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# Swimming New Zealand Constitution



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## **RULE 1 NAME**

1.1 The name of the association shall be Swimming New Zealand (Inc).

## **RULE 2 DEFINITIONS**

2.1 "SNZ" means Swimming New Zealand (Inc).

2.2 "Board" means the governing body of SNZ.

2.3 "CEO" means the salaried Chief Executive Officer of SNZ charged with the administration of the affairs of SNZ.

2.4 "NZSCTA" means Swim Coaches and Teachers of NZ (Inc).

2.5 "FINA" means the Fédération Internationale de Natation the world governing body of swimming to which SNZ is affiliated.

2.6 "IPC" means the International Paralympic Committee, the governing body for IPC sport as defined in the IPC constitution.

2.7 "Regulations" means the regulations of SNZ which apply to the conduct of all swimming competitions in New Zealand.

2.8 "Member" means any person who is a member of a Club affiliated to SNZ, a member of NZSCTA or a member of SNZ.

2.9 "Club" means any club affiliated to SNZ.

2.10 "Regional Association" means those local controlling societies incorporated to administer the sport of swimming in particular geographical areas or districts designated from time to time by SNZ.

2.11 "Doping Offence" means either the commission by a member of SNZ of a doping offence (as defined in the FINA doping control rules), or a Sports Anti-Doping Rules Violation (as set out in the Sports Anti-Doping Rules and amended from time to time).

2.12 "AGM" and "SGM" shall mean respectively Annual General Meeting and Special General Meeting.

2.13 "Competitive swimmer" means a member of a club, who competes in any interclub, regional, national or international competition ("representative competition"), and who has paid as part of his/her club membership fee, the Regional Association and SNZ competitive swimmer fees, as prescribed from time to time.

2.14 "Club competition" means a competition organised by a club in which only members of that club may compete in.

2.15 "Inter-Club competition" means a competition organised by a club, in which members of more than one club may compete at, whether as individual representatives of a club, or as representatives of a club's team.

2.16 "Contact Details" means the name, address, phone numbers, date of birth, and email address of a member of SNZ, including specifying whether that member is a competitive swimmer.

## **RULE 3 OBJECTS**

3.1 The objects of SNZ are:

- (a) To be the organisation that represents swimming
- (b) To encourage and develop swimming, water safety, water education, water recreation and swimming competition in New Zealand.
- (c) To provide good governance for the sport of swimming in New Zealand.
- (d) To affiliate with and recognise FINA as the international governing body of the sport of swimming, open water swimming, diving, water polo, synchronised swimming and masters swimming.
- (e) To ensure compliance by SNZ with FINA's rules at all levels of swimming administration and competition in New Zealand.
- (f) To regulate and promote all aspects of competitive swimming in New Zealand and to provide a uniform set of regulations for the conduct of all swimming competitions in New Zealand.
- (g) To establish the criteria for selection of swimmers to represent New Zealand in international swimming competitions and to select and send those eligible within such criteria.
- (h) To provide assistance to Regional Associations and Clubs with the administration and financial management of the sport of swimming in New Zealand.
- (i) To assist all Clubs and Regional Associations to develop and implement equity policies.
- (j) To actively promote the elimination of the use of prohibited substances and techniques from the sport of swimming in New Zealand, and to impose sanctions on members committing doping offences.
- (k) To ensure full and adequate communication to all members, clubs, Regional Associations, and NZSCTA, and other affiliated organisations, in relation to all matters which affect them.

## **RULE 4 POWERS**

4.1 The powers of SNZ are:

- (a) To make or adopt such rules, bylaws and resolutions as are necessary for the efficient administration of swimming in New Zealand.
- (b) To prescribe fees payable by Members to SNZ and Regional Associations. To purchase, sell, lease, exchange or otherwise deal with property (whether personal or real).
- (c) To borrow and/or give security or undertakings for any borrowings, and to lend, either with or without security, where such borrowings or loans are conducive to the attainment of the objects of SNZ.
- (d) To employ staff, engage contractors or enter into engagements with providers of services.
- (e) To affiliate with any organisation whose objects are compatible with those of SNZ.
- (f) To discipline any Member, Club or Regional Association who transgresses these rules or the rules of FINA.
- (g) To grant awards and bestow honours.
- (h) To delegate such of these powers as it may deem appropriate from time to time.
- (i) To do or cause to be done any action which is conducive to the attainment of the objects of SNZ.

## **RULE 5 MEMBERSHIP**

5.1 The following persons shall be the Members of SNZ and will remain so, as long as they consent to and shall continue to abide by any rules and bylaws of the Club to which they belong, of the Regional Association to which such Club belongs, the organisation of which they belong that provides their membership and of SNZ.

- (a) All members of clubs affiliated to SNZ.
- (b) All members of NZSCTA (Inc).
- (c) All life members of SNZ appointed from time to time.
- (d) Persons and or/associations as determined by the Board from time to time. The Board shall set criteria and fees for any new classes of membership.

5.2 Any member of a club desiring to transfer to another club shall forward at the same time, the transfer application to their club and regional association. The regional association shall request the transferor club provides without delay a certificate that s/he is not financially indebted thereto. The regional association receiving the transfer application shall forward the approved application to the regional association and the new club the member is transferring to.

5.3 A member under suspension, or awaiting a hearing for an offence capable of having a period of suspension imposed, is ineligible for transfer.

5.4 A member may only be a competitive swimmer for 1 club at any one time.

5.5 Notwithstanding Rule 5.1 and Rule 6.1 of these rules a competitive swimmers shall be deemed to be a non financial member of their club until a transfer has been completed in accordance with Rule 5.2 or they have not renewed their annual membership for 2 consecutive years.

5.6 For transfers of competitive swimmers only, the transfer shall become effective immediately once the transfer has been approved by the regional association(s).

5.7 If a swimmer transfers again within three months there will be a 60 day stand down period before being eligible to represent their new club. During the 60 day period the transferring competitive swimmer may continue to represent the club transferred from or choose to be unattached from any club. The competitive swimmers will remain a member of the regional association of the club they are transferring from during the 60 day period.

## **RULE 6 TERMINATION OF MEMBERSHIP**

6.1 A member may terminate his/her membership from SNZ by giving his/her club notice in writing of his/her resignation. Such resignation will not relieve the member of his obligation to pay membership fees due for the year in which s/he resigns. If a member has his/her membership suspended or terminated by his/her club or regional association or SNZ in accord with these rules, s/he will still be liable to pay his/her membership fees in respect of the year in which his/her membership has been terminated.

## **RULE 7 CLUBS**

7.1 A club will only be recognised by SNZ if, upon application, it is granted affiliation to SNZ.

7.2 A club will be eligible to be affiliated to SNZ if upon application it can demonstrate that it:

- (a) Has a membership of at least 50 members.
- (b) Has adopted rules providing for:

- (i) Its affiliation to its geographical regional association.
  - (ii) Its agreement to be subject to and observe the rules, bylaws and directions of FINA, SNZ, and its Regional Association.
  - (iii) Its agreement to meet its financial obligations under these rules including the agreement to collect in addition to its own membership fees, the fees of its regional association and those of SNZ and to promptly pay them as levied and directed from time to time.
  - (iv) In the event of its being wound up, all surplus assets of the club after providing for the payment of its liabilities and expenses, to be transferred to and become the property of SNZ unless those assets are specified in the Club's constitution to become vested in a local or regional swimming organisation on a winding up.
- 7.3 The granting of affiliation to SNZ of any Club or other organisation may be approved by the CEO as directed by the SNZ Board delegations.
- 7.4 The affiliation of any Club to SNZ shall operate as an agreement binding such Club and all of its members to abide by the rules and bylaws of FINA, of SNZ, of the member Clubs, Regional Association and to accept and enforce all decisions and directions made to the Club by SNZ and/or the Club's regional association.
- 7.5 A Member of a Club, who does any act, or omits to do any act, which brings the sport of swimming into disrepute, or who violates any rule, bylaw or policy of FINA, SNZ, his/her Club or his/her Club's Regional Association, shall render such violating club and/or member(s) liable to be fined, intermly suspended, suspended or expelled by the Board or its Regional Association. If any Member or Club is fined, suspended or expelled by the board of SNZ or its Regional Association, the Member or Club shall have a right of appeal.
- 7.6 A club that knowingly arranges its affairs such that it fails to pay SNZ of income, fees or levies as they fall due, will be liable for disaffiliation or suspension. During any period of suspension of any club, swimmers who remain members of that club will be ineligible to compete in events conducted under the regulations of SNZ.

## **RULE 8 REGIONAL ASSOCIATIONS**

- 8.1 For the purposes of control and administration of swimming at a local level, New Zealand shall be divided into regional associations whose colours and geographical boundaries are:
- (a) Northland (Colours: Cambridge Blue) From North Cape to a boundary line east to west from Cape Rodney to Wellsford to the North Head of Kaipara Harbour, Wellsford to be included in the regional association territory.
  - (b) Auckland (Colours: Squadron Blue and White) To be bounded in the north by a line east west from Cape Rodney to Wellsford to the North Head of Kaipara Harbour, Wellsford not be to in regional association territory. The boundary in the south shall be the north boundary of Counties.
  - (c) Counties Manukau (Colours: Red, White and Black) The boundaries of the regional association shall be all land east of the Tasman Sea and south of the Manukau Harbour to the northern most point of the Tamaki River, straight across to Shelly Park Beach Point, and all the land south bounded by the Tamaki Strait and the Thames Estuary. The southern boundary to be the northern boundary of the Waikato regional association.
  - (d) Waikato (Colours: Red, Yellow and Black) To be bounded on the north by the Counties regional association's boundary, on the east by the northern and western boundaries of the Bay of Plenty regional association to Tokaanu, thence in a straight line to Raurimu then to Tirau Point, all towns on the boundaries save Taupo to be included in the regional association's territory.
  - (e) Bay of Plenty (Colours: Royal Blue, Gold and White) To be bounded on the north by the southern boundary of Ohinemuri County from the coast to Te Aroha, then by main road to Tokoroa (excluding Tokoroa) thence in a line to Maraetai (including Maraetai), then to Turangi (including Turangi) and on the south by a line from Turangi to the western shore of Lake Waikaremoana, thence in a straight line to Cape Runaway, all towns on the boundaries save Taupo to be excluded from the regional association's territory.
  - (f) Hawkes Bay – Poverty Bay (Colours: Black, White and Red) To be bounded from Cape Runaway to Lake Waikaremoana and then by the same regional association's boundary to Tokaanu and on the south by a straight line from Tokaanu to Cape Turnagain, all towns on the boundary save Tokaanu to be included in the regional association's territory.
  - (g) Taranaki (Colours: Amber and Black) To be bounded on the north by the Waikato regional association's boundary from Tirau Point to the intersection of this boundary with the Wellington provincial boundary

(all towns on this boundary to be excluded from the regional association's territory), thence follow the Wellington provincial boundary to the sea, all towns on this boundary to be included in the regional association's territory.

- (h) Wanganui (Colours: Navy Blue and Silver) To be bounded on the west by the Taranaki boundary, on the north by the Waikato boundary, on the east by the Hawkes Bay-Poverty Bay boundary to the 40th degree south, thence in a straight line to the Rangitikei River, and thence to the mouth of that river, all towns on the boundary to be excluded from the regional association's territory.
- (i) Manawatu (Colours: Green and White) To be bounded on the north by the southern boundaries of the Wanganui and Hawkes Bay-Poverty Bay regional associations, and on the south by the north bank of the Otaki River by a straight line to Eketahuna and thence by a line due east to the east coast, all towns on the boundary (save Eketahuna and those between Takapau and Cape Turnagain) to be included in the Regional Association's territory).
- (j) Wairarapa (Colours: Green and Gold) To be bounded on the north by the southern boundary of the Manawatu regional association, all towns on the boundary (save Eketahuna) to be excluded from the regional association's territory, on the west by the Rimutaka, Tararua and Orongorongo ranges, on the south by Cook Strait and on the east by the Pacific Ocean.
- (k) Wellington (Colours: Yellow and Black) To be bounded on the north by the southern boundary of the Manawatu regional association, on the west by the Tasman Sea, on the south by Cook Strait and on the east by the western boundary of the Wairarapa regional association.
- (l) Nelson-Marlborough (Colours: Light Blue) To be bounded on the south by the Karamea River from its mouth to its source, from the source of the Karamea to the source of the north branch of the Mokihinui River, down the Mokihinui River and along the course of the south branch to its source, from the source of the south branch of the Mokihinui River direct to the township of Lyell, thence along the course of the Buller River to its junction with the Maruia River, thence along the course of the Maruia River to Cannibal Gorge, thence to the junction of the Nelson, Westland and Canterbury provincial boundaries, thence to Lake Tennyson and follow the course of the Conway River to the sea, all towns on the boundary to be excluded from the regional association's territory.
- (m) Canterbury West Coast (Colours: Red and Black) To be bounded on the north by the Nelson-Marlborough regional association's boundary, on the south by the Rakaia River, but to include the town of Rakaia, to include all of the Westland Provincial District and that part of the Nelson provincial district not included within the boundaries of the Nelson-Marlborough regional association.
- (n) Eastern Districts (S.I.) (Colours: Blue, Gold and Green) To be bounded on the north by the Rakai River but excluding the town of Rakaia to be bounded on the west by the boundary of the Canterbury regional association, to be bounded on the south by a line running from the mouth of the Waianakarua River to the Lindis Pass and by a continuation of that line to the Southern Alps.
- (o) Otago (Colours: Navy Blue and Gold) To be bounded on the north by the southern boundary of the Eastern Districts (S.I.) regional association, on the south by a line from Waikawa Harbour to Pukerau, thence to Waikaia, thence to Kingston, thence follow the southern shores of Lake Wakatipu to Kinloch thence to Mount Aspiring in the Southern Alps on the north-western boundary of the Otago regional association, and to be bounded on the west by the boundary of the Canterbury regional association all towns on the boundary to be excluded from the regional association's territory.
- (p) Southland (Colours: Maroon, Gold, White and Cobalt Blue) To be bounded on the north by the southern boundaries of the Canterbury and Otago regional association's except that the district of Tapanui shall be in the Southland regional association, all towns on the boundary to be included in the regional association's territory.

8.2 Those colours and geographical boundaries, and any exemptions for clubs may only be altered by ordinary resolution at a general meeting of SNZ.

8.3 Each regional association shall be an incorporated society with its own constitutional rules. Such rules shall, where applicable, be in conformity with, the rules of SNZ.

8.4 Inter alia, each Regional Association's rules shall provide for:

- (a) Its members to be only those affiliated clubs within its geographical boundaries.
- (b) Each member Club shall be entitled to be represented at the AGM or any SGM of its Regional Association by at least one duly nominated representative of that Club.
- (c) The hearings of appeals from a member of a Club aggrieved by any decision of that member's club.

- (d) The collection from clubs of SNZ fees levied by SNZ upon all club members, together with any fees levied by the regional association upon its member clubs.
- (e) The abiding of all lawful requests and directions made of it by SNZ.
- (f) The collection and submission to SNZ of all its member(s) clubs, together with contact details of all members of those clubs, to enable SNZ to keep an up-to-date and accurate record of its membership in accordance with SNZ's statutory obligations.

## **RULE 9 FEES**

- 9.1 Prior to 30 June in each year, SNZ shall fix the membership fees payable by every club and every competitive swimmer to both SNZ and each Regional Association, and promptly notify all clubs of the respective amount of such fees payable.
- 9.2 Fees shall be due annually on the 1st July for Clubs and competitive swimmers renewing their membership. Fees are due within 14 days of a competitive swimmer joining a club or on or before the date of entry to a representative competition for swimmers attaining competitive swimmer membership.
- 9.3 Each Regional Association shall collect all such fees, and shall remit to SNZ, in each financial year, all SNZ fees due from 01 June to 30 September no later than the 20th October, and all fees due from 01 October to 31 January not later than 20th February and all fees due from 01 February to 31 May no later than 20th June.
- 9.4 Every region shall submit to SNZ the contact details (in as much as those details are limited to those required to allow SNZ to meet its statutory obligations) of every member of clubs within their region no later than 28 days after receiving that information. Every club shall remit to their Regional Association a completed SNZ membership application form for every new member no later than 28 days after a new member joins their club. The region shall forward a copy of the SNZ membership form to SNZ.
- 9.5 Each Regional Association will exercise their best endeavours to ensure every club remits to their region the information required in 9.4.
- 9.6 A member will be ineligible to compete in any swimming competitions conducted by any club, Regional Association or SNZ if he/she has not paid to his/her club any club and/or Regional Association and/or SNZ membership fees or supplied contact details within 28 days of the dates they fall due.
- 9.7 SNZ has the right to separately levy members to pay a special levy. If payment of a levy is not made within the time specified by SNZ in that levy a member will be ineligible to compete in any swimming competition.
- 9.8 If any club fails to pay membership fees collected from members to its regional association, or any regional association shall fail to pay SNZ any SNZ members fees forwarded to it by any club, the Board may suspend the club or regional association until such fees are paid and/or impose any penalty as determined by the Board for such non payment.

## **RULE 10 THE BOARD**

- 10.1 The board shall comprise of:
  - (a) Six elected Directors.
  - (b) The elected Directors may appoint up to two appointed Directors on the basis of specific knowledge or skills, for a term no longer than two years. Upon expiry of that term the Board if it thinks fit may reappoint such Directors for a further term.
- 10.2 President and Vice President
  - (a) The members of the Board shall immediately after the AGM, or as soon as possible in the event of an extraordinary vacancy, convene a meeting to elect the President and Vice President.
  - (b) The President shall hold office from the conclusion of the meeting at which they are elected until their retirement in terms of Clause 10.4, unless they retire earlier.
  - (c) The Vice President shall hold office from the conclusion of the meeting at which they are elected until their retirement in terms of clause 10.4, or the retirement of the President, unless they retire earlier.
- 10.3 All elected Directors shall be members of SNZ. No person employed by SNZ may be elected to serve as an elected member of the SNZ Board.
- 10.4 At each AGM of SNZ the two longest serving elected Directors shall retire but shall be eligible for re-election. If the longest serving Directors number more than two, all with equal length of service, the two to retire shall be decided by straw poll.

## **RULE 11 POWERS OF THE BOARD**

- 11.1 The Board shall exercise all of the powers of SNZ as set out in Rule 4 other than those required to be exercised in general meetings.
- 11.2 In particular the Board shall have the power:
- (a) To sanction any regional association, club or member in accordance with the rules relating to sanctions.
  - (b) To delegate any of its powers or functions to the CEO, or to any other person or committee it sees fit to appoint. Committee powers and responsibilities shall be set out in their terms of reference.
  - (c) To act as an Appeals Body as set out in these Rules.
  - (d) To interpret any SNZ rule or regulations or any definition contained therein and such decision shall be final.

## **RULE 12 BOARD MEETINGS**

- 12.1 The Board shall from time to time meet at the request of the President, who shall give at least seven days notice in writing of such meeting. A Board meeting may also be summonsed upon the requisition in writing, of at least three Directors, and giving at least seven days notice of such meeting date.
- 12.2 The President, or, in his/her absence, the Vice President, shall preside as chairperson at all Board meetings. If both are absent, the Directors present shall elect a chairperson.
- 12.3 A quorum of the Board shall be at least 60% of Board members.
- 12.4 All Directors shall have one vote, including any appointed Directors. The CEO and any other persons in attendance shall not be entitled to a vote.
- 12.5 In the case of equality of votes, the presiding chairperson shall have a casting vote.
- 12.6 Directors shall be entitled to vote by proxy at a Board meeting provided such proxy is a specific proxy giving directions to another Director present as to how that member's vote is to be exercised on a specific item or items in the agenda.
- 12.7 Minutes of all Board meetings shall be taken and promptly distributed after all meetings to every Director and to Regional Associations and Life Members.

## **RULE 13 FINANCIAL ADMINISTRATION**

- 13.1 The Board shall be responsible for the control and investment of all funds of SNZ and the proper administration of all other property of SNZ and shall where appropriate take appropriate external advice on matters relating to financial management and the administration of the other assets and liabilities of SNZ.
- 13.2 The CEO in consultation with the Board shall prepare an annual budget for submission to the Board at least one month prior to the expiry of each financial year.
- 13.3 The CEO is entitled to incur any liabilities on behalf of SNZ if such liabilities are within the delegation advised by the Board and have been clearly provided for within the budget and adopted by prior resolution of the Board.
- 13.4 The CEO shall not incur any liabilities that have not been so authorised within the delegation and budget approved by resolution of the Board and shall not incur any unbudgeted liabilities without the express approval of the Board.
- 13.5 In the event of an anticipated budget shortfall the Board shall have the power from time to time to impose a special levy for a particular purpose. No such levies shall be imposed unless and until a resolution approving the imposition of such levy has been resolved at either an annual general meeting, a special general meeting or a special postal ballot of members.

## **RULE 14 NOTICE OF ANNUAL GENERAL MEETING**

- 14.1 Notice of the annual general meeting shall be given to NZSCTA, all clubs and regional associations in writing not less than 70 days before the annual general meeting. Such notice shall:
- (a) Specify the date, time and place of the annual general meeting.
  - (b) Call for nominations for those vacancies for elected Directors, and awards committee.
  - (c) Call for notices of any motions, constitutional amendments, or other business required to be actioned at the annual general meeting.
- 14.2 All nominations, notices of motions, and notices of constitutional amendments must be received by the Board (40) days prior to the annual general meeting.
- 14.3 All nominations for Directors and awards committee must be signed by the nominator and seconder, and include a summary of the nominees background. The nominator and seconder must be members of SNZ.
- 14.4 All nominees for Directors and awards committee must consent in writing to their nomination.

- 14.5 All Directors, clubs, regional associations and NZSCTA shall receive copies of the annual report and balance sheet of SNZ and the agenda for the annual general meeting at least 14 days prior to the annual general meeting.

## **RULE 15 ANNUAL GENERAL MEETING**

- 15.1 The annual general meeting of SNZ shall occur on or before the 30th September each year.
- 15.2 The President, or in the absence of the President the Vice-President, shall preside over the annual general meeting. If both are absent, those present and entitled to vote at the AGM shall elect a chairperson.
- 15.3 The business of the annual general meeting shall be:
- (a) To receive the annual report and financial statements for the year ended 30 June.
  - (b) To receive the budget of SNZ.
  - (c) To set membership fees for the next financial year.
  - (d) To elect where required the elected Directors
  - (e) To elect where required members of the Awards Committee.
  - (f) To appoint an Auditor
  - (g) To consider all motions, notice of which has been previously given.
  - (h) To deal with other business which can properly be considered at an annual general meeting of which the annual general meeting agrees to consider.
- 15.4 A copy of the annual report and balance sheet shall be forwarded to the Registrar of Incorporated Societies within one week of the conclusion of the annual general meeting.

## **RULE 16 REPRESENTATION AND VOTING RIGHTS AT ANNUAL GENERAL MEETING**

- 16.1 Each Regional Association and NZSCTA shall be entitled to nominate a delegate to represent the members of its region or organisation at the AGM.
- 16.2 Each such delegate present will be entitled to one vote. If member clubs within its region have more than 1,000 members each regional association (by its delegate) will be entitled to one extra vote per 500 extra members or part thereof in excess of 1,000 members. No regional association shall have more than 25% of available votes.
- 16.3 NZSCTA will be entitled to one vote and if its members exceed 1,000, then one extra vote per 500 extra members or part thereof up to a maximum of 4 votes.
- 16.4 Any Regional Association or NZSCTA will be allowed to vote by proxy at the annual general meeting if its delegate is unable to attend. The proxy must be a specific proxy with nominated instructions to the proxy holder as to how to vote. Voting by non specific general proxies will not be permitted. A delegate wishing to vote by proxy will give his proxy voting instructions to the President at least two days in advance of the AGM and the President or his nominee shall exercise the delegate's proxy in accordance with the delegate's written instructions.
- 16.5 The vote for the election of Directors and the awards committee shall be by secret ballot and the highest polling candidate/s, pursuant to the system set out in rule 16.6, shall be elected. Two scrutineers shall be appointed to administer and supervise the system and shall announce the result. The ballot papers will thereafter be destroyed by the scrutineers.
- 16.6 Method of Election – Proportional Representation under the Single Transferable Vote (STV) system.
- (a) A voting paper will be distributed to all electors, listing the names of the candidate(s) seeking election, and the number of vacancies.
  - (b) To vote, voters shall rank one or more candidates in order of preference by marking "1" against the most preferred candidate, and thereafter sequentially in descending order.
  - (c) To be declared elected, a candidate must receive the "quota" (being the total number of valid votes, divided by the number of vacancies plus one, plus one).
- $$\left( \frac{\text{VOTES}}{\text{SEATS} + 1} \right) + 1$$
- (d) If, after counting the first preferences for each candidate, a candidate does not have votes equal or greater than the quota, the last placed candidate will be excluded, and his/her votes will be distributed to remaining preferences until the required number of candidates to be elected have reached the quota.

- 16.7 Voting on all other matters before the annual general meeting shall be on voices. Where a challenge is made as to the result of any particular vote, a poll by way of ballot may be demanded and conducted. The result of the ballot must be recorded in the minutes two scrutineers shall be appointed by the meeting to count votes cast.

## **RULE 17 QUORUM OF ANNUAL GENERAL MEETING**

- 17.1 The quorum for the annual general meeting shall be the presence in person of at least 60% of the members entitled to vote.
- 17.2 If after 30 minutes elapsing from the appointed time for commencement of the meeting there is not a quorum, the annual general meeting shall stand adjourned to the same time and same place 14 days later. The CEO shall forthwith notify all Directors, clubs, regional associations, and NZSCTA of such adjourned date time and place. Those present and entitled to vote at the subsequent meeting shall constitute a quorum.

## **RULE 18 SPECIAL GENERAL MEETING**

- 18.1 The Board may convene a special general meeting on its own motion.
- 18.2 The Board shall call a special general meeting upon receiving a requisition signed by three or more Directors or not less than 50% of the regional associations.
- 18.3 Where a special general meeting is requisitioned it shall be convened within four weeks of receipt of the requisition.
- 18.4 At least two weeks written notice of a special general meeting shall be given to all Directors, clubs, regional associations and NZSCTA.
- 18.5 Such notice shall specify the time, date, place and business of the special general meeting.
- 18.6 The rules relating to attendance and voting at annual general meetings shall apply to special general meetings.
- 18.7 For any resolution to be carried at a special general meeting there shall be a majority of 60% of votes cast.
- 18.8 Where, in the opinion of the Board, the calling of a special general meeting is deemed undesirable because of content, time and/or expense, (other than one requisitioned by not less than 50% of the regional associations), it shall be competent for the Board to conduct the business of that special general meeting by postal ballot.
- 18.9 At least 20 days notice in writing of the resolution(s) to be voted upon shall be given to all Directors, clubs, regional associations and NZSCTA before the postal ballot closes.
- 18.10 Voting in a postal ballot shall be upon the same basis as a ballot conducted at an annual general meeting.
- 18.11 Two scrutineers shall be appointed by the Board – one of whom shall be a Director of the Board: the other shall not be a member of staff. – The scrutineers shall be responsible for counting votes cast in a postal ballot and determining the result.

## **RULE 19 ALTERATION OF RULES**

- 19.1 The constitution of SNZ shall not be repealed without the concurrence of 60% of those entitled to vote at an annual general meeting or special general meeting.
- 19.2 Notice of any proposed alteration to the constitution of SNZ shall be given in writing to the CEO of SNZ not less than 40 days before the annual general meeting or within a notice of requisition to convene a special general meeting to consider such alterations.
- 19.3 The CEO of SNZ shall set out the effect of the proposed alterations in the agenda for the annual general meeting or in any notice convening a special general meeting.
- 19.4 The personal benefit and/or the winding up rules shall not be repealed or altered without the approval of the Inland Revenue Department.

## **RULE 20 MINOR DISPUTES**

- 20.1 Where any dispute exists between any member, club or regional association involving a matter which does not involve suspension, expulsion or the imposition of a penalty, then the parties to that dispute shall:
- (a) First attempt to resolve the dispute by meeting together or, if the matter is incapable of being so resolved then the matter shall be referred to mediation before a mediator appointed by the Australian and New Zealand Sports Law Association Inc.
  - (b) In the event that the dispute is not resolved at mediation then the subject of the dispute can, if either of the parties so wish, be the subject of an appeal to the Board.

## **RULE 21 APPEALS TO THE BOARD**

- 21.1 Any member or club shall be entitled to appeal to the Board against any decision of any Club or Regional Association which involves suspension, expulsion, imposition of a penalty, or in some other way materially and/or detrimentally affects a member or a club.
- 21.2 To be entitled to appeal the appellant shall within 14 days of the date of the decision the appellant wishes to appeal against, give notice in writing to the CEO of:
- (a) the details of the decision appealed against.
  - (b) the date of that decision and the person or body who made it.
  - (c) the grounds of the appellant's appeal and shall lodge with the CEO the applicable appeal fee as prescribed by the Board from time to time.
- 21.3 The CEO will within seven days of receipt refer the notice of appeal to both the person and body against whose decision the appeal is made, and to the Board.
- 21.4 The filing of such an appeal to the Board shall operate as a stay of the decision appealed against pending the determination of the appeal by the Board.
- 21.5 The Board will regulate its own procedures for the adjudication of any appeal including prescribing to the parties its requirements as for evidence and submissions, and the date, time and place of hearing. The Board will at all times observe the principles of natural justice.
- 21.6 The Board will at the conclusion of the appeal have the unfettered discretion to either in whole or part confirm, amend, overturn or substitute any decisions of its own for that appealed against.
- 21.7 The parties shall be notified in writing of the decision of the Board as soon as reasonably practicable after that appeal decision is made.

## **RULE 22 DOMESTIC APPEAL TRIBUNAL**

- 22.1 The Board shall from time to time appoint a pool of people who are eligible to serve as SNZ's domestic appeal tribunal.
- 22.2 The pool shall consist of at least two solicitors of seven years standing, at least two retired swimmers who have in the past represented New Zealand in international competition and two other persons that the Board determines are appropriate, (provided that none of the pool of people shall be current Directors of the Board).
- 22.3 The domestic appeal tribunal shall, when sitting, comprise a minimum of three members and shall include at least one solicitor of at least seven years standing and one retired swimmer who has in the past represented New Zealand in international competition.
- 22.4 The domestic appeal tribunal shall hear and determine appeals from any decision of the Board affecting any member, club or regional association including any appellate decision of the Board in the Appeals capacity pursuant to Rule 21 other than relating to the suspension or expulsion of a member from membership of SNZ.
- 22.5 The domestic appeal tribunal will not be entitled to hear any appeal against a decision relating to doping offences, doping infractions or penalties imposed for these offences or any appeal from a decision of the Board to suspend or expel a member from membership of SNZ.
- 22.6 An appeal to the domestic appeal tribunal shall be instigated by the appellant filing a written notice within 30 days of the date of notification of the decision appealed against, the grounds of the appeal and paying the fee prescribed by the Board from time to time for the hearing of such appeals.
- 22.7 The CEO on receipt of an appeal shall appoint the members of the domestic appeal tribunal to hear the appeal, who shall at all times observe the principles of natural justice. The tribunal may regulate its own procedures for the adjudication of the appeal including prescribing to the parties its requirements as to evidence and submissions.
- 22.8 The filing of an appeal shall operate as a stay of execution of the decision appealed against pending the outcome of the domestic appeal tribunal's decision.
- 22.9 The domestic appeals tribunal has the power to either in part or in whole confirm, amend, overturn or substitute any decisions of its own for the decision appealed against.
- 22.10 Any decision of the domestic appeals tribunal shall be final and binding.

## **RULE 23 SPORTS TRIBUNAL**

- 23.1 Appeals as to suspension and expulsion from membership of SNZ  
Any member who is suspended or expelled from membership of SNZ by the Board shall have a right of appeal from that decision to the New Zealand Sports Tribunal such appeal to be conducted within the Rules prescribed by that body, whose decision shall be final and binding upon both the appellant member and SNZ.

23.2 NZOC Nomination Disputes

Where any member wishes to dispute his or her nomination or non-nomination by SNZ to the New Zealand Olympic Committee, SNZ and that member agree to refer that dispute to the sole and exclusive jurisdiction of the New Zealand Sports Tribunal for a final and binding decision.

## **RULE 24 DOPING**

24.1 Subject to rule 24.2, the rules of SNZ for anti-doping shall be the FINA Doping Control Rules and the Sports Anti-Doping Rules made by Drug Free Sport New Zealand. Every member of SNZ agrees as a condition of such membership to observe, be subject to and be bound by the FINA Doping Rules and the Sports Anti-Doping Rules as amended from time to time as if they were set out in these rules in extenso.

24.2 Nothing in the Sports Anti-Doping Rules is intended to replace or supersede any applicable rule of FINA which may apply with respect to anti-doping matters provided the applicable rule of the FINA is consistent with the World Anti-Doping Code.

24.3 For avoidance of doubt, the Sports Anti-Doping Rules referred to in 24.2, shall replace all existing anti-doping rules, policies, by-laws or regulations of SNZ.

24.4 To the extent of any inconsistency between the Sports Anti-Doping Rules and any rule in this Constitution or any policy, regulation or by-law of SNZ, the Sports Anti-Doping Rules shall apply.

24.5 It shall be a requirement of all activities organised, held, convened or authorised by SNZ or one or more of its member organisations, clubs teams, associations, leagues or any such organisations regardless of whether the participant is a member of any such organisation, that all participants must agree to comply with the Sports Anti-Doping Rules as part of the conditions of participation.

## **RULE 25 AWARDS COMMITTEE**

25.1 There shall be an awards committee whose object is to make recommendations to the AGM on nominations received for any SNZ Life Membership, Service or Honours Awards ("SNZ awards").

25.2 Members of the awards committee shall be elected at each AGM of SNZ and shall consist of five members comprising one life member, two honours award holders, and two service award holders.

25.3 The longest serving member on the awards committee shall retire annually, but will be eligible for re-election provided they qualify for the category to be elected.

25.4 A member of the committee receiving a higher award during their elected term shall be eligible to complete that term.

25.5 If there are no nominations for a vacant position(s) on the awards committee, then such a vacancy(ies) may be filled by the appointment of a nominee(s) of the Board.

25.6 All nominations for SNZ awards must be lodged with the CEO of SNZ for submission to the Awards Committee no later than 30 April in each year.

25.7 Nominations may be made by the Board, a Regional Association, a Club, NZSCTA, or a member and shall set out the background of the nominee in support of such nomination.

25.8 The Awards Committee shall:

- (d) Receive and consider all nominations for SNZ awards.
- (e) Consider a person for an award on its own nomination.
- (f) Keep confidential all nominations received for SNZ awards and any representations in support of those nominations.
- (g) Strictly guard the status of all awards.

## **RULE 26 CRITERIA FOR AWARDS**

26.1 SNZ Awards are to recognise service to the Sport over all levels. Service to Club and Regions should be recognised at those levels.

26.2 Service Award

- (a) Active service of an outstanding nature to the sport for a period not less than 12 years. The Awards Committee may consider a lesser period where Service has been of an exceptional nature at a National Level.

26.3 Honours Award

- (a) For a period of ten years service following receipt of a Service award, providing the person has continued to provide a continuation of outstanding service to the sport. The Awards Committee may consider a lesser period for exceptional service.

26.4 Life Membership

- (a) The highest award SNZ can bestow on an individual for Service to the sport. Criteria for Life Membership include but are not limited to the following
  - (i) Consistency of initiative beyond the ordinary and normal.
  - (ii) Exceptional Service to the sport over an extended period of an outstanding nature especially at a National Level
- (b) Long Service in itself is not a qualification for the Award.

## **RULE 27 PRIVILEGES**

27.1 Life Membership

- (a) A life member shall be entitled to:
  - (i) Attend general meetings with the right to speak but not vote.
  - (ii) Wear a life member's blazer and badge.
  - (iii) Attend free of charge any competition held under SNZ regulations.
  - (iv) Receive a blazer pocket, lapel badge and citation identifying life membership.

27.2 Honours Award

- (a) Recipients shall be entitled to wear the words "Honours Award" in an arc under the SNZ badge on the blazer pocket together with a lapel badge identifying him/her as the recipient of an honours award
- (b) Receive a certificate appropriate to the Award

27.3 Service Award

- (a) Recipients of a service award shall be entitled to wear the words "Service Award" in an arc under the SNZ badge on the blazer pocket together with a lapel badge identifying him/her as the recipient of a service award.
- (b) Receive a certificate appropriate to the Award

27.4 Life memberships and awards granted by the New Zealand Amateur Swimming Association Inc and the New Zealand Swimming Federation Inc shall have the same rights and privileges within SNZ as if they had received their life membership and awards from SNZ. Service to the New Zealand Amateur Swimming Association Inc and the New Zealand Swimming Federation Inc will count towards service awards with SNZ.

27.5 Jackie Clarke Award

Presented by the President of SNZ for a person who has served SNZ, a regional association or club, in the area of administration, with distinction during the past financial year.

## **RULE 28 REGISTERED OFFICE/COLOURS**

- 28.1 The registered office and headquarters of SNZ shall be at Wellington or such other place as the Board shall determine.
- 28.2 The colours of SNZ shall be black and silver.

## **RULE 29 COMMON SEAL**

- 29.1 The common seal of SNZ shall be held by the chief executive officer and shall only be affixed as determined by a resolution of the Board.

## **RULE 30 FINANCIAL AND MEMBERSHIP YEAR**

- 30.1 Both the financial year and the membership years shall be from the 1st day of July until the 30th June in the following year.

## **RULE 31 RIGHT TO COMPETE**

- 31.1 A competitive swimmer will not be eligible to compete in a representative competition unless he/she:
  - (a) Is a current member of SNZ, and
  - (b) Has first paid his/her membership fees to his/her club, (including the Regional Association and SNZ competitive swimmer fees), and
  - (c) Has first paid any other fees or costs prescribed by his/her regional association and/or SNZ, including the fee or cost to travel to, be accommodated, and compete in, a past or future representative competition; and
  - (d) Has forwarded their contact details to SNZ as required in Rule 9.

31.2 At Inter-Club or Regional competitions, a Club or Regional Association may permit non-members to compete against SNZ members in a relay race, but no other.

31.3 At Inter-Club competitions, a Club may organise up to 50m races, but no others, in which club members (other than competitive swimmers), and or non members may compete.

## **RULE 32 NEW ZEALAND RECORDS**

32.1 To be eligible to hold a New Zealand record a swimmer must be both a member of SNZ for at least 6 months and a New Zealand citizen or has been granted permanent residence in New Zealand during that time.

## **RULE 33 INTERNATIONAL REPRESENTATION**

33.1 To represent New Zealand at any competition any swimmer must be a member of SNZ and fulfil the eligibility requirements from time to time are promulgated by FINA, NZOC and SNZ.

## **RULE 34 OFFICIAL NEW ZEALAND BLAZER**

34.1 Black blazer to be the basic blazer for all awards with the SNZ logo on the breast pocket. No member is empowered to wear the official New Zealand blazer unless he/she has been awarded that right by the Board.

## **RULE 35 EQUITY**

35.1 SNZ shall encourage and assist Members, Clubs and Regional Associations to develop policies that encourage equity amongst all members.

## **RULE 36 PECUNIARY PROFIT**

36.1 No Member (or person associated with a Member) of SNZ, shall derive any income, benefit or advantage from SNZ where they can materially influence the payment of income, benefit or advantage except where that income, benefit or advantage is derived from professional services to SNZ rendered in the course of business charged at no greater than current market rates or interest on money lent at no greater rates than current market rates.

## **RULE 37 WINDING UP**

37.1 SNZ may be wound up at either an annual general meeting or a special general meeting if a resolution to so wind up is passed by a majority of at least 75% of those present and entitled to vote.

37.2 If, in the event of SNZ being wound up or dissolved, there remains after the satisfaction and discharge of all debts, liabilities and obligations, any property or assets, the same shall be given or transferred to an association or organisation having objects similar to SNZ and who comply with the requirements of the Charities Act and are registered as a Charity.