

New Zealand Kennel Club (Inc.)

(Affiliated with The Kennel Club, England)
(Associated with the Federation Cynologique Internationale)

DISCIPLINE AND



SETTLEMENT OF DISPUTES

REGULATIONS

(Reprinted from NZKC Rule 35, effective 1 January 2024)



Headquarters
Prosser Street, Porirua.

New Zealand Kennel Club
Private Bag 50903
Porirua 5240

(Copyright - New Zealand Kennel Club (Inc.))



CONTENTS

- 1. JUDICIAL FUNCTIONS OF THE NEW ZEALAND KENNEL CLUB**
- 2. GROUNDS FOR COMPLAINTS**
- 3. LAYING A COMPLAINT**
- 4. COMPLAINT LODGEMENT FEES**
- 5. PROCEDURE UPON RECEIPT OF COMPLAINT**
- 6. HEARING OF THE COMPLAINT**
- 7. HEARING BY DISPUTES COMMITTEE**
- 8. COMPLAINTS RELATING TO A DOG AT A SHOW**
- 9. PENALTIES**
- 10. COMMENCEMENT OF PENALTY**
- 11. EXERCISE OF SUMMARY JURISDICTION BY THE EXECUTIVE COUNCIL**
- 12. IMPOSITION OF PENALTY BY CONSENT**
- 13. DISQUALIFICATION OF A DOG**
- 14. CONVICTIONS FOR CRUELTY OR DISHONESTY, ETC.**
- 15. DISCIPLINE UNDER RECIPROCAL AGREEMENTS**
- 16. MEDIATION**
- 17. RIGHTS OF AND GROUNDS FOR APPEALS**
- 18. PROCEDURE ON APPEALS**
- 19. REVIEW PROCEDURE**
- 20. DISPUTES REGULATIONS**

DISCIPLINE AND SETTLEMENT OF DISPUTES

1. JUDICIAL FUNCTIONS OF THE NEW ZEALAND KENNEL CLUB

- (a) In accordance with New Zealand Kennel Club Rule 22 (e) the Executive Council shall:
 - (i) Establish and delegate their originating judicial functions to such Disputes Committees, Complaints Officers, or investigators as they deem necessary upon such terms as they think fit with such powers as are warranted to deal with complaints received.
 - (ii) Establish a Judicial Review Subcommittee of the Executive Council which shall consist of not less than three members of the Executive Council to exercise its appellate functions as allowed for in these Regulations provided however that in the event of there not being three members eligible to hear any appeal or review or if other special circumstances dictate then the Executive Council can appoint such person or persons not being members of the Executive Council to hear any appeal or review.
- (b) The Executive Council of the New Zealand Kennel Club may act in a judicial capacity having both originating and appellate jurisdiction.
- (c) Nothing in these Regulations shall prevent any member society acting in a judicial capacity as provided for under its own Rules.

2. GROUNDS FOR COMPLAINTS

- (a) A complaint may be laid against any member or society who:
 - (i) Is in breach of any Rule of the New Zealand Kennel Club;
 - (ii) Is in breach of any regulation made pursuant to these Regulations;
 - (iii) Acts in a manner which is or which may be discreditable or prejudicial, or calculated to be prejudicial to the interests of the canine world.
 - (iv) Does any improper act connected with, arising out of or relating to the breeding, exhibition or judging of dogs.
 - (v) Does any improper act connected with the administration or operation of the New Zealand Kennel Club or any Society.
 - (vi) Is convicted by a court or enters into a police diversion scheme in respect of any of the offences specified in Regulation 14. (vii) Exhibits a dog that is disqualified or is eligible for disqualification pursuant to Regulation 13.
 - (vii) Promotes, judges at, in any way officiates at, enters, or exhibits any dog registered with the New Zealand Kennel Club at an unrecognised show.
 - (viii) Acts as the nominee or agent of a banned person with the intention of avoiding any penalties imposed upon the banned person.
 - (ix) Makes any reference to NZKC membership or registration in any advertisement or communication concerning the sale of any dog or dogs and sells the dog or dogs without NZKC registration being completed as specified by NZKC Registration Regulations.
- (b) Complaints cannot be laid against persons who are not financial members of the New Zealand Kennel Club at the time the alleged breach of the Rules occurred unless those persons have since become financial members and are financial members at the date the complaint is laid.

- (c) A breach of Regulation 2 (a) (i) and (ii) is not necessarily a prima facie evidence of a breach of Regulation 2 (iii) or (iv) of these rules.

3. LAYING A COMPLAINT

- (a) Any member, society or visiting officiating judge may lay a complaint.
- (b) A complaint may be laid by the Director/Secretary on behalf of the New Zealand Kennel Club.
- (c) Complaints must be in writing and set out
 - (i) Full names and addresses of all complainants and their membership numbers if applicable.
 - (ii) The names and addresses of the member(s) or society complained about.
 - (iii) The full details of behaviour complained of.
 - (iv) Date and place of incident.
 - (v) Which provisions of Regulation 2 are breached by this behaviour.
 - (vi) The breed, registered name and number of any dog involved.
 - (vii) The names and addresses of witnesses or persons making statements where applicable.
 - (viii) Specific remedies sought, if any.
- (d) The complaint must be accompanied by written evidence or documents and signed statements by the complainants and witnesses sufficient to establish a prima facie breach of New Zealand Kennel Club Regulation.
- (e) The complaint must be signed by
 - (i) the complainant or
 - (ii) if more than one complainant by all complainants or at least one of the complainants authorised to sign on behalf of all complainants or
 - (iii) if by a society by a duly authorised officer of that society
- (f) The complaint must be accompanied by the complaint fee, except in the case of a visiting officiating judge.
- (g) The complaint must be addressed to and lodged with the New Zealand Kennel Club.
- (h) A complaint must be lodged within sixty days from the time when the matter of complaint arose or within sixty days from the time when the matter which is the subject of the complaint was discovered.
- (i) Where a complaint alleges a series of events, incidents, acts or omissions establishing a pattern of behaviour then the time for laying of the complaint runs from the date of the latest of the alleged events, incidents, acts or omissions. The earlier events, incidents, acts or omissions shall form part of the complaint for the purpose of establishing the alleged pattern of behaviour and may be taken into account in the imposition of any penalty.
- (j) The time of discovery is deemed to be when the member or society laying the complaint is in full possession of the facts.

4. COMPLAINT LODGEMENT FEES

- (a) Except in the case of a visiting officiating judge, the following fees shall be payable to the New Zealand Kennel Club and shall accompany any matter lodged.
 - (i) The lodgement of a matter other than an application to have a matter referred to a mediator - \$150 (excluding GST).
 - (ii) An application for a matter to be referred to a mediator - \$150 (excluding GST).
 - (iii) A complaint by the New Zealand Kennel Club acting through the President or the Director Secretary - Nil.
 - (iv) The lodging of an appeal or application for review - \$150 (excluding GST).
- (b) The lodgement of a complaint arising out of a show \$150 (excluding GST).
- (c) Complaint fees may be refunded at the discretion of the President, the Disputes Committee or the Judicial Review Subcommittee (or by whatever name they are known).

5. PROCEDURE UPON RECEIPT OF COMPLAINT

- (a) Complaints received shall forthwith be referred to the President of the New Zealand Kennel Club who shall determine whether a prima facie case for further investigation exists under these Regulations.
 - (i) Before making a ruling the President may at his discretion refer all or any part of the matter to a Complaints Officer or investigator to investigate the complaint further and report back within a reasonable time.
 - (ii) If the President is satisfied a prima facie case for further investigation exists for all or any part of the matter the President shall either:
 - (1) Refer all or any part of the matter to a Disputes Committee for a hearing.
 - (2) Refer all or any part of the matter to the Executive Council to be heard by them.
 - (3) Refer all or any part of the matter to the Executive Council with a rider that all or any part of the matter is such that, whilst demonstrating a breach of New Zealand Kennel Club Rules would, if proven, not warrant a hearing by a Disputes Committee and it is more appropriate that all or any part of the matter be dealt with by the Executive Council summarily or by way of written submissions only.
 - (4) Refer all or any part of the matter to a Complaints Officer, investigator or mediator with the view of obtaining a resolution of the dispute. If a mutually acceptable resolution is not reached the President may rule that the matter is concluded.
 - (iii) The President shall dismiss the complaint if satisfied that a prima facie case for further investigation does not exist for all or any part of the matter. Written reasons for the dismissal must be given to the complainant.
 - (iv) Upon dismissing a complaint the President may make a recommendation that all or any part of the matter be referred to a Complaints Officer, investigator or mediator with the view of obtaining a resolution of the dispute. If the mediation is unable to reach a mutually acceptable resolution the President may rule that the matter is concluded.
 - (v) The President may dismiss the complaint if the President believes the complaint to be trivial, malicious or if in the opinion of the President

disciplinary proceedings should not be brought for some good reason. Written reasons for the dismissal must be given to the complainant.

- (vi) The President may order that the complaint fee be waived upon compassionate or hardship grounds upon written application by the complainant made at the time of lodging the complaint
- (vii) The President may in exceptional circumstances upon application by the complainant rule that the complaint be heard notwithstanding that it is lodged out of time.

6. HEARING OF THE COMPLAINT

- (a) All hearings must be conducted in accordance with the rules of natural justice and any regulations laid down by the Executive Council for the conduct of hearings.
- (b) No party may be represented at a hearing of a Disputes Committee or a hearing conducted by a member society by legal counsel although they may be accompanied by a lay spokesperson or engage legal counsel to assist in the preparation of any complaint or in the preparation for the hearing of it.
- (c) The New Zealand Kennel Club may be represented at any hearing by the Director Secretary or any other person appointed by the President or the Executive Council and shall have the same rights as any other party.
- (d) The New Zealand Kennel Club may appoint an observer to attend any hearing who may assist the conduct of the hearing in any manner deemed appropriate by the chairman of the committee.
 - i. Where any matter is to be heard by written submissions only all parties must be sent full particulars of the dispute and given at least twenty-eight days to respond. Upon receipt of the response all parties must be sent the responses received from the other parties and given a final right of reply of not less than fourteen days before the matter is finally considered.
 - ii. Where a matter is to be heard by a Disputes Committee:
- (e) Any submissions relating to procedural or legal aspects of the complaint or the hearing must be made in writing to the Chairperson of the Disputes Committee, and served on the other parties 7 days prior to the date set down for a hearing.
- (f) If legal or procedural issues arise during the hearing of the complaint, such issues will be determined following the hearing of the evidence in respect of the complaint/s, but prior to the Disputes Committee reaching a final determination on the merits of the complaint.
- (g) Any complainant who abandons a complaint after it has been set down for hearing or does not appear at a Regional Disputes Committee Hearing can, if it is deemed appropriate by the Regional Disputes committee, be liable for all or any of the penalties laid down in Regulation 9.

7. HEARING BY DISPUTES COMMITTEE

- (a) Upon a matter being referred to a Disputes Committee the Chairman shall arrange for the matter to be heard by a Disputes Committee of not less than three members of the New Zealand Kennel Club
- (b) The Chairman of the Disputes Committee may at any time determine that no prima facie case exists to be answered and dismiss the matter. Written reasons for the dismissal must be given to the complainant.

- (c) If, on hearing a complaint under these Regulations, the Disputes Committee is satisfied that the complaint is proved or not being satisfied that the complaint is proved is satisfied that a default or omission has been proved, it may find accordingly and impose any one or more of the penalties listed in Regulation 9.
- (d) A written decision must be issued and sent to all parties and the New Zealand Kennel Club upon conclusion of the hearing or within twenty-eight days thereafter. The written decision will include:
 - (i) All breaches of Rules or Regulations established (ii) All other findings and/or conclusions reached
 - (iii) All penalties imposed
 - (iv) Any recommendations to the Executive Council
 - (v) Any other relevant comment
 - (vi) Information on rights of appeal and/or review
- (e) If satisfied that it is fair and equitable to all parties and achieved without duress a Regional Disputes Committee may accept a negotiated settlement of any complaint acceptable to all parties and:
 - (i) dismiss the complaint or
 - (ii) impose any penalty by consent without further hearing of the matter.

8. COMPLAINTS RELATING TO A DOG AT A SHOW

- (a) A complaint relating to a dog entered or exhibited at a show must be lodged with the Show Manager on the day of the show and in accordance with the procedures laid down in the Show Regulations.
- (b) Such complaint must be made in writing, be accompanied by the appropriate complaint fee as prescribed in Clause 4 of these Regulations, and set out:
 - (i) Full name(s), and New Zealand Kennel Club Membership number(s) of the complainant(s)
 - (ii) Full registered name and registered number of the dog(s) being complained about
 - (iii) The names of the owner of the dog(s) which is/are the subject of the complaint, as printed in the show catalogue
 - (iv) Full details of the Rules and/or Regulations alleged to have been breached
 - (v) Names and addresses of witnesses or persons making statements where applicable
 - (vi) Specific remedies sought (if any)
- (c) The complaint must be signed by
 - (i) The complainant or
 - (ii) if more than one complainant, by all complainants or at least one complainant authorised to sign on behalf of all or any complainant.
- (d) Immediately upon receipt of a complaint relating to a dog at a show, the committee conducting the show must decide if the complaint fulfils the requirements of Regulation 8 b and establishes a prima facie breach of the rules and/or regulations of the New Zealand Kennel Club.

- (e) A complaint relating to a dog at a show must be heard by the Committee conducting the show unless the dog is in the ownership or part ownership of any personnel involved with conducting the show, or involves a breach of rule or regulation of the New Zealand Kennel Club that did not, or did not only, occur at the show, in which case the complaint must be laid directly with the New Zealand Kennel Club or sent to the New Zealand Kennel Club by the receiving club, within 48 hours of receipt.
- (f) Notwithstanding the requirements of the Show Regulations with respect to the Exclusion of Dogs, after notifying all parties, a complaint relating to a dog at a show must be heard by the committee conducting the show, during the conduct of the show where practicable or, if not practicable, within 28 days after the show.
- (g) Notwithstanding the requirements of the Show Regulations with respect to the Exclusion of Dogs, if the complaint is not heard during the conduct of the show, the committee hearing the complaint must:
 - (i) notify details of the complaint to all parties giving them a minimum of 14 days' notice
 - (ii) give all parties to the complaint a fair hearing and adequate opportunity to explain their position
 - (iii) deliver to all parties to the complaint a written decision within 28 days of the completion of the hearing. Such decision must contain full details of breaches of rule(s) or regulation(s) established and all penalties imposed.
 - (iv) clearly advise all parties to the complaint their rights of appeal
- (h) A committee hearing a complaint relating to a dog at a show can:
 - (i) impose those penalties set out in Regulation 9 (a) (ii) and (iii)
 - (ii) impose the penalties set out in Regulation 9 (a) (vii), (ix), (x) and (xiv) as far as they can relate to the subject dog(s) of the complaint and the activities of the society hearing the complaint.
 - (i) Within seven days of delivering the written decision to the parties, a full report of the conduct of the hearing, copies of all written material produced at the hearing and a copy of the written decision must be sent to the Director Secretary.

9. PENALTIES

- (a) The penalties that may be imposed under these Regulations include all or any of the following:
 - (i) The imposition of a fine of such amount as may be fixed, payable to the New Zealand Kennel Club or any other party.
 - (ii) The issue of a severe reprimand, reprimand, censure or warning.
 - (iii) The requirement of an apology in the manner directed by the committee hearing the complaint.
 - (iv) The suspension of any member or non-member from taking part in or having any connection with or attending any show.
 - (v) The suspension of any person from taking part in the management of any show.
 - (vi) The suspension of any person from acting as an officer of any society.
 - (vii) The suspension from competition of all dogs owned or registered in the name of any member.

- (viii) The suspension of any person from membership of any society.
 - (ix) The disqualification from registration or competition of all or any dogs and all or any of the progeny of any such dogs owned by any person or owned or registered by them jointly with any other or others or owned or registered in the name of a nominee.
 - (x) A recommendation to the Executive Council that they add to, delete from or amend any detail on the New Zealand Kennel Club Register of Dogs.
 - (xi) The suspension of any person from membership of the New Zealand Kennel Club for any period or cancel the membership of any such person or society.
 - (xii) The removal or suspension for any period of time of any person from the New Zealand Kennel Club Show, Obedience, Working Trial, Agility, or New Zealand Gundog Trial Association Judges Panels.
 - (xiii) The recommendation to the Executive Council that they remove or suspend the Association or Recognition of any society, suspend the Affiliation of any society or that the Executive Council recommend to the Annual Conference of Delegates that a society cease to be affiliated to the New Zealand Kennel Club.
 - (xiv) An order that any person pay costs to the New Zealand Kennel Club and/or any party of an amount determined by the appropriate committee.
- (b) Any penalty imposed can be suspended for all or part of the term of imposition subject to the observation of such conditions as may be imposed. If the conditions of a suspended penalty are not observed then the penalty will take effect upon notice without further hearing.
 - (c) Where a dog is disqualified, in addition to the other penalties set out, the dog may be disqualified from competition at any recognised show and the member forfeit all or any part of any entry fees, trophies, prizes and prize money made in respect of or won by any dog at the show or shows in question;
 - (d) Any person failing to pay a fine or costs or failing to comply with any order after twenty-eight days have elapsed from the imposition of the fine, the order for costs and/or other order shall automatically have their membership of the New Zealand Kennel Club suspended until the failure is rectified.
 - (e) If any person suspended or disqualified under these Regulations shall breach their suspension or disqualification the Executive Council may increase the period of suspension and/or disqualification.
 - (f) The Executive Council of the New Zealand Kennel Club may from time to time remove or modify any suspension or disqualification.
 - (g) The New Zealand Kennel Club may publish in the New Zealand Kennel Gazette an account of any disputes proceedings.

10. COMMENCEMENT OF PENALTY

- (a) Unless special circumstances require otherwise and the finding so direct all penalties imposed by Disputes Committees shall commence on the date set by the appointed sub-committee of the Executive Council.
- (b) Unless otherwise directed by the Executive Council the imposition of all penalties shall be suspended upon receipt of a valid appeal or application for review until such time as the appeal or review is heard.

11. EXERCISE OF SUMMARY JURISDICTION BY THE EXECUTIVE COUNCIL

- (a) The Executive Council may of its own motion or on the reference of the President or the Director Secretary, exercise summary jurisdiction without giving notice where:
- (i) There has been a breach of a Rule or Regulation which requires immediate action; or
 - (ii) There has been a breach of a Rule or Regulation which is of a minor nature and does not warrant a formal complaint being laid; or
 - (iii) A member or society has failed to:
 - (1) Meet the time limit for making any payment specified by a Rules or Regulation; or
 - (2) Meet the time limit for doing any administrative act specified by a Rule or Regulation.
- (b) Where the Council exercises summary jurisdiction it may:
- (i) Impose a fine not in excess of ten times the annual combined membership and Gazette subscription fee of the New Zealand Kennel Club then in force, and/or
 - (ii) Suspend any membership or suspend the affiliation, association or recognition of any society until any act or omission or payment is done corrected or paid as the case may be.
- (c) The Director Secretary shall within twenty-eight days after a decision is made pursuant to this Regulation forward notice to all members affected by the decision, such notice to state:
- (i) Any Rule or Regulation breached.
 - (ii) The manner in which such Rule or Regulation was breached.
 - (iii) Any act or omission done or neglected.
 - (iv) Any remedial action required to be done.
 - (v) Any penalty imposed or costs awarded.
 - (vi) The duration of any suspension imposed and the manner in which it is to be lifted.
 - (vii) The following statement:

"You have a right of review of this decision. Your application for review must be in writing and received by the Director Secretary within twenty-eight days of the date of this notice."

12. IMPOSITION OF PENALTY BY CONSENT

- (a) Where any member of the New Zealand Kennel Club
- (i) By their own admission admits that they have breached a Rule or Regulation; or
 - (ii) Has been convicted of any of the offences set out in Regulation14: or
 - (iii) Has entered into a police diversion arrangement in respect of an offence set out in Regulation14
- The Executive Council may upon giving twenty-eight days written notice and with the consent of the member concerned impose a penalty upon that member by consent without further process.

- (b) In such case the Executive Council will order that no report of the matter be published in the New Zealand Kennel Gazette unless there is good reason to do so.

13. DISQUALIFICATION OF A DOG

- (a) A dog may be disqualified from exhibition at any recognised show if it is found by the committee of a society conducting a recognised show, a Disputes Committee upon hearing a complaint or, the Executive Council after due investigation that:-
- (i) At any show where membership of the New Zealand Kennel Club is required any dog has been exhibited or handled by a person who is not a current financial member of the New Zealand Kennel Club; or
 - (ii) The entry of any dog has been accepted by a show committee contrary to Show Regulations; or
 - (iii) Any dog been has exhibited, handled, let into the ring or taken charge of at a recognised show by a person suspended from taking part in or having any connection with or attending any show under these Rules; or
 - (iv) Any dog is totally blind; or
 - (v) Any dog is totally deaf; or
 - (vi) Any dog is monorchid or cryptorchid; or
 - (vii) Any dog is castrated (except in classes or shows where expressly permitted under the show regulations); or
 - (viii) Any bitch is spayed (except in classes where expressly permitted under the show regulations); or
 - (ix) Any dog is improperly tampered with; or
 - (x) Any dog is prepared for exhibition in contravention of Show Regulations; or
 - (xi) Any dog is suffering from an infectious or contagious disease; or
 - (xii) Any dog is entered in a manner not complying with the classifications in the schedule; or
 - (xiii) Any dog is owned or shown by judges or stewards at the show contrary to Show regulations; or
 - (xiv) Any dog is not duly registered with the New Zealand Kennel Club in the name of the exhibitor before exhibition; or
 - (xv) Any dog is imported in contravention of any statutory regulations; or
 - (xvi) Any dog is entered in a class for which it is ineligible and is not withdrawn from the competition or reallocated to a class for which it is eligible before the judging of the class in question has begun; or
 - (xvii) Any dog is exhibited contrary to any other Show Regulation.
- (b) The provisions of sub clause (vi), (vii) and (viii) of this Regulation shall not apply to all field trials, all water trials, all obedience events, all agility events, ribbon parades, and the provisions of sub clause (vii) and (viii) of this Regulation shall not apply to Open shows or Stake classes at Championship shows. Further, the provisions of sub clause (vii) and (viii) shall not apply to breed classes at any Breed or Multibreed club championship show where the acceptance of entry from spayed and neutered dogs has been published in the schedule of the show.
- (c) The provisions of sub-clause (v) of this rule shall not apply to Championship Obedience Tests, Open Obedience Trials, Obedience Ribbon Trials, Companion Dog Trials, Utility Dog Trials, Working Dog Trials, Tracking Dog Trials, Championship Agility Events, Open Agility Events and Agility Ribbon Trials.

14. CONVICTIONS FOR CRUELTY OR DISHONESTY, ETC.

The Executive Council may, upon twenty-eight days' notice, impose a penalty on any person if it is satisfied that person has been convicted in respect of an offence involving:

- (i) Cruelty of a dog or other animal;
- (ii) Dishonesty in connection with:
 - (1) A dog;
 - (2) Any event licensed by the New Zealand Kennel Club;
 - (3) Any club or society registered with or affiliated to the New Zealand Kennel Club;
- (iii) Any act or behaviour which, in the opinion of the New Zealand Kennel Club, is discreditable or prejudicial to the interest of the canine world;
- (iv) Serious fraudulent behaviour where it is appropriate that the penalty set out in Regulation 9 (a) (vi) be imposed.

15. DISCIPLINE UNDER RECIPROCAL AGREEMENTS

Where any person has been duly suspended or disqualified by the ruling of an Overseas Canine Control the Executive Council may suspend or disqualify that person for a like period in New Zealand.

16. MEDIATION

- (a) The Executive Council may from time to time appoint persons to act as mediators for the New Zealand Kennel Club.
- (b) The names, addresses and telephone numbers of such persons so appointed shall be published in the issue of the New Zealand Kennel Gazette containing the report of the meeting at which their appointment is effected.
- (c) Where any matter is referred to a mediator the Director Secretary shall give notice to the parties and the mediator.
- (d) Mediators shall use their best endeavours to encourage the settlement of the dispute between the parties and to create an atmosphere in which the parties can view the dispute with emphasis on settlement of the dispute in an amicable manner.
- (e) Mediators shall report to the Director Secretary of the New Zealand Kennel Club as to the outcome of mediation when they believe the matter is either resolved or unable to be resolved.
- (f) Where a complaint or matter has been referred to mediation and:
 - (i) The mediator reports that the matter is not resolved; or
 - (ii) Any apparent settlement achieved does not appear to the Executive Council to have been effective; or
 - (iii) The Executive Council determines mediation should not be continued with; or
 - (i) The mediator is unable to continue for any reason to mediate.
- (g) Parties to any dispute, whether it involves a breach of New Zealand Kennel Club Rules or not, may apply to have the dispute referred to a mediator for resolution by mutual agreement. Any such application must be signed by or consented to by all parties in writing.

- (h) Mediators shall be entitled to all reasonable out-of-pocket expenses incurred by them in the performance of their functions pursuant to these Regulations.

17. RIGHTS OF AND GROUNDS FOR APPEALS

- (a) Any party to a judicial procedure conducted by the New Zealand Kennel Club or member society of the New Zealand Kennel Club shall have a right of appeal to the Executive Council of the New Zealand Kennel Club.
- (b) The appeal must be lodged within twenty-eight days of receipt of the findings appealed against or twenty-eight days from the date when the appellant became aware or should have become aware of the findings appealed against whichever is the later.
- (c) An appeal must establish one of the following grounds
 - (i) The hearing of the complaint did not observe these Regulations or rules of natural justice and the result was a miscarriage of justice prejudicial to the appellant.
 - (ii) New evidence has since the hearing become available that was not available at the date of the hearing and it if considered would have materially affected the outcome of the hearing.
 - (iii) There was a misinterpretation or misapplication of the Regulations and the result was a miscarriage of justice prejudicial to the appellant.
 - (iv) The facts as established did not result in a breach of Regulations.
- (d) An appeal as to penalty alone can only be made by way of an application for review.

18. PROCEDURE ON APPEALS

- (a) Upon receipt of an appeal it shall be referred to the Judicial Review Subcommittee of the Executive Council who may:-
 - (i) Determine that no prima facie grounds for an appeal exist and dismiss the appeal.
 - (ii) Determine that prima facie grounds for an appeal exist and refer the matter for a hearing before either the Judicial Review Subcommittee of the Executive Council or the full Executive Council.
- (b) If the matter is referred for a hearing the Judicial Review Subcommittee of the Executive Council may order that the hearing be conducted by way of written submissions only.
- (c) The hearing of any appeal shall include an automatic review of any penalty imposed.
- (d) Upon hearing an appeal the Judicial Review Subcommittee of the Executive Council or the Executive Council can:-
 - (i) Dismiss the appeal and uphold the decision of the committee conducting the hearing appealed against, or
 - (ii) Allow the appeal and make such orders as are deemed appropriate, or
 - (iii) Allow the appeal and order a rehearing by:-
 - (1) The original committee hearing the complaint
 - (2) A Disputes Committee or if already heard by a Disputes Committee, another Disputes Committee
 - (3) The Executive Council, or

- (iv) Amend, substitute or add to any penalty or costs imposed.

19. REVIEW PROCEDURE

- (a) Applications for review may be lodged in relation to any of the following:
 - (i) Any decision of the President to dismiss a complaint pursuant to Regulation 5 (a) (iii) or 5 (a) (iv).
 - (ii) Any decision of a Disputes Committee to dismiss a complaint pursuant to Regulation 7 (b).
 - (iii) Any decision of the Executive Council in exercise of their summary jurisdiction.
 - (iv) The procedures adopted by a member society in the exercise of a judicial function.
 - (v) Any penalty imposed under these Regulations.
- (b) An application for review must be lodged within twenty-eight days of receipt of the findings subject of the application or twenty-eight days from the date when the applicant became aware or should have become aware of them whichever is the later.
- (c) Applications for review must be in writing and state the grounds for the application
- (d) Upon receipt of an application for review the application shall be referred to the Judicial Subcommittee of the Executive Council who shall either;
 - (i) Determine that no prima facie grounds for a review exists and dismiss the application; or
 - (ii) Determine that prima facie grounds for a review exist and either refer the matter to themselves for further consideration or order a hearing before the full Executive Council.
- (e) If the Judicial Review Subcommittee of the Executive Council refers the application to themselves they may conduct the review forthwith, may order that the review be conducted by way of written submissions only or may conduct a hearing of the review.
- (f) Upon review the Judicial Review Subcommittee of the Executive Council or the Executive Council can:-
 - (i) Dismiss the application and uphold the decision.
 - (ii) Allow the application but declare that due to the nature of the action, default or omission a rehearing of the matter is not warranted.
 - (iii) Allow the application and order a hearing by:-
 - (1) The committee of any society
 - (2) A Disputes Committee or if already heard by a Disputes Committee, another Disputes Committee
 - (3) The Executive Council
- (iv) Amend, substitute or add to any penalty or costs imposed.

20. DISPUTES REGULATIONS

The New Zealand Kennel Club may promulgate regulations and/or guidelines which deal with such procedural matters as may be necessary for the administration of this section of these Regulations.