approval
- Make regulations, rules, policies and procedures

### **8.2 The Committee has all of the powers of the Club unless the Committee's power is limited by these Rules or by a majority decision of the Club.**

### **8.3 All decisions of the Committee shall be by a majority vote. In the event of an equal vote, the President shall have a casting vote, that is, a second vote.**

### **8.4 Decisions of the Committee bind the Club unless the Committee's power is limited by these Rules or by a majority decision of the Club.**

## **9. Role of the Committee Members**

### **9.1 The role of the President is to:-**

- Ensure that the Rules are followed
- Convene meetings and establish whether or not a quorum is present
- Chair the meetings
- Oversee the operation of the Club
- Provide a report on the operations of the Club at each Annual General meeting

### **9.2 The role of the Secretary is to:-**

- Record the minutes of Meetings
- Maintain a register of members
- Hold the Club's records, documents and books except those required for the Treasurer's function
- Receive and reply to correspondence as required by the Committee
- Notify the President of important or urgent matters arising from correspondence
- Maintain or create any forms used by the Club
- Advise the Registrar of Incorporated Societies of any rule changes

### **9.3 The role of the Treasurer is to:-**

- Send out invoices and pay accounts as determined by the Committee
- Keep proper accounting records of the Club's financial transactions to allow the Club's financial position to be readily ascertained.

- Prepare annual financial statements for presentation at each Annual General Meeting. These statements should be prepared in accordance with the Club's accounting policies.
- Provide a financial report at each Annual General Meeting
- Provide financial information to the Committee as the Committee determines

## **MEMBERSHIP OF THE CLUB**

### **10. Membership**

- 10.1 The Club shall consist of members each being a person interested in the miniature horse. The signatories to these rules shall be the first members. All members, other than associate members, must be domiciled in Hawkes Bay, New Zealand.

### **11. Types of Members**

- (a) Ordinary Adult Member – Any person 16 years of age or over having joined the Club and paid the annual subscription payable by such members shall be an ordinary adult member.
- (b) Ordinary Junior Member – Any person under 16 years of age having joined the Club and paid the annual subscription payable by such member shall be an ordinary junior member. Junior members shall not be entitled to hold office or vote at any meeting.
- (c) Family Membership – For families consisting of two or less adults and their dependent children under 16 years of age.
- (d) Honorary Member – The committee may by a simple majority confer on any member or other person. Honorary membership in recognition of special service to the Club including noteworthy furtherance of all or any of the Club's objects. The Honorary member shall not be required to pay annual subscriptions.
- (e) Associate Member – An adult member with no voting rights who cannot be elected to the Committee or hold office.

### **12. New Members**

Membership shall be open to all persons who subscribe to the objectives of the East Coast Miniature Horse Club Inc, agree to abide by its rules and regulations. Membership applications are submitted to the Secretary of the Club on the appropriate form and signed by themselves. Membership will be conditional on the approval of the Committee and on the appropriate membership fee being received. Membership can be declined on the grounds of monies outstanding, unworthy conduct, the maltreatment of horses, for having previously been expelled as a financial member or any other reason that the majority of the Committee deems applicable.

### **13. Annual Subscriptions**

Every member shall on or before the first day of June in each year and every year pay to the Club an annual subscription fixed by resolution at the Annual General meeting.

### **14. Obligations of Members**

No member shall conduct him/herself or be guilty of any such conduct as to bring the Club into discredit, or act in any way against the objectives of the Club.

### **15. Cessation of Membership**

- Any member may resign by giving written notice to the Secretary.
- Any member that ceases to maintain a current financial membership may not continue to receive the benefits of membership until the membership renewal is paid.

- Termination of membership due to a breach of the Club's rules

## **16. Termination of Membership**

- 16.1 If, for any reason whatsoever, the Committee is of the view that a member is breaching the Rules or acting in a manner inconsistent with the purposes of the Club the Committee may give written notice of this to the Member. The Committee's notice must:-
- a) Explain how the member is breaching the rules or acting in a manner inconsistent with the purposes of the Club
  - b) State what the member must do in order to remedy the situation or state that the member must write to the Committee giving the reasons why the Committee should not terminate the member's membership
  - c) State that, if within 14 days of the member receiving the Committee's notice, the Committee is not satisfied, the Committee may in its absolute discretion immediately terminate the member's membership.
  - d) State that if the Committee terminates the member's membership the member may appeal to the Club.
- 16.2 14 days after the member receives the Committee's notice, the committee may in its absolute discretion by majority vote terminate the member's membership by giving the member written notice which takes immediate effect. The termination notices must state that the member may appeal to the Club at the next meeting by giving written notice to the Secretary within 14 days of the member's receipt of the termination notice.
- 16.3 If the member gives the member's notice to the Secretary, the member will have the right to be fairly heard at a Club meeting held within the following 30 days. If the member chooses, the member may provide the Secretary with a written explanation of the events as the member sees them and the member may require the Secretary to give the member's explanation to every other Committee member within 7 days of the Secretary receiving the member's explanation. If the member is not satisfied that the other Club Committee members have had sufficient time to consider the member's explanation, the member may defer his or her right to be heard until the following Club meeting.
- 16.4 When the member is heard at a Club meeting, the Club may question the member and the Committee members.
- 16.5 The Club shall then by majority vote decide whether to let the termination stand, or whether to reinstate the member. The Club's decision will be final.

## **MONEY AND OTHER ASSETS OF THE CLUB**

### **17. Use of Money and Other Assets**

- 17.1 The Club may only use Money and other Assets if:-
- It is for a purpose of the Club
  - It is not just for the sole personal or individual benefit of any member; and
  - That use has been approved by either the Committee or by majority vote of the Club

### **18. Joining Fees, Subscriptions and Levies**

- 18.1 All fees will be announced and ratified at each Annual General Meeting and be valid for the coming year.
- 18.2 If any member does not pay a subscription or levy by the date set by the Committee or the Club, the Secretary will give written notice that, unless the arrears are paid by a nominated date, the Membership will be terminated. After that date, the member shall, without being

released from the obligation of payment of any sums due to the Club, have no membership rights and shall not be entitled to participate in any Club activity.

## **19. Additional Powers**

The Club may:-

- Employ people for the purposes of the Club
- Exercise any power a trustee might exercise
- Invest in any investment that a trustee might invest in
- Borrow money and provide security for that if authorised by majority vote at any Club meeting.

## **20. Financial Year**

The financial year of the Club begins on the 1 April of every year and ends of the 31<sup>st</sup> March of the next year.

## **21. Assurance of the Financial Statements**

21.1 The Club may appoint an appropriately qualified independent third party to review the annual financial statements of the Club (The Reviewer). The Reviewer shall conduct an examination with the objective of providing a report that nothing has come to the Reviewer's attention to cause the Reviewer to believe that the financial information is not presented in accordance with the Club's accounting policies. The Reviewer must not be a member of the Committee or an employee of the Club.

21.2 The Committee must provide the Reviewer with:-

- Access to all information of which the Committee is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters
- Additional information that the Reviewer may request from the Committee for the purpose of the review; and
- Reasonable access to persons within the Club from whom the reviewer determines it necessary to obtain evidence.

21.3 No review of the annual financial statements is required unless a review is requested by 51% of the members at the Annual General Meeting.

## **CONDUCT OF MEETINGS**

### **22. Annual General Meetings and Special General Meetings**

22.1 The Annual General Meeting shall be held once every year no later than five months after the Club's balance date. The Committee shall determine when and where the Club shall meet within those dates.

22.2 Special General meetings may be called by the Committee. The Committee must call a Special General Meeting if:-

- the Secretary receives a written request signed by at least 50% of the members; or
- 75% of the Committee vote for a Special General meeting to be held

22.3 Meetings shall be chaired by the President. If the President is absent, the Vice President shall chair that meeting. The person chairing a Club meeting has a casting vote.

22.4 The business of an Annual General meeting shall be:-

- Open the Meeting
- Apologies
- Approve the minutes of the previous Club meeting(s)
- Executive Committee Reports
- Election of Committee members
- Motions to be considered
- General business

22.5 The President or his nominee shall adjourn the meeting if necessary. If within half an hour after the time appointed for a meeting a quorum is not present the meeting, if convened upon requisition of members shall be dissolved, in any other case it shall stand adjourned to a day, time and place determined by the President of the Club, and if at such adjourned meeting a quorum is not present the meeting shall be dissolved without further adjournments. The President may with the consent of any Club meeting adjourn the same from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

### **23. Notice of Business for Annual General and Special General Meetings**

23.1 The Secretary must advise members of a due date and time by which motions must be received by the Secretary for inclusion on the Agenda.

23.2 42 days notice (exclusive of the day on which the notice is served or deemed to be served but inclusive of the day for which the notice is given) specifying the place the day and the hour of meeting and specifying the business to be transacted to those persons entitled to receive such notice from the Club. Members can be notified via e-mail or post.

### **24. Service of Notices**

Every notice required to be given to the members or any of them shall be deemed to have been duly delivered if posted to them in a pre-paid letter addressed to them at their last known address, or e-mailed to them at the last known e-mail address.

### **26. Majority**

51% at any Annual General or Special General Meeting. The President shall have an additional casting vote.

27. **Voting Rights** - Only financial members shall be entitled to vote at any Annual or Special meeting of the Club. Members shall have the following votes according to their membership classification.

- (a) Ordinary adult members – One Vote
- (b) Family members – Each Adult to have one vote as an Ordinary adult member – maximum of two votes.
- (c) Ordinary junior members – No vote

28. **Quorum** - At the Annual General Meeting or Special General Meeting five members shall constitute a quorum.

### **29. Committee Meetings**

29.1 14 days notice is deemed to be served and not less than six committee meetings shall be held in each year at such times and places as the President or in his/her absence or inability any other member of the Committee shall direct for the purposes of transacting the business

of the Club and deciding upon such resolutions as shall be duly submitted at the meeting. Committee meetings may be held electronically via msm, skype or teleconference.

29.2 At all committee meetings five members shall constitute a quorum.

29.3 Committee meetings is by simple majority of 51%. The President shall have an additional casting vote.

### **COMMON SEAL**

30.1 The Committee shall provide a common seal for the Club and may from time to time replace it with a new one.

30.2 The Secretary shall be the custodian of the common seal which shall only be used by the authority of the Committee. Every document to which the common seal is affixed shall be signed by the President and countersigned by the Secretary or a member of the Committee.

### **ALTERATION OF RULES**

31.1 These rules may be altered, added to, rescinded or otherwise amended by resolution passed by a 51% majority of those present at an Annual or Special General meeting of which the appropriate notice has been given.

31.2 Every such notice shall set forth the purpose of the proposed alteration, addition, rescission or other amendment.

31.3 When a change to the rules is approved at an Annual General meeting or Special General meeting no rule change shall take effect until the Secretary has filed the changes with the Registrar of Incorporated Societies.

### **REGULATIONS**

32.1 The Committee may from time to time make, alter or rescind regulations for the general management of the Club as long as these are not repugnant to these rules or to the provisions of the law. All such regulations shall be binding on members of the Club. A copy of the regulations for the time being, shall be available for inspection by any member on request to the Secretary.

### **WINDING UP**

33.1 If the Club is wound up:-

33.2 The Club's debts, costs and liabilities shall be paid

33.3 Surplus money and other assets of the Club may be disposed of:-

- By resolution; or
- According to the provisions in the Incorporated Societies Act 1908; but
- No distribution may be made to any member
- The surplus money and other assets shall be distributed to:-
  - a) An existing Incorporated Club or Association with the same objectives for the promotion and support of the Miniature horse as this Club; and/or
  - b) The SPCA