



CONSTITUTION & RULES OF THE SELWYN SWIM CLUB

1. NAME

The name of the Club shall be the Selwyn Swim Club Incorporated.

2. OBJECTS & CHARITABLE PURPOSE

The Club is established and carried on exclusively for charitable purposes within New Zealand including, but without limitation, to:

- a) Support and develop, advance and encourage the amateur sport of swimming within the community and wider Canterbury region.
- b) Educate, instruct and assist in the training of swimmers and non-swimmers.
- c) Support members through mentoring and organisation to achieve their objectives and potential as swimmers and administrators.
- d) Encourage and engage in, as the occasion arises, any amateur activity designed to further the amateur sport of swimming.
- e) Purchase, take on lease or otherwise acquire and to own any building or other premises, property or equipment which may be required for the purposes of or conveniently used in connection with the discharge of any of the duties of the Club pursuant to these objects, and to sell, lease, mortgage or otherwise dispose of the same.
- f) Raise funds to promote or further the objects of the Club.
- g) Engage in swimming competitions for the development of its members.
- h) Do all such other acts as in the opinion of the Club shall further the object of the Club.

3. NO PRIVATE PECUNIARY GAIN

3.1 Notwithstanding anything else in the rules, the Club shall not pay, apply, appropriate or transfer any part of the income or property of the Club, either directly or indirectly, for the private pecuniary profit of any member or any other individual, provided however that nothing in this clause shall prevent:

- a) The payment in good faith of reasonable remuneration to any Officer, manager, agent, employee or any other person for services rendered to the Club; or
- b) The payment of interest to any person at a rate not exceeding the commercial rate of interest for the time being;

Provided that nothing in this clause shall permit or authorise any payment or provision that would result in the Club losing its exemption from income tax under section CW 41 and / or section CW 42 of the Income Tax Act 2007.

4. INTERPRETATION

4.1 In these Rules and in any Regulations made thereunder, unless repugnant to the context:

- a) Where the singular is used, plural forms of the noun are also inferred; and where a masculine is used, the feminine is included.
- b) Club shall mean the Selwyn Swim Club.
- c) Committee shall mean the Committee set up under Rule 16 hereof.

- d) Region shall mean the Swimming Canterbury West Coast Regional Association (Incorporated).
- e) SNZ shall mean Swimming New Zealand Inc.
- f) Council shall mean the Council of the New Zealand Amateur Swimming Association.

5. MEMBERSHIP

5.1 Membership of the Club shall consist of:

- a) Competitive swimmers as defined from time to time by the New Zealand Amateur Swimming Association. Membership shall be divided into;
 - i. Junior – any member under the age of 13 years and required to be registered with SNZ.
 - ii. Senior – any member who has attained the age of 13 years and required to be registered with SNZ.
- b) Restricted members, life members and supporters. A competitive swimmer is one who swims under the Club name. A restricted member is one who pays a fee but does not swim competitively for the Club.
- c) A supporter is a member who pays a reduced subscription as prescribed by the Committee.

5.2 Membership is subject to payment by due date of an annual subscription and such fees as the Committee shall set from time to time.

5.3 A members' register shall be maintained by the Secretary and such register will be proof of those persons who are members of the Club.

5.4 Every member shall promote the purposes of the Club and shall do nothing to bring the Club into disrepute.

6. LIFE MEMBERS

Life Membership may be given to those persons who, in the opinion of the Committee, have rendered outstanding service to the Club over many years. Life Membership may only be conferred at an Annual General Meeting of the Club and then only by a three-fourths majority of the members voting either in person or by proxy at such Annual General Meeting.

7. APPLICATION FOR MEMBERSHIP

7.1 All applications for membership shall be made in writing in such form as may from time to time be prescribed by the Committee.

7.2 A new member/s application to join the club may be accepted:

- a) By the Committee or an employee designated by the Committee to act in this capacity.
- b) At any meeting of members of the Club at which a quorum of the Committee is in attendance

7.3 The Committee may decline any application for membership without giving any reason.

8. SUBSCRIPTIONS AND LEVIES

8.1 The annual subscription fee for each class of member shall be set by the Annual General meeting to apply to the following membership year.

8.2 The Annual General Meeting may, in addition to the subscription, set a levy to be applied to all members. The Annual General meeting shall also set the due date for the levy.

8.3 The annual subscription shall become payable on 1 April each year and the subscription (and levy is set) shall be deemed to be overdue if not paid within two months of the due date.

8.4 Where a member is overdue in the payment of a subscription or levy, the Secretary will give written notice to that member that, unless the overdue amount is paid by a specified date, the member's membership will be terminated. If the overdue sum remains unpaid by the specified date, the membership will terminate upon ratification by the Committee at its next meeting.

9. NOTICE OF RESIGNATION

Any member wishing to resign from the Club must give written notice of the resignation to the Committee. That member will remain liable for any unpaid subscriptions and/or levies.

10. DISCIPLINARY COMMITTEE

- 10.1 The Committee shall establish a Disciplinary Committee whose purpose shall be to investigate alleged violations of the rules or conduct which could bring the Club into disrepute. The Disciplinary Committee shall consist of one Officer of the Club, one other Committee member and the Honorary Club Solicitor (or other suitably qualified person).
- 10.2 Any member who infringes the rules of the Club or whose conduct, whether on the Club's premises or elsewhere, could reasonably be deemed to be objectionable or prejudicial to the interests of the Club, shall be subject to an investigation into their action or behaviour.
- 10.3 Within ten (10) days of a Committee Member or Officer of the Club being made aware of an alleged violation of the rules or of disreputable conduct the Disciplinary Committee shall meet to consider the matter and, if necessary, shall conduct an investigation without undue delay.
- 10.4 Whether or not there is an investigation, the member shall be entitled to appear before the Disciplinary Committee and/or to make a written submission in defence of him/herself.
- 10.5 When the Disciplinary Sub-Committee has reached a conclusion in the matter, it shall report to the Committee, including a recommendation on what, if any, action should be taken.
- 10.6 The Committee shall decide on the course of action to be taken and inform the member in writing, of its decision.
- 10.7 If, as an outcome, the member has his/her membership suspended or terminated, any monies owed to the Club by the member shall become immediately due and payable.

11. FINANCIAL ISSUES

- 11.1 The Club's annual balance date shall be **31 March** each year.
- 11.2 The Club's funds shall be under the sole control of the Committee who will determine the methods of operation of any bank account and any investment of funds.

12. AUDIT

The Club's financial records shall be audited annually, prior to the Annual General Meeting, by a suitably qualified person who has been appointed by the previous Annual General Meeting.

13. COLOURS

The colours of the Club shall be Navy Blue, Sky Blue & Orange.

14. COMMON SEAL

The common seal of the Club shall be kept by the Secretary and shall not be affixed to any document, instrument, deed, writing, paper or thing unless a resolution to that effect has been passed by the Committee. The seal shall be affixed by the Secretary in the presence of the President and the Secretary and the President shall sign the sealed document, instrument, deed, writing, paper or other thing.

15. OFFICERS OF THE CLUB

At each Annual General Meeting, the members shall elect a President, a Secretary, a Treasurer and a Club Captain who shall be Officers of the Club.

16. THE COMMITTEE

- 16.1 Subject to clause 16.4 below, at each Annual General Meeting, the members shall elect up to four members who, with the Officers, shall comprise the Committee of the Club. In this

document, the Officers and elected members may each be referred to as a Committee Member.

- 16.2 Nominations for the Committee positions shall be called 7 days prior to the Annual General Meeting. If no nominations are received for any position, then it shall be competent for the Annual General Meeting to fill any such position, if it can.
- 16.3 A nominee must be proposed by one member and seconded by another. If the nominee is not present at the Annual General Meeting, then the proposer must produce evidence that the candidate accepts the nomination.
- 16.4 Where the number of nominees is greater than the number of vacancies to be filled, a secret ballot shall be held. The Chairman of the Meeting shall appoint two scrutineers to count the voting forms. In the event of a tie, each tied nominee shall be deemed to be elected.
- 16.5 If the position of any Officer becomes vacant during the term of the Committee, the Committee may appoint a Committee Member to that position until the next Annual General Meeting.
- 16.6 If any Committee Member is absent from three consecutive Committee meetings without leave of absence, the President may declare that person's position vacant.
- 16.7 The Committee shall have the power to co-opt members to the Committee and/or to any sub-committee, to appoint delegates or representatives to any body to which the Club is affiliated, and to delegate responsibility to any Committee Member for any specified duties required for the successful operation of the Club.

17. SUB COMMITTEES

- 17.1 In addition to the Disciplinary Sub-Committee, the Committee may appoint such sub-committees as it sees fit.
- 17.2 Each sub-committee shall carry out the duties assigned to it by the Committee and report in writing to the Committee at each Committee meeting.

18.DUTIES OF OFFICERS

- 18.1 **President** – Where present, shall chair all Committee meetings, ensuring that:
 - a) Meeting discussion is confined to those issues pertinent to the meeting and in accordance with Committee policy.
 - b) Deliberation is fair, open and thorough, but also timely, orderly, and kept to the point.
 - c) All Committee Members are encouraged to contribute to the Committee's deliberations.
- 18.2 The President shall establish and maintain good communication channels with members to ensure an exchange of information between all members on relevant topics.
- 18.3 The President may not unilaterally change any Committee policy.
- 18.4 The President may delegate his/her position authority, but at all times remains accountable for its use.
- 18.5 **Secretary** – the Secretary shall:
 - a) Assist the President with all aspects of the administration of the Club.
 - b) Keep a true and correct record of the proceedings of all Committee meetings and Annual General Meetings.
 - c) Conduct the Club's correspondence.
 - d) Keep a Register of Members including name, address, contact details, date of joining and date of cessation of membership.
 - e) Notify those concerned of each meeting.
 - f) Perform any other duty as determined by the Committee.
- 18.6 **Treasurer** – the Treasurer shall:

- a) Invoice, collect and receive all monies (including subscriptions) due to the Club and pay all valid accounts which have been approved by the Committee for payment and keep a correct account of all monies received and paid out.
- b) Produce to the Committee prior to the Annual General Meeting a balance sheet and income and expenditure report for the prior financial year and report generally on the finances of the Club.
- c) Have custody of all of the funds of the Club and keep account of same in such manner as will at any time clearly show the true financial position of the Club.
- d) As soon as practicable, pay all monies received into Club's bank account(s).
- e) Report to the Committee not less frequently than once every two months on the financial position of the Club.

18.7 Club Captain - the Club Captain shall:

- a) Be the face of the Club – at poolside and to the news media.
- b) Work to build a great Club and increase membership.
- c) With the Secretary, coordinate and run swim nights.
- d) Meet with Learn To Swim /Council and Club coaches.
- e) Seek members and others to act as technical people/timekeepers.
- f) Prepare and issue regular Club newsletters and other communication on Club activities.

19. GENERAL MEETINGS

- 19.1 There shall be two types of General Meeting, Annual and Special.
- 19.2 The Annual General Meeting shall be held not later than **31st of May** of each year.
- 19.3 A Special General Meeting may be called at any time by simple majority vote of the Committee and must be called by the Committee upon receipt of a written request signed by at least four members.
- 19.4 Notice of a General Meeting shall be sent to all members at least 14 days prior to the date of the meeting.
- 19.5 Except for voting for Committee Members, voting at a General Meeting shall be by a show of hands unless a ballot is demanded by not less than three members entitled to vote, in which case the vote shall be by ballot. Proxies shall not be allowed.
- 19.6 A parent or caregiver may represent a financial junior member (under 16 years) and shall be entitled to vote on behalf of that junior member at any General Meeting.
- 19.7 Except for voting for Committee Members, in the event of a tie, the Chair shall have a casting vote as well as a deliberative vote.

20. COMMITTEE MEETINGS

Committee meetings shall be held from time to time as business demands, but not less frequently than once every two months.

21. QUORUM

- 21.1 At all Annual General Meetings of the Club the quorum shall be:
 - a) 50% of the Committee and not less than 6 financial members.
 - b) Should 50% of the Committee be present, and less than 6 financial members, the President shall call a vote of all financial members present. If all financial members agree, the President may accept this as a quorum and proceed with the meeting.
- 21.2 If after the expiration of the time appointed for the commencement of the meeting there is no quorum present, or those present are not in unanimous agreement to proceed the President shall adjourn the meeting to a date and time to be determined by the President. Notice of a new date and time shall be given by the Secretary in the manner prescribed for notice of an Annual General Meeting. If at the resumed meeting there is still no quorum

present then those present shall constitute a quorum and shall be entitled to transact the business of the meeting.

21.3 At all Special General Meetings the quorum shall be 50% of the Committee and not less than 4 financial members.

21.4 At all meetings of the Committee and any Sub Committees the quorum shall be 50% of Committee members.

22. BORROWING POWERS

22.1 If any General Meeting passes a resolution authorising the Committee to borrow money, the Committee shall be empowered to borrow, for Club purposes, such sum(s) of money, either at one time or from time to time at such rate of interest and in such form and manner and upon such security, as shall be specified in such resolution and the Committee shall do all things and the Club shall execute all documents as the Committee may deem proper for giving security for such loans and interest.

22.2 Any such resolution must be carried by a 60% majority of the members voting. All members of the Club whether voting on such resolution or not and all persons becoming members of the Club after the passing of such resolution shall be deemed to have assented to the same as if they had voted in favour of it.

23. TROPHIES

The Committee will have the final determination on whether a Club trophy is awarded and to whom it is awarded.

24. AFFILIATION

The Club shall affiliate with and continue affiliation with the Swimming Canterbury West Coast Regional Association and shall conform to and abide by the rules and regulations for the time being of the Region and of Swimming New Zealand.

25. ALTERATION OF RULES

25.1 This Constitution shall not be altered or repealed except at the Annual General Meeting or at a Special General Meeting called for that purpose. Notice of a proposed alteration or repeal shall be included in the meeting agenda.

25.2 No addition to or alteration or deletion of the amateur sports objects, Personal Benefit clause, Payments to Members clause or the Winding Up clause shall be made without the approval of the Inland Revenue Department (or its statutory successor in the approval of amateur sports promoters). The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

26. WINDING UP

26.1 Members present at a General Meeting convened for the purpose may resolve that the Club be dissolved as from the date specified in such resolution in accordance with the Incorporated Societies Act.

26.2 In no event shall surpluses or assets of the Club be divided amongst the members.

26.3 If upon the winding up or dissolution of the Club there remains, after the satisfaction of its debts and liabilities, any funds or property whatsoever, the same shall be given or transferred to the Swimming Canterbury West Coast Regional Association to be disposed of, as Swimming Canterbury West Coast Regional Association shall determine, for the benefit of the Christchurch community, but with the preference that the property be used to promote swimming amongst the children and young adults of the suburbs of South-West Christchurch

27. INTERPRETATION OF CONSTITUTION AND

27.1 The Committee is the sole authority for the interpretation of the Constitution and of any Club rule and the decision of the Committee upon any question of interpretation shall be final and binding on the members, subject to the right of appeal as provided in the Rules of the New Zealand Amateur Swimming Association.

28. MATTERS NOT PROVIDED FOR

28.1 If any case occurs which, in the opinion of the Committee, is not provided for by the Constitution or Rules, it shall be determined by the Committee in such manner as it shall think fit and its decision shall be final, subject to the right of appeal as provided in the Rules of the New Zealand Amateur Swimming Association.

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PRESIDENT

.....18 March 2014.....
DATE

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SECRETARY

.....18 March 2014.....
DATE

Last updated 04 March 2014.



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GENERAL MEETINGS

- Annual General Meeting (AGM).
- **Date.** The AGM of the Club shall be held not later than 31 May each year.
- **Business.** The business of the AGM shall be to:
 - Approve the minutes of the previous year's AGM
 - Receive the annual report and financial statements.
 - Elect Committee Members.
 - Appoint an auditor for the ensuing year.
 - Consider any motion of which notice has been given.
 - Fix the annual subscription for the ensuing year.
 - Confirm the Terms of Trade for the ensuing year.
 - Consider general business.

COMMITTEE MEETINGS

- Meetings of the Committee may be called by the Secretary at any time or on such dates as the Committee shall determine, subject to Constitutional requirements.
- At all meetings of the Committee the order of business shall be:
 - Apologies for absence.
 - Confirmation of Minutes.
 - Business arising out of previous Minutes.
 - Outward and inward correspondence.
 - Finance – passing of accounts.
 - Motions to be disposed of.
 - Reports.
 - General Business.
 - Closure.

