

## **RULES OF THE NELSON SOUTH SWIMMING CLUB (INCORPORATED)**

### **1.0 NAME**

1.1 The name of the Club is Nelson South Swimming Club (Incorporated), referred to as the "Club" in this constitution.

### **2.0 OBJECTS**

2.1 The objects of the Club are to:

- a) promote and encourage the sport/activity of swimming
- b) promote and organise swimming competitions and demonstrations
- c) arrange and conduct picnics or other social gatherings
- d) carry out other activities necessary or helpful to further the above objects.

### **3.0 POWERS**

3.1 The Club will have the following powers, to:

- a) purchase, take on lease, or otherwise acquire and to own any buildings or other premises, property or equipment which may be required for the purpose of, or conveniently used in connection with attaining the objects of the Club, and to sell, lease, mortgage or otherwise dispose of the same
- b) build, alter and repair any building, premises, structure or equipment used by the Club
- c) invest the surplus monies of the Club, upon such securities as may from time to time be determined
- d) raise funds to promote all, or any, of the objects of the Club and accept donations and gifts in accordance with the objects of the Club;
- e) appoint agents and employees to transact any business of the Club on its behalf for reward or otherwise;
- f) print and publish any information including newsletters, newspapers, articles or leaflets for promotion of the Club;
- g) provide gifts and prizes in accordance with the objects of the Club;
- h) do all things as may from time to time be necessary or desirable to give effect to and attain the objects of the Club.

### **4.0 INTERPRETATION**

4.1 In these Rules, and in any Regulations made under these Rules, unless contradictory to the context:

- a) the singular imports the plural, and the plural imports the singular
- b) male imports the female
- c) Committee means the Committee set up under the Rule 10
- d) Regional Association means the Swimming Nelson Marlborough Board of Swimming New Zealand (SNM Board)
- e) Council means the Board of Swimming New Zealand
- f) Financial members means:
  - i. Ordinary members whose subscription is paid for the current year
  - ii. Associate members whose child or children have paid their subscription for the current year
  - iii. Honorary members who have been appointed in the current year
  - iv. All Life Members.

### **5.0 OFFICES**

5.1 The Registered Office of the Club shall be at such place as may be decided upon, from time to time, by the Committee.

5.2 The Headquarters of the Club shall be at the Hampden Street School Pool or such other place as the Committee shall from time to time determine.

## **6.0 COLOURS**

6.1 The Colours of the Club shall be red, yellow and white.

## **7.0 COMMON SEAL**

7.1 The Club will have a Common Seal kept in the care of the Secretary.

7.2 The Common Seal will be affixed to documents only by resolution of the Committee in the presence of and attestation by any two members of the committee

## **8.0 MEMBERSHIP**

8.1 The members of the Club shall comprise:

- a) Ordinary members
- b) Associate members
- c) Honorary members
- d) Life members.

8.2 All members of the Club shall be:

- a) bound by these Rules
- b) entitled to the rights and privileges set out in these Rules
- c) liable to pay fees or subscriptions, in accordance with these Rules.

8.3 Any member may resign from the Club by giving oral or written notice to the Secretary. The Secretary will maintain a record of any resignation.

8.4 A member may be suspended or expelled, as provided in rules 22 and 23.

## **9.0 ORDINARY MEMBERS**

9.1 Any person who agrees with the objects of the Club may, subject to the Committee's approval, become an Ordinary member of the Club.

9.2 Applications for ordinary 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 and be accompanied by the membership subscription fee.

9.3 The Secretary shall keep a register of Ordinary members, which shall contain the names, addresses, and telephone numbers of all Ordinary members, and the dates at which they became members.

9.4 All Ordinary members must pay an annual subscription fee, set from time to time by the Committee. Ordinary members may have individual or family memberships.

9.5 Any Ordinary member whose subscription is in arrears on the 1<sup>st</sup> of December, or a prior date set by the Committee from time to time, shall not be entitled to take part in activities of the Club. This shall not absolve him or her from the liability for payment.

9.6 Any Ordinary member whose subscription is in arrears on the 14<sup>th</sup> January shall cease to be a member of the Club, but he or she shall still be liable for the subscription. The name of such member shall be notified to the SNM Board.

9.7 Notwithstanding rules 9.5 and 9.6, the Committee has the right to remit the subscription or other dues owing by any member for any reason it thinks fit.

## **10.0 ASSOCIATE MEMBERS**

10.1 An Associate member is any parent or guardian of a child who is an Ordinary member of the Club (whose subscription is paid for the current year).

10.2 There shall be no subscription fee for Associate members.

10.3 Associate members:

- a) shall be entitled to vote on all affairs of the Club and be elected to the Committee
- b) shall not take part in any competition under the rules of Swimming New Zealand.

## **11.0 HONORARY MEMBERS**

11.1 The Committee may appoint as an Honorary member any individual that the Committee considers is contributing material, time and resources to the Club.

11.2 Honorary membership is valid for the current season. Honorary members may be reappointed.

11.3 There shall be no subscription fee for Honorary members.

11.4 Honorary members:

- a) shall be entitled to vote on all affairs of the Club and be elected to the Committee
- b) shall not take part in any competition under the rules of Swimming New Zealand.

## **12.0 LIFE MEMBERS**

12.1 On the recommendation of the Committee, a member of the Club may, in consideration of the outstanding or long services rendered by him or her to the Club, be elected a Life member at any Annual General Meeting.

12.2 A four-fifths majority of those present and entitled to vote shall be necessary to elect Life members.

12.3 Life members shall be entitled to all privileges of membership, without payment of subscription fees or any special payment for Life membership.

## **13.0 GENERAL MEETINGS**

13.1 'General Meeting' refers to both the Annual General Meeting and Special General Meeting, unless otherwise specified.

13.2 The quorum for all General Meetings will be 10 members entitled to vote.

13.3 At least fourteen days before each General Meeting:

- a) notice of the time, date and place of the meeting shall be given to each member by post or electronic communication at the current address recorded in the register of members; and
- b) the time, date and place of the meeting will be advertised in a daily newspaper circulating in the district.

13.4 The President shall preside at all General Meetings. In the absence of the President, the meeting shall elect a person to chair the meeting from among the members present.

13.5 All financial members shall be entitled to vote at a General Meeting of the Club.

13.6 A financial member may be represented at a General Meeting by a nominee appointed by notice in writing to the Secretary and received by the Secretary before the meeting. A nominee can only represent one member.

13.7 Except as provided in Rule 13.9, voting will be by a show of hands. A declaration by the Chair of the meeting that a resolution has been carried or negated shall be conclusive.

13.8 If voting is tied the Chair of the meeting will have a casting vote.

13.9 A secret ballot may be demanded before a vote or upon the declaration of the result of the show of hands. The secret ballot may be demanded by the Chairperson or by any three members present entitled to vote. The secret ballot shall be taken in the manner directed by the Chairperson.

#### **14.0 ANNUAL GENERAL MEETINGS**

14.1 The Annual General Meeting of members of the Club shall be held no later than the calendar month preceding the Annual General Meeting of the SNM Board.

14.2 In addition to the matters specified in Rule 13.3, the notice to members for the Annual General Meeting will invite nominations for Officers and members of the Committee, and specify the closing date for nominations.

14.3 Nominations for the Office of Patron shall be taken at the Annual General Meeting.

14.4 Any notice of motion must be in the hands of the Secretary 7 days before the Annual General Meeting at which such notice is intended to be moved.

14.5 If after half an hour from the time appointed for the meeting, a quorum is not present the meeting shall stand adjourned to the same day in the following week at the same time and at a place to be determined. 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.

14.6 The Annual General Meeting shall carry out the following business:

- a) receive the minutes of the previous Annual General Meeting and any General Meetings held since the last Annual General Meeting
- b) receive the President's report
- c) receive the Treasurer's report and statement of accounts
- d) elect the Officers and other members of the Committee (see Rule 16)
- e) appoint the Patron
- f) conduct any other business that may properly be brought before the meeting.

14.7 The order in which business is transacted shall be determined by the Chairperson.

#### **15.0 SPECIAL GENERAL MEETINGS**

15.1 A Special General Meeting of members may be called at any time by the Committee or by requisition signed by not less than 10 financial members. The requisition shall be addressed to the Secretary and 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.

15.2 At the Special General Meeting only the business set out in the notice convening the meeting shall be considered unless the meeting permits, by unanimous vote, the consideration of additional business.

15.3 If after half an hour from the time appointed for the meeting, a quorum is not present the meeting shall stand adjourned to the same day and time in the following week and at a place to be determined. If at such adjourned meeting there is still no quorum present, the meeting shall lapse.

## **16.0 COMMITTEE**

16.1 The Management of the affairs of the Club shall be vested in a Committee. The members of the Committee will be the President, Secretary, Treasurer, Recorder, Club Captain and up to 6 other members of the Club.

16.2 All Committee members shall be elected at the Annual General Meeting of the Club and retire at the following Annual General Meeting. Members will be eligible for re-election. Only adult financial members may be elected to the Committee.

16.3 Nominations for Officers and other members of the Committee may be by way of written nomination signed by two financial members of the Club and endorsed with the consent of the nominee and given to the Secretary at least 48 hours before the Annual General Meeting. If insufficient written nominations are received, oral nominations may be received at the Annual General Meeting, provided that no person will be elected who has not consented to being nominated.

16.4 Not less than 14 clear days before the Annual General Meeting, the Committee shall advise the membership of the date of the AGM and will advertise the date in the local press, inviting all to attend and inviting nominations for the position of Officers and members of the Committee.

16.5 Where the number of candidates nominated is greater than the number of vacancies to be filled, the Secretary will prepare ballot papers containing the names of the candidates in alphabetical order.

16.6 The Committee may appoint any financial member to fill any vacancy, including Officers, which arise after the Annual General Meeting. Such appointments will be valid until the next Annual General Meeting.

16.7 The Committee may co-opt any financial member to assist elected officers.

16.8 If a member of the Committee, including an office-bearer, does not attend three (3) consecutive meetings without good reason, the Committee may remove that person from the Committee and declare the position vacant.

16.8 The procedures for Committee meetings shall be:

- a) The quorum at all meetings shall be 5, or 1 more than half of the Committee, whichever is the smaller number
- b) The President shall preside at all meetings or, if the President is absent, the meeting shall elect a Chairperson
- c) Decisions shall be by majority vote
- d) In the event of a tied vote, the chair of the meeting shall have a casting vote
- e) Meetings shall occur once a month or when considered necessary by the President or upon a requisition to the Secretary signed by 4 members of the Committee, allowing 48 hours notice of such intention.

## **17.0 EXECUTIVE**

17.1 The Executive shall comprise the President, Club Captain, Treasurer and Secretary.

17.2 The functions and responsibilities of the Executive are:

- a) to transact the business of the Club and fulfil all functions of the Committee between Committee meetings
- b) to present to each meeting of the Committee a report of its transactions in such form as the Committee determines.

17.3 All decisions of the Executive must be ratified at the first ensuing meeting of the Committee or must lapse.

## **18.0 SUB-COMMITTEES**

18.1 The Committee may at any time appoint such sub-committees as it considers necessary and shall assign the duties of the sub-committees.

18.2 The Committee may delegate any or all of its powers to a sub-committee.

18.3 When appointing sub-committees, the Committee is not restricted to choosing from its own members.

18.4 Unless a sub-committee has been delegated appropriate powers under rule 18.2, no decision of a sub-committee shall be binding until it has been ratified by the Committee, nor does a sub-committee have the right to transact any business in the name of the Club.

18.5 A sub-committee shall carry out the duties assigned to it and present its report within the timeframe specified or in the absence of any date, then as expeditiously as circumstances permit. The sub-committee may apply for further time and the Committee may grant such further time. .

18.6 The Committee may from time to time dissolve any sub-committees or alter the appointments to a sub-committee.

## **19.0 OFFICERS**

19.1 The Officers of the Club shall be:-

- President
- Club Captain
- Treasurer
- Secretary
- Recorder

19.2 The duties of the officers are:

a) *President* – To ensure that the Rules are followed, convene and chair meetings, oversee the operation of the Club, report on the operation of the Club at each Annual General Meeting, and advise the Registrar of Incorporated Societies of any alteration to the Rules.

b) *Secretary* – To record minutes of all General Meetings and Committee meetings, receive correspondence and reply according to the direction of the Committee, keep a register of Ordinary members of the Club, keep all records of the Club, retain the Common Seal, and furnish to SNM the Annual Return of Clubs on the Official return of Clubs Form

c) *Treasurer* – To collect and receive all monies due to the Club, place the same to the credit of the Club's banking account, sign all cheques for disbursements (in conjunction with one other Committee Member appointed for that purpose), keep proper books of account, give a financial report and statement of account at each Annual General Meeting, and forward the annual financial statements to the

Registrar of Incorporated Societies upon approval by members at the Annual General Meeting.

d) *Recorder* – To keep and maintain an updated record of all Ordinary members showing the times of such members for all such distances over which such members compete in races, provide an individual's records upon request, provide the records to the SNM Recorder/ Registrar or such person or persons as SNM may appoint, to prepare Club meets and handicap all Club handicap races or other competitions, and enter Ordinary members into the meets of other clubs/organisations.

e) *Club Captain* – to arrange and encourage the participation of Ordinary members in Club and inter-club competitions.

19.3 Any person co-opted to assist any of the above positions shall have such delegated powers and duties of the elected officers to undertake the designated Roles.

19.4 Officers shall be elected as provided in Rule 16.

19.5 The Annual General Meeting, or the Committee, may appoint such other Officers as they shall determine and shall prescribe the duties of such Officers.

## **20.0 FINANCIAL MATTERS**

20.1 Unless the SNM Board shall otherwise direct, the Financial Year of the Club shall be from 1 July to 30 June.

20.2 All monies of the Club shall be placed to the credit of the Club's account in a bank or banks approved by the Committee and all disbursements of the Club funds shall be by cheque or electronic transfer. The signatories shall be the President, Secretary and Treasurer, or other committee members as agreed by the committee with any 2 to sign.

20.3 The Treasurer shall ensure that true and accurate accounts are kept of all money received and expended.

20.4 Any money paid from the Club's account shall be confirmed by a decision duly entered in the Minute Book of the Committee or of a General Meeting of members.

## **21.0 SUSPENSION**

21.1 Any member of the Club may be suspended if he or she

- a) violates the Rules or Regulations of the Club or
- b) fails to comply with any lawful direction of the Committee or an Officer of the Club.

21.2 Suspension may be imposed by the Committee for up to one month. Suspension for longer periods may only be imposed only by a Special General Meeting called for the purpose.

21.3 Except as provided in Rule 23.3, no member may be suspended without being given adequate opportunity to be heard in his or her defense. Notice of a proposal to suspend a member shall be given in writing, setting out the charge and notifying the time and place of the hearing.

21.4 The Secretary shall notify the SNM Board of any suspension imposed.

## **22.0 EXPULSION**

22.1 Any member of the Club may be expelled if he or she:

- a) flagrantly breaches the Rules or Regulations of the Club or
- b) breaches the SNZ Code of Conduct or
- c) behaves in a way that is detrimental to the Club, whether within the Club precincts or elsewhere.

22.2 Expulsion of a member may be made only

- a) at a Special General Meeting called for the purpose and
- b) if the votes in favour constitute three-fourths of the members present and entitled to vote.

22.3 In the event of any of the breaches referred to in Rule 23.1, the Committee shall call on the member to show why he or she should not be expelled. In the event of his or her failing to show good cause, the member may be summarily suspended by the Committee and notice shall be given of a Special General Meeting to consider the expulsion.

22.4 No member may be expelled without being given adequate opportunity to be heard in his or her defense. Notice of a proposal to expel a member shall be given in writing, setting out the charge and notifying the time and place of the hearing.

22.5 The Secretary shall notify the SNM Board of any expulsion imposed.

### **23.0 APPEALS**

23.1 Any member of the Club may appeal to the Committee against any decision of any Officer or sub-committee of the Club. There shall be no appeal on question of fact.

23.2 The appeal shall be made in writing to the Secretary, setting out the decision appealed against and the grounds of the appeal.

23.3 The Secretary shall arrange for the hearing and determination of the appeal by the Committee at the earliest convenient date. The person making the appeal and the Official or Officials appealed against, shall have the right to appear before the Committee prior to the determination of the appeal.

### **24.0 PRIZES**

24.1 All prizes shall be in accordance with Law F17.3 of the SNZ Laws, and in accordance with the Incorporated Societies Act 1908.

### **25.0 REGULATIONS**

25.1 Regulations may be made for the conduct of the club, provided such regulations do not conflict with these Rules.

25.2 Regulations must be made, altered or repealed by the members at General Meetings (in accordance with Rule 27), or by the Committee at any time.

25.3 Regulations shall have force as Rules of the Club.

25.4 Any Regulations made by the Committee must be confirmed at the ensuing Annual General Meeting, or they must lapse. Pending the Annual General Meeting, Regulations made by the Committee shall hold good and may be repealed.

### **26.0 ALTERATION OF RULES**

26.1 The Club may only alter or replace these Rules, or any Regulations made under Rule 26, at a General Meeting by a resolution passed by a two-thirds majority of the financial members present.



26.2 At least 7 days before the General Meeting at which any proposed alteration or replacement of the Rules or Regulations is to be considered, the Secretary shall give all members written notice of the proposed motion and any recommendations of the Committee.

### **27.0 PECUNIARY GAIN**

27.1 No member of the Club shall derive any pecuniary gain (except as a salaried Officer or by way of 'out of pocket expenses' for services rendered and voted by a General Meeting of members) from any property or operations of the Club.

### **28.0 WINDING UP**

28.1 If the Club is wound up:

- a) all liabilities shall be paid;
- b) any surplus funds and property of the Club shall be disposed of by
  - i. being handed to the SNM Board to be held in Trust until such time as a new Club is formed in the same area or
  - ii. being handed to another Club in the same area.

28.2 The members of the Club shall determine the distribution by resolution at a General Meeting.

28.3 No distribution may be made to any member of the Club.