

THE INCORPORATED SOCIETIES ACT 1908
CONSTITUTION AND RULES OF TAWA SWIMMING CLUB

1. NAME:

The name of the Club shall be the Tawa Swimming Club Inc.

2. OBJECTS:

- (a) To promote, foster and encourage swimming and associated aquatic sports and disciplines.
- (b) To conduct and promote competitions, demonstrations and arrange for instruction and coaching in swimming and associated aquatic sports and disciplines.
- (c) To purchase, take on lease or otherwise acquire and to own any buildings 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.
- (d) To actively promote and encourage Club Spirit and companionship by arranging and conducting social events.
- (e) To raise funds to promote all or any of the objects of the club.
- (f) To affiliate with Swimming New Zealand and to do all such other acts as in the opinion of the Club shall further the objects of the Club, and of Swimming New Zealand.

3. INTERPRETATION:

In these Rules and in any Regulations made thereunder, unless repugnant to the context, the singular shall import the plural and the plural shall import the singular; and male import the female. "Club" shall mean the Tawa Swimming Club. "Committee" shall mean the committee set up under rule 7 hereof. "Centre" shall mean the Wellington Swimming Association Inc ("Swimming Wellington"). "SNZ" shall mean Swimming New Zealand Inc.

4. MEMBERSHIP

- (a) Membership of the Club shall be restricted to amateurs and professionals as defined by the rules of SNZ.

In addition the Club may elect to honorary, associate or other membership such persons as it shall decide subject to such conditions as the Club shall by Regulations prescribe. Honorary members shall not have a vote in the administration of the Club nor take part in any

competition under the rules of SNZ.

- (b) All applications for membership shall be made in writing in such form as may from time to time be prescribed by the committee, and must be signed by the applicant or where applicant is under 16, by his/her parent or guardian and must be accompanied by the current subscription fee. This requirement may be waived at the discretion of the Committee.

A new member may be elected at any committee meeting or at any General Meeting of the members of the Club. The Committee or a General Meeting of members may refuse to elect any applicant without giving any reason therefore. The membership register of the Club shall be prima facie evidence of the membership of the Club.

The Register of members shall be compiled so as to show the various categories of activity as may from time to time be required by the Association for statistical purposes.

- (c) Life Membership: The Club in General Meeting may elect any person who has rendered signal service to the Club to be a life member of the Club and any person so elected shall be entitled to all the privileges of membership but shall not be liable for any subscription. The names of Life Members shall be listed on a "Life Members" Board together with the date of the Award.
- (d) Committee Members are deemed to be members of the club.

5. HEADQUARTERS

The headquarters of the Club shall be at Tawa Swimming Clubrooms, Davies Street or at such other place as the Committee shall from time to time determine.

6. COLOURS

The colours of the club shall be Red, Blue and Gold, as approved by the Centre, consequent upon prior application having been made in writing.

7. MANAGEMENT

The management of the affairs of the Club shall be vested in a Committee comprising:

- (a) all of Officers of the club, except the honorary auditor, and
- (b) the general committee members

but so that the committee shall comprise not less than 9 nor more than 12 persons. The general committee members and the officers shall be elected at the Annual General Meeting of the Club.

Any member of the Committee who shall fail to attend three consecutive meetings of the Committee without cause to the satisfaction of the Committee having been shown shall cease to be a member of the Committee.

The Committee may appoint any financial member to fill any vacancy among its members or to fill any office of the Club that may become vacant, and such appointment shall hold good until the next Annual General Meeting of Members.

8. EXECUTIVE

The Committee may appoint from among its members and Executive Committee to transact the business of the Club and generally to fulfil all functions of the Committee between Committee meetings, but all decisions of the Executive Committee must be ratified at the first ensuing meeting of the Committee or must lapse.

The Executive Committee shall present to each meeting of the committee a report of its transactions in such form as the Committee shall determine.

9. SUB-COMMITTEES

- (a) The committee shall when necessary appoint and may at any time appoint such sub-committees as it may consider necessary and shall prescribe the duties of such sub-committees, and from time to time dissolve such sub-committees and appoint others in their stead or alter the personnel of such sub-committees as the Committee may determine.
- (b) In the appointment of any sub-committee the Committee shall not be restricted to choosing from its own members.
- (c) The Committee may delegate any or all of its powers to a sub-committee.
- (d) Sub-committees may be appointed by a General Meeting of members of the Club in the same manner as provided for the appointment of sub-committees by the Committee of the club.
- (e) A sub-committee shall carry out the duties assigned to it by its order of reference and shall on the date mentioned in such order or in the absence of any date then as expeditiously as circumstances will permit, present its findings and recommendations to the Committee. Should the sub-committee fail to present its report on the due date it may apply for further time, and the Committee may grant such further time or dissolve the sub-committee as the Committee shall determine.
- (f) Save as provided in Clause e hereof, no decision of a sub-committee shall be binding until it has been ratified by the Committee, nor, save as provided in Clause c hereof, shall any sub-committee, unless its order

of reference specifically authorises it in that behalf, have the right to transact any business in the name of the Club.

10. OFFICERS

The officers of the Club shall be

President
Secretary
Treasurer
Club Captain
Race Secretary
Hon. Auditor

In addition, the Annual Meeting of the Committee may appoint such other members as they shall determine, and shall prescribe the duties of such officers.

The President, the Club Captain, the Secretary, the Treasurer and the Race Secretary shall be ex officio members of the Committee.

11. ELECTION OF OFFICERS

No member whose subscription is in arrears or who is otherwise unfinancial may be elected to any office in the Club.

A candidate for office in the Club must be proposed by one Club member and seconded by another. If the candidate be not present at the meeting, then the person proposing him/her must produce evidence satisfactory to the Chairperson that such candidate is willing to accept office.

Where the number of candidates is greater than the number of offices to be filled, a secret ballot shall be held. Scrutineers for the conduct of the ballot shall be appointed by the Chairperson.

12. DUTIES OF OFFICERS

- (a) The duties of the President shall be
- To chair all General Meetings and Committee Meetings of the Club
 - To provide a casting vote at General and Committee meetings of the Club in the event of equality of voting
 - To provide a final ruling on any point of order at a General or Committee meeting of the Club
 - To be the spokesperson for the Club as required
- (b) The duties of the Secretary shall be
- To call and attend all General Meetings and all committee meetings;
 - to take minutes, submit correspondence and reply thereto according to the directions of the meeting; to keep all records and generally to perform all the clerical work of the Club.

- (c) The duties of the Treasurer shall be
- To attend all General Meetings of the club and all Committee meetings
 - to receive all monies due to the Club and to place the same to the credit of the Club's banking account
 - to sign all cheques for disbursements in conjunction with the other Club member appointed for that purpose
 - to keep proper books of account; to prepare and submit to members of the Club at the Annual General Meeting a duly audited statement of the financial affairs of the Club
 - to keep a Register of the members of the club and the addresses of the same.
- (d) The duties of the Race Secretary shall be
- To enter swimmers in competitions in accordance with the conditions of entry for each meet
 - To provide information to swimmers of all competitions for which they are eligible to enter
 - To handicap all Club handicap races or other competitions.
 - To keep a register of all members showing the times recorded for all distances over which members compete in races and amend the register with sufficient frequency for it to be an accurate record of the swimmers' times for the respective distances stated. Such register shall be open for inspection at such times and in such manner and by such persons as the Committee shall direct, and shall at all convenient times be open to inspection by such person or persons as the Centre may appoint.
 - To furnish to the Centre the Annual Return of Clubs on the official Return of Clubs form, and such Return of Clubs shall be a faithful copy of the membership register of the Club as at the date specified in the rules of SNZ.
- (e) The duties of the Club Captain shall be
- To foster the morale and engender good Club spirit of swimmers within the Club and to encourage their full participation in Club and Inter-Club competitions and other Club activities. The Club Captain is to represent the views and wishes of the swimmers to the Club Committee.
- (f) The Auditor
- The books of the Club shall be audited annually and reported upon by an Auditor duly appointed by the Annual General Meeting. In the case of death, resignation or incapacity of the auditor so appointed or if no Auditor has been appointed the committee shall appoint one.

13. CHAIRPERSON

At all General Meetings of members of the Club and Club Committee the

President shall preside. If he/she should be absent the meeting shall elect a Chairperson. At all General Meetings of members and at all meetings of the Committee the Chairperson shall have a deliberative vote, and in the event of equality of voting a casting vote in addition.

The Chairperson's ruling shall be final on any point of order.

14. SUBSCRIPTION

The annual subscription shall be such sum as may be fixed by the Committee. No member whose subscription is in arrears for three months shall be entitled to take part in activities of the Club, but this shall not absolve him/her from liability for payment.

Any member of the club whose subscription is in arrears for five months shall thereupon cease to be a member of the Club, but shall still be liable for the subscription. The name of such member shall be notified to the Centre. Notwithstanding the preceding provisions hereof, the Committee shall have the right to remit the subscription or other dues owing by any member for any reason it may think fit.

15. FINANCIAL YEAR

Unless the Centre shall otherwise direct the financial year of the Club shall conclude on the last day of June, and commence on the first day of July of each year.

16. ACCOUNTS

- (a) The funds of the Club shall be under the sole control of the Committee which shall cause a Bank account or accounts to be opened and determine the methods of operation and as to the investment of funds that are not immediately required.
- (b) All disbursements from the accounts of the Club shall be by cheque or voucher signed by any two out of the Treasurer and one of two other members of the Committee duly appointed and no monies shall be paid (except in an emergency) otherwise pursuant to a decision duly entered in the minute book of the committee or a General Meeting.
- (c) The Annual Balance date for the Club shall be 30 June each year.

17. RESIGNATION

Any member of the Club wishing to leave it shall forward his/her resignation to the Secretary in writing or by email before the Annual General Meeting of the Club. If such resignation is not received prior to the Annual Meeting, then the member concerned shall be liable for the ensuing season's subscription.

18. SUSPENSION

- (a) Any member of the Club shall be liable to suspension during the pleasure of the Club in the event of his/her violating the rules of the Club or the Regulations made thereunder, or failing to comply with any lawful direction of the Committee or of an Officer of the Club.
- (b) Suspension may be imposed by the Committee of the Club if for no more than one month's duration. Suspension for a longer period may be imposed only by a Special General Meeting of members called for that purpose.
- (c) Save as set out in paragraph (a) of Rule 19 hereof, no member shall be suspended without being given an adequate opportunity of being heard in defence. Notice of a proposal to suspend a member shall be given in writing setting forth explicitly the charge preferred and notifying the time and place of hearing.
- (d) Notice of any suspension imposed shall at once be sent by the Secretary of the Club to the Centre.
- (e) A person so suspended shall have a right of appeal to the Centre.

19. EXPULSION

- (a) Any member of the Club guilty of flagrant breaches of the Rules or Regulations of the Club, of habitual insubordination or unfair practises, or of conduct prejudicial to good order, decency and discipline, whether within the Club precincts or elsewhere, may be called upon to show cause why he should not be expelled from the Club, and, in the event of his/her failing to show such cause, may be expelled. Pending the hearing and determining of the charges he/she may be summarily suspended by the Committee.
- (b) Expulsion of a member may be made only by a Special General Meeting of members of the Club called for that purpose, and only if the votes in favour of expulsion shall constitute three-fourths of the members present and entitled to vote at the meeting.
- (c) In all cases of expulsion, the provisions of Sections c, d and e of Rule 18 shall apply.

20. APPEALS

Any member of the Club may appeal to the Committee against any decision of any officer or sub-committee of the Club.

Any such appeal shall be in writing addressed to the Secretary of the Club, and shall set forth specifically the decision appealed against and the grounds of such appeal.

The Secretary shall arrange for the hearing and determination of the appeal by the committee at the earliest convenient date. Both the person appealing and the official or officials appealed against shall have the right to appear before the Committee prior to the determination of the appeal.

There shall be no appeal on the question of fact.

21. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of members of the Club shall be held no later than 31 August each year. Fourteen days' notice of the meeting shall be given by the Secretary. The notice must be given by post or email to each member or by advertisement in a daily or weekly newspaper circulating in the district concerned.
- (b) The business of the Annual General Meeting shall be
 1. To receive the Annual Report and Financial Statement
 2. To elect Officers and Committee
 3. To consider motions of which notice has been given to the Secretary not less than seven days prior to the meeting
 4. To transact general business
- (c) The order in which the business is transacted shall be determined by the Chairperson.
- (d) The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at that meeting.

22. SPECIAL GENERAL MEETING

A Special General Meeting of members may be called at any time by the Committee or by requisition signed by not less than 15% of financial members. The requisition shall be addressed to the Secretary and shall set out specifically the business for which the Special General Meeting is required. Upon receipt of such a requisition the Secretary shall forthwith take the necessary steps to convene the meeting. The notice to members of a Special General Meeting shall be the same as that prescribed for the Annual General Meeting.

At a Special General Meeting only the business set out in the notice convening the meeting shall be considered, provided that the meeting by unanimous vote, permit the consideration of additional business.

The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at that meeting.

23. MEETING OF COMMITTEE

Meetings of the Committee may be called by the Secretary at any time or on such dates as the Committee shall determine. At all meetings of the Committee the order of business shall be

- (a) Apologies of absence
- (b) Confirmation of Minutes
- (c) Business arising out of minutes
- (d) Correspondence
- (e) Monthly Financial Report
- (f) Reports of sub-committees
- (g) General Business
- (h) Next meeting

The accidental omission to give notice of a meeting to, or the non-receipt of notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at that meeting.

24. VOTING

- (a) At all meetings of the Committee and at all General Meetings of members voting shall be on the voices, save where a vote is challenged, when a show of hands can be taken.

In all contested offices at the Annual General Meeting the voting shall be by secret ballot.

- (b) A parent or guardian of a financial member of the club under the age of sixteen years shall be entitled to vote at Annual General Meetings or any Special General Meeting. There is one vote per member. Financial members of sixteen years of age shall be entitled to vote in their own right.

25. QUORUM

- (a) At all General and Special General Meetings of members of the Club the quorum shall be 10% of the members (or a parent or guardian acting in their stead) entitled to attend such meetings. If after the expiration of such time as the Chairperson shall decide from time to time appointed for the commencement of the meeting there is no quorum present, the Chairperson shall adjourn the meeting to a date and time to be determined by the meeting. Notice of the new date and time shall be given by the Secretary in the manner prescribed for notice of a 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.
- (b) In the case of a Special General Meeting called by requisition of members, if there be no quorum present the Chairperson shall have

discretion to adjourn the meeting in the manner prescribed in section (a) hereof or to declare such meeting lapsed.

- (c) At all meetings of the Committee the quorum shall be 50% of those entitled to vote.

26. REGULATIONS

The members of the Club in General Meetings or the Committee of the Club at any time may make such regulations for the conduct on the Club as they shall determine but such regulations may not conflict with these rules of the Club. Any regulation made by the Committee shall hold good until the ensuing Annual General Meeting of members, when it must be confirmed or lapse. Pending the confirmation by a general Meeting of a Regulation made by the Committee, a Regulation so made be repealed by the Committee notwithstanding the provisions of Rule 27.

27. ALTERATION OF RULES

Neither these rules nor the regulations made thereunder shall be altered or repealed, nor any new Rule or Regulation (save as provided in Rule 26) introduced except at the Annual General Meeting or at a Special General Meeting called for that purpose. Notice of any proposed alteration, repeal or introduction of a new Rule or Regulation shall be given to each member at least seven days before the date of the meeting. A copy of the amended Rules must be forwarded to the Centre forthwith.

28. PRIZES

All prizes shall be in accordance with the Rules of SNZ.

29. PECUNIARY GAIN

No member of the club shall derive any pecuniary gain (except as a salaried officer, or by way of honorarium for services rendered voted by a General Meeting of members) from any property or operation of the club.

30. WINDING UP

In the event of the dissolution of the club, or the Club through any other cause ceasing to exist, the funds and property thereof after the discharge of all liabilities shall be handed to the Centre to be disposed of as the Centre shall determine. In no event shall the surplus assets of the Club be divided among the members thereof, nor shall the members of the Club have any beneficial interest therein.

31. QUESTION OR DISPUTE

If any question or dispute shall arise as to the construction of these rules or any of them or the application thereof the decision of the committee thereon shall be final

and binding upon all members.

32. SERVICE AWARDS

- (a) Service to the Club and the sport of swimming of an outstanding nature for a period of not less than five years may be recognised by the award of a “Tawa Swimming Club Service Award”. A Club Service Award may also be awarded to an Honorary or Associate Member of the Club.
- (b) Nominations for the award may be proposed by any member of the Club with the final decision made by the Committee.
- (c) The Annual General Meeting shall consider the recommendations for the award of a Service Award and grant or refuse such an award.
- (d) The names of Members, Honorary Members or Associate Members granted a “Tawa Swimming Club Service Award” shall be listed on a “Service Award” Board together with the date of the Award.

33. INDEMNITY

No action at law or otherwise shall lie in favour of members or their executors or administrators against any member of the Club or its Committee or any Officer of the Club for in respect to any act, matter or thing done, omitted or suffered in pursuance of these rules and that notwithstanding any irregularity or informality occurring in or about the doing, omitting or suffering thereof.