

CONSTITUTION

Updated August 2011



Auckland Swimming
Association Inc.

Affiliated to
Swimming New Zealand Inc.



1 August 2011

We the undersigned members of the Auckland Swimming Association Incorporated No. 919040 acting in our capacity as officers of the society, certify that this is a true copy of the updated rules of the society made in accordance with the rules of the society.

Teresa Stanley

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Auckland Swimming Association Incorporated

CONSTITUTION

1. NAME

1.01 Name

The name of the Association shall be the **AUCKLAND SWIMMING ASSOCIATION INCORPORATED**.

2. RULES AND INTERPRETATION

2.01 Interpretation

These Rules shall be read together and form part of the Rules, Regulations and Laws of the SNZ Inc. except in so far as they may conflict in which event the Rules, Regulations and Laws of SNZ Inc. shall prevail.

In these Rules the following words and phrases shall have the meanings ascribed to them unless a contrary intention is expressed or unless the context otherwise requires:

2.01.1 Words denoting the singular shall include the plural and vice versa and the masculine gender shall include the feminine or neuter and vice versa.

2.01.2 "Club" shall mean a bona fide Club affiliated to SNZ Inc.

2.01.3 "Member" shall imply any such member of a Club as defined by the Rules Regulations and Laws of SNZ Inc. whether or not such member is liable under the Rules of the Club for the payment of the regular Club subscription.

2.01.4 "Member of the Association" shall mean any delegate duly appointed by a Club to the Association under the Rules hereof, or any officer who under Rule 8 of the Association is an elected or ex-officio member of the same.

2.01.5 "SNZ Inc" shall mean Swimming New Zealand (Incorporated).

2.01.6 "Board" shall mean the Board for the time being of the Auckland Swimming Association Inc.

2.01.7 "Inter-Club Meeting" shall mean a meeting or competition at which members of Clubs in addition to members of the promoting Club compete, or any meet or competition organized by the Association, or by any Club person or body under Association permit at which members of more than one Club compete.

2.01.8 "Association Inc." or "Association" shall mean the Auckland Swimming Association (Incorporated) being the Auckland regional controlling body for SNZ Inc.

2.01.9 "Rules of the Association" shall mean these Rules and include any Regulations made from time to time under the provisions hereunder.

2.01.10 "Zone" shall mean a group of Clubs created by the Association within its region or district. In matters of competitive meets where Club or inter-Club appears in these Rules the same shall apply to Zone or inter-zone.

2.02 Alteration of Rules

2.02.1 Authority for Amendment

These Rules shall not be added to, rescinded or amended nor shall any new Rule be enacted save at the Annual General Meeting of the Association or at a Special Meeting called for that purpose.

2.02.2 Notice of Amendments

Each member of the Association as defined in Rule 2.01.4 hereof and the Secretary of each affiliated Club shall before the date set down for the meeting at which such proposal is to be considered be given at least twenty one clear days Notice of any proposal to add to or amend any Rule, or to enact any new Rule.

2.02.3 Voting on Notices of Motion

Subject at all times to the General provisions relating to quorums and reconvened meetings contained in Rule 9.01.2 of these Rules No motion to amend or rescind any Rule or to enact any new Rule shall be declared carried unless the votes in favour thereof shall be at least three fifths of the total votes cast.

2.03 Association Rulings

Subject to the Rules of SNZ Inc. relating to Appeals the decision of the Association shall be final on all matters relating to interpretation of these Rules.

2.04 Matters Not Provided For

If any question shall arise touching or concerning any matter not otherwise provided for in these Rules the same shall be decided by the ASA Board whose decision shall, subject to the Rules of SNZ Inc. relating to Appeals be final and binding.

2.05 Access to Rules

2.05.1 Association Executive Officer Responsibility

The Rules of the Association shall be open for inspection by any member of an affiliated Club or organization affiliated to the Association at all times that the Executive Officer of the Association shall consider reasonable.

2.05.2 Club and Association Members Responsibility

Each Club and Member of the Association shall be required to acquire from the Association from time to time determined in the Regulations made pursuant hereto at least one copy of the Rules of the Association and shall from time to time, as often as occasion shall require, copies of Rule changes as they are passed and become available and acquire new reprinted and/or updated editions of the Rules as they become available.

3. OBJECTS

3.01 Objects of the Association

The objects of the Association shall be:

3.01.1 The objects of SNZ Inc. as set out in the Rules of SNZ Inc. so far as the same is applicable hereto.

3.01.2 To act as the controlling authority for the said SNZ Inc. within the Association's district and to do all the things and exercise all the privileges delegated to a Centre or Association by the Rules, Regulations and Laws of

SNZ Inc.

- 3.01.3 To arrange, control and manage competitive swim meets for swimmers or to delegate the right to affiliated Clubs or other affiliated bodies to conduct such races or competitions.
- 3.01.4 To arrange, control and manage Association Championship races and competitions or to delegate the right to affiliated Clubs or other affiliated bodies to conduct such races or competitions.
- 3.01.5 To affiliate and maintain affiliation with SNZ Inc. and to do all acts matters and things incidental thereto.
- 3.01.6 To do all other things within the Rules, Regulations and Laws of SNZ Inc. and these Rules as may in the opinion of the Association be calculated to forward the Association's objects.
- 3.01.7 To develop a public profile for swimming through the media and local organizations and obtain sponsorship and funding for the Association and Clubs.
- 3.01.8 To actively participate in the development of coaching capability, development opportunities for swimmers, skills of officials, pool facilities and sustainable club structures.
- 3.01.9 To encourage people of all ages and social groups to take part in swimming and join a club.
- 3.01.10 To provide good governance for the sport of swimming within the region.

3.02 Boundaries

The boundaries of the Association shall be those laid down from time to time by SNZ Inc.

3.03 Constitution of the Association

The Association shall consist of such recognized bona fide Clubs within the Association's region as are now affiliated with the Association and such Clubs as may from time to time be affiliated in the manner provided in accordance with the Rules of SNZ Inc and that have signified their consent to be governed by the Rules, Regulations and Laws of SNZ Inc. and the Rules and Regulations of the Association, but no Club shall have the right to take part in the management of the affairs of the Association except by Delegates in the manner hereinafter provided.

3.04 Headquarters

The headquarters of the Association shall be in the Auckland Region at such place as shall be determined by the Board. (Refer to 5.01.5 (b) Delegates).

3.05 Child Protection

The Association works closely with and has responsibility for athletes, many of whom are children (under 18 years of age). The Association abhors the abuse of all people, but especially of its members in general and children in particular in all its forms, be it expressed as neglect, bullying by peers or adults, verbal, emotional, physical or sexual abuse. ASA and its affiliated clubs have a responsibility to ensure that appropriate policies and procedures are established to safeguard all children and its members from any threat of or form of abuse while participating in any aspect of our sport. All children, able bodied or disabled have the right to protection. The Board of the Association through its Executive Officer is required to establish and maintain a Child Protection Policy and Code of Conduct in accordance with

best practice that will be binding on all its members to ensure there is a zero tolerance of any form or threat of abuse toward children.

4. POWERS OF THE ASSOCIATION

4.01 Delegation

The Association may delegate all or any of its powers to a Committee or Club.

4.02 Suspension

4.02.1 Authority

The Association shall have over Clubs, members, officials and others within its region, power of suspension or cancellation of appointment similar to the Powers of the Board of SNZ Inc.

4.02.2 Cause

Any Club, Club member, officer, official or other body or person which or who shall, in the opinion of the Association, do or omit to do, or cause to be done or omitted to be done, any act, deed, matter or thing whereby any other Club, Club member, officer, official or other body or person shall or may, or may be likely or liable to suffer any loss, hardship, loss of status, injustice or other injury, shall be liable to suspension.

4.02.3 Hearings

No Club or body or Club member or other person shall be suspended without being given adequate opportunity of being heard in defence. Notice of a proposal to suspend or otherwise deal with any Club, body or person shall be given in writing to the Club, body or person concerned setting forth explicitly the charge preferred and notifying the date time and venue of hearing.

4.02.4 Penalties

Any Club or other body, or any Club member or any person shall be liable to suspension during the pleasure of the Association or to a fine of an amount (at the discretion of the Association) not exceeding the amount prescribed from time to time in Regulations as the penalty for that type of infringement. The Association shall have full power to impose such penalty as it may determine in the case of an individual notwithstanding that such person may have resigned, retired or otherwise ceased to hold or be in the position occupied at the time of the commission of the infringement. Notice of suspension or the imposition of other penalty shall at once be given in writing by the

Executive Officer of the Association to the Club body or person concerned, and the Executive Officer of the Association shall, at the same time, notify in writing the CEO of SNZ Inc.

4.02.5 Clubs

Subject to the provisions of Rule 2.03 hereof Clubs shall have over their own members and officers powers of suspension or cancellation of appointment similar to the powers of the Association.

4.03 Appeals

Any Club person or body within the jurisdiction of the Association may appeal to the

Association. All appeals shall be governed by the Rules for the time being of SNZ Inc. relating to Appeals.

4.04 Winding up

In the event of the disbandment or winding up of the Association the property of the Association shall be realized and the proceeds shall be vested in the Board of SNZ Inc. as Trustee to be applied in the furtherance of the objects of SNZ Inc.

5. ASSOCIATION REPRESENTATION

5.01. Representation

5.01.1 Clubs

Each club, as defined by Rule 2.01.2, shall be entitled to representation by Delegates in accordance with Rule 5.01.2 herein provided that the Club is financial in accordance with Rule 12.02, 12.03 and 12.05.1 hereof.

5.01.2 Scale of Representation - Club Membership

The scale of representation of delegates on the Association shall be:

Club Membership

1 – 50 One delegate

51-150 Two delegates

151 or more Three delegates

5.01.3 Membership Figures

Membership figures are to be those disclosed in the Association's Annual Report for the previous year.

5.01.4 Representation for New Clubs

Representation for new Clubs is to be based on the number of Members listed in the Application Form for Affiliation in that year.

5.01.5 Delegates

(a) Delegates must be financial members of a Club.

(b) Delegates shall be members of the Clubs they represent subject to the following exception:

Where the headquarters of a Club are situated a distance of more than 35 kilometres from the headquarters of the Association, such Club may (subject to the proviso hereinafter contained) appoint a delegate or delegates from another Club to represent it at the Association PROVIDED ALWAYS that unless the Board upon the advice of the Association has authorized to the contrary the maximum number of delegates from any Club appointed to act under this exception shall not exceed two (in addition to that Club's own quota of delegates).

For the purpose of this Rule the headquarters of the Association shall be deemed to be the place at which the meetings of the Association are customarily held.

5.01.6 Term of Appointment

A Delegate's term of office shall commence at the date of the Annual

General Meeting of the Association in any year, and the delegate shall remain in office until immediately prior to the following Annual General Meeting unless the delegate's appointment is vacated in terms of Rule 9.03.5 or the Delegate's appointment is terminated by resignation, suspension or expulsion under operation of these Rules or by the decision of the delegate's appointer.

Clubs shall advise the names and addresses of their Delegates, in writing, to the Association's Executive Officer. For the purpose of the distribution of the Annual Report and Meeting information only, such names shall be provided no later than 3 weeks prior to the date of the Association's Annual General Meeting.

5.02 Affiliation by Clubs

5.02.1 Applications

A Club wishing to join the Association shall apply in writing to the Executive Officer of the Association. The application must be accompanied by a copy of the Club's Rules, and statement of the number of its members, together with such further information as the Association may from time to time require or as may be called for by SNZ Inc.

5.02.2 SNZ Inc. Approval

The Association shall forward the application, together with such recommendation as it shall deem proper, to SNZ Inc which shall alone decide whether affiliation be granted.

5.02.3 Affiliation Binding on Clubs

The affiliation of a Club shall operate as an agreement binding such Club and the members thereof to abide by the Rules, Regulations and Laws of SNZ Inc. and of the Association and to accept and enforce all their lawful decisions. Any breach of the agreement shall render such Club liable to suspension by SNZ Inc. or the Association or to expulsion by SNZ Inc.

5.03 Disaffiliation by Clubs

5.03.1 Notification by Clubs

Any Club may resign from SNZ Inc. by giving written notice of such intention to the Executive Officer of the Association, but such Club shall continue to be liable for all affiliation fees and other moneys due and accruing due to the Association or SNZ Inc. and unpaid at the date of such resignation.

5.03.2 Striking Off by Association

Any Club may be struck off the Association's Register by resolution to that effect passed by the Association at a Special General Meeting in any of the following events where the Club:

- a) Has ceased to be financial
- b) Has committed a breach of the Rules of SNZ Inc. or the Association or permitted or condoned any breach thereof by any of its members
- c) Has ceased to exist
- d) Has, by alteration of boundaries ceased to be within the Association's

area.

The provisions of Rule 4.02 hereof shall apply in all cases of striking off under sub clauses (i) and (ii) of the last preceding Rule.

5.03.3 Club's Winding Up

In the event of a dissolution of a Club, or a Club through any other cause ceasing to exist, the funds and property thereof after discharge of all liabilities shall, in the absence of a specific rule to the contrary in the Rules of such Club be handed to the Association to be disposed of as the Board shall determine. In no event shall the surplus assets of a Club be divided among the members thereof nor shall the members of the Club have any beneficial interest therein.

6. MEMBERSHIP OF INDIVIDUALS

6.01 Registration

6.01.1 Association Membership

In accordance with the procedure approved by the Board, each Club shall at the time members join or renew memberships, register the names of that or those members with the Association.

6.01.2 Competitive Registration

Swimmers wishing to compete in Interclub and Association competitions, shall be registered with the Association as competitive swimmers. In accordance with SNZ Rule 5.3, a member may only be a competitive swimmer for one (1) club at any one time.

6.02 Eligibility of Records

For Auckland record purposes, a member must be a New Zealand citizen by birth or naturalisation and have been a financial member of SNZ for a period of not less than six consecutive months. If not a New Zealander as defined above, then must have been resident as well as a financial member in New Zealand for a period of not less than six consecutive months.

6.03 Transfers

6.03.1 Transfer Application

Application for a transfer shall be made in writing by the Club member concerned to their present Club who, provided that such member is not financially indebted to them, shall make an application in writing to the Board and the Executive Officer shall have discretion to grant or refuse such transfer. Subject to the provisions of this Rule regarding transfers a member of a suspended Club may with the permission of the Executive Officer, apply to any other Club for membership.

6.03.2 Compliance with SNZ Inc. Rules

All transfers must comply with SNZ Membership Rule 5.

6.03.3 Transfer Fee

Each application for transfer shall be accompanied by a fee of the amount from time to time determined by the Board. The fee shall be paid to and

remain the property of the Association.

6.04 Honorary Members of the Association

6.04.1 Election

Honorary members may be elected at any General Meeting of the Association. The number of honorary members shall be as from time to time determined by the Board.

7. GOVERNANCE AND MANAGEMENT OF THE ASSOCIATION

7.01 Introduction

The affairs of the Association shall be governed by a Board and managed by the Executive Officer in conjunction with the following Executive Groups:

Competitive Swimming	Events Management
Technical Group	Technology Group

7.02 The Board

7.02.1 Composition

The Board will comprise the President (ex officio) and:

- a) Six Members to be elected in rotation at the AGM
- b) Two additional members

Appointed by the Board from time to time on the basis of specific knowledge/skills.

7.02.2 Objectives

The objectives of the Board are to:

- establish a Strategic Plan for Auckland Swimming
- ensure the effective implementation of this plan
- provide financial governance for the Association

7.02.3 Business

The Board will meet monthly to cover:

- Strategic Direction
- Financial
- Reports from Groups / sub committees
- Management of the interfaces between groups
- Any changes to framework / expenditure
- SNZ requirements
- Other governance matters

7.02.4 Chair and Deputy Chair Persons

The board will elect its own Chair and Deputy Chair.

7.02.5 Appointment of Executive Officer

The Board will appoint an Executive Officer who will attend Board meetings as required by the Board

7.02.6 **Arrange Audit**
The Board will arrange the annual audit of the Association's accounts.

7.02.7 **Voting**
Voting will be by a simple majority of Board members. The quorum will be four members one of whom shall be the Chair or Deputy Chair.

7.02.8 **Other Prescribed Duties**
The Board will carry out such other duties as are prescribed for it herein.

7.03 **Executive Groups**

7.03.1 **Chairpersons**
Each group will elect its own Chair and Deputy Chair.

7.03.2 **Meetings and Quorum**
Meetings will be held as required by the Chair or at least 3 of the Group. Quorums for a meeting will be three. Voting will be by a simple majority.

7.03.3 **Reporting**
Group Chairs shall report their group's progress to the Executive Officer.

7.03.4 **Expenditure**
Each Group shall provide a forecast of proposed expenditure to the Executive Officer for approval by the Board.

7.03.5 **Proxies**
Proxies not accepted. After absences for 3 consecutive meetings a vacancy should be created.

7.03.6 **Vacancies**
In the event of a vacancy a successor may be appointed by the ASA Board, in consultation with the respective group.

7.03.7 **Term**
The term of the Group is for one year.

7.04 **Competitive Swimming Group**

7.04.1 **The Group**
The Group will comprise:

- Three members nominated by the Coaches Group
- Two members elected by the AGM
- Registrar elected at the AGM
- The Selector/s (Ex officio).
- One member nominated by the swimmers group who attends in an advisory capacity.

7.04.2 **Objectives**
a) To carry out the philosophies established by the ASA Board by providing competition and development packages to cater for the various pathways for the different levels of swimming, which will

broaden the scope and improve the standards of swimming in Auckland.

- b) To provide Competition Plans for all levels of swimming.
- c) To ensure the development of talented young swimmers.

7.04.3 ASA Programmes

The Group will set the Programmes for ASA Championships.

7.04.4 Appointment of Selectors

The Group will appoint the Selector/s for the Association from within the membership of the Association. The Selectors will select the Association Relay and Representative teams as and when required.

7.04.5 Determination of Qualifying Times

The Group will determine qualifying times for Level 1, Level 2 and the Auckland Championships. Once a swimmer has attained a qualifying time, they cannot swim in a meet of a higher level, unless they have aged up, and not maintained a suitable qualifying time.

7.04.6 Records of Championship Events and Race Records

Through the Registrar keep records of Championship events and Race Records of the Association.

7.05 Events Management Group

7.05.1 Composition

The Group will comprise five members elected at the AGM.

7.05.2 Objectives

- a) To implement plans and programmes for ASA Interclub, League and Auckland Championship Meets as decided by the Competitive Swimming Group, National Meets allocated to the Association and such other meets as may be appropriate.
- b) To allocate the running of Interclub meets to clubs as per the Competition Plan based on criteria determined by the ASA Board.

7.05.3 Reporting

The Chair will make progress reports and an appraisal after each ASA meet to the Executive Officer.

7.05.4 Organising Committee Chairs

The Group will appoint Organising Committee Chairs for meets as required. They shall gather a team to run their allocated meet and make progress reports to the Group. Organising committee chairs shall be ex officio members of the Events Management Group.

7.06 Technical Group

7.06.1 Composition

The Group will comprise five members elected at the AGM.

- Three to have Auckland referee qualification (minimum qualification)

- Two to have Technical officials qualification (minimum qualification)
Note: There is nothing in this Rule to preclude all 5 technical officials being nationally qualified referees.

7.06.2 **Objectives**

- a) To foster and educate Technical Officials to a high level to assist our swimmers in obtaining their goals.
- b) To ensure that there are sufficient qualified Technical Officials available for clubs to draw on to run meets.
- c) To ensure that the meets are run in conjunction with FINA, SNZ and ASA Rules.

7.06.3 **Examinations**

The Group will arrange for the conducting of examinations for all technical qualifications to a high standard.

7.06.4 **Meet Appointments**

The Group will appoint the Referees and Starters for all inter club and Regional meets, with Appointments being rotated to improve the skill levels of all officials.

7.07 Technology Group

7.07.1 **The Group**

The Group will comprise five members elected at the AGM.

- Two to be AOE room Supervisors
- Two to be experienced AOE officials (i.e. Meet Manager, Ares).
- One to have experience in the maintenance and the running of the AOE room.

7.07.2 **Objectives**

- a) To ensure that the electronic timing equipment and scoreboard are fully functional at all times.
- b) To ensure that there are competent personnel available to run the timing equipment, computer and scoreboard.

7.07.3 **Examinations**

The will arrange for the conducting of examinations for all AOE officials qualifications to a high standard.

7.07.4 **Meet Appointments**

The Group will appoint the AOE officials for all Auckland Championship Meets and any National meets hosted by Auckland.

8. OFFICERS AND ELECTIONS

8.01 The President

The President shall be the figurehead of the Association and shall be elected annually by vote at the AGM. Only Members of the Association shall be eligible for this position.

The President shall be entitled to attend Board Meetings in an ex-officio capacity.

8.02 The Board

8.02.1 Elected Members

The members of the Board shall be elected by vote at the Annual General Meeting.

8.02.2 Term of Office

This will be a revolving three (3) year term. At each Annual General Meeting the two longest serving Members shall retire but shall be eligible for re-election. If the longest serving Members number more than two, all with equal length of service, the two to retire shall be decided by straw poll.

8.03 Executive Groups

The following members of the Executive Groups shall be elected at the Annual General Meeting and shall hold office until the next Annual General Meeting.

Competitive Swimming Group	2 members plus Registrar
Events Management Group	5 members
Technical Group	5 members
Technology Group	5 members

8.04 Eligibility

All Elected Members shall be members of the Association. No person employed by the Association may be elected to serve as an Elected Member of the Board.

8.05 Election of Chairpersons

As soon as possible following the Annual Meeting, the Executive Officer shall convene meetings of the Board and Executive Groups to elect their Chair and Deputy Chair.

8.06 Election of Officers

8.06.1 Nominations for Office

Nominations with CVs attached from Clubs and Members of the Association only, for the Officers of the Association due for election shall close with the Association Executive Officer at 5.00 p.m. 21 clear days prior to the Annual General Meeting. A Notice calling for such Nominations shall be sent to all organizations and Clubs affiliated to the Association at least six weeks prior to the date of the Annual General Meeting.

No person may be nominated for any office unless that person's written consent to stand for nomination has been obtained by the Club or proposer and seconder.

After the closing date for Nominations, all nominations received shall be circulated to each Member of the Association and to each Club Secretary.

If for any reason whatsoever no nominations are received for all or any office, then and in such event it shall be competent for the Annual General Meeting to fill any office for which no nominations have been received.

In the event of a vacancy occurring during the season, for which no other provision for their replacement is provided for herein, fourteen days notice shall be given calling for nominations which shall be accepted up to the time of commencement of the meeting at which the elections are to be held.

8.06.2 **Ballots**

In all cases of contested offices the voting shall be by secret ballot. Scrutineers for the examination of the ballot papers shall be appointed by the Annual General Meeting.

8.07 Appointed Officers

8.07.1 **Appointments by the Board**

The Board may set the job description for and appoint the following Officers:

Association Executive Officer
Acting Executive Officer
Publicity Officer
Events Coordinator

Or such other officers as the Board requires from time to time.

8.07.2 **Appointees Voting Rights**

Any appointee who receives remuneration shall not have voting rights.

8.07.3 **Association Executive Officer**

The Executive Officer shall be appointed by the Board, with an annual salary and upon such terms and conditions of employment as shall be determined by the Board from time to time.

8.07.4 **Acting Executive Officer**

The Board shall have power to appoint an Acting Executive Officer to operate on such Bank Account or Accounts should the Executive Officer be absent from Auckland, or absent through ill health or other causes, and thereby unable to carry on their respective duties temporarily.

9. MEETINGS AND PROCEDURES

9.01 Common Procedures

9.01.1 **Chairperson**

The Chairperson for Annual, General and Special meetings of the Association shall be the President or a person delegated by them.

9.01.2 **Quorum**

Except as hereinafter provided, no business shall be transacted at any meeting arranged by the Association unless a quorum of members is present in person or by proxy.

If after the expiration of such reasonable time (being not less than fifteen minutes) as the Chairperson shall decide from the time appointed for the commencement of the meeting a quorum is not present, the Chairperson shall declare the meeting lapsed, and adjourn the meeting to a venue date and time to be determined by the meeting. Notice of the new venue, date and time shall be given by the Executive Officer in the manner prescribed for notice of a General Meeting. If at the resumed meeting there is still no quorum present then those present at the time stated in the notice for the commencement of the meeting shall constitute a quorum and shall be entitled to transact the business of the meeting.

9.01.3 **Proxies**

Proxies may be appointed as hereinafter provided. Authorization of a proxy shall be submitted to the meeting in writing. Unless limited by the document appointing the proxy, a proxy shall have all the powers of speech and vote possessed by the member for whom the proxy acts.

9.01.4 **Standing Orders**

At all meetings where not specifically provided for under these Rules, Parliamentary Standing Orders shall apply.

9.01.5 **Voting**

Regardless of the number of positions, which have voting powers, held by a person at any one time, that person may only exercise one vote, except as provided by Rule 9.01.3. of these Rules covering proxies, and the casting vote of the Chairperson. In the case of equality of voting the Chairperson shall have a casting vote.

Note: It is correct practice in Chairmanship to give the casting vote in favour of the status quo.

Voting shall be on the voices save where a vote is challenged, when a show of hands may be taken. When demanded by two or more of the members present representing different Clubs a division shall be taken. In all cases of division, the voting shall be recorded in the Minutes.

9.01.6 **Adjournments**

If at any time when any meeting of the Association must terminate the business set down to be transacted has not been completed, the Chairperson, with the concurrence of the meeting, may adjourn such meeting, and such adjournment may be repeated as often as shall be necessary to complete the business set down to be transacted. The verbal announcement of the Chairperson of the time, date and place, of such adjourned meeting shall be sufficient notice of the same.

9.01.7 **Conduct of Meetings**

Any member wishing to make any direct overt-criticism of an official or other member of the association in a meeting must advise the Chairman in good time to enable the Chairman to advise such person in advance of the meeting in order that he is able to prepare himself (herself) for such criticism.

Furthermore it is a separate obligation of the chairman of the meeting when an official or member is the subject of criticism the chairman must specifically afford such person the opportunity to respond to include if requested consideration of an adjournment to enable the person to collect their thoughts.

This is not intended to stifle democratic debate but ethical considerations and indeed common sense decency dictate that advance warning should be given to anyone who is the subject of criticism in a meeting.

9.02 Annual Meetings

9.02.1 Date

The Annual General Meeting of the Association shall be held not later than the 31 July in each year.

9.02.2 Notification

Notice of the date, time, and place of holding the Annual General Meeting shall be forwarded to the Secretary of each affiliated Club and to each member of the Association at least fourteen days before the date of the Meeting. When practicable such Notice shall be accompanied by a copy of the Association's Annual Report and Balance sheet.

9.02.3 Quorum

The quorum shall be fifty per centum (50%) of those Delegates whose names have been notified in writing to the Associations' Executive Officer prior to the commencement of the meeting.

9.02.4 Proxies

Any delegate representing a Club, or the Secretary of such Club may appoint a proxy to represent such delegate at the Annual Meeting of the Association.

Except in the case of a delegate coming within the scope of Rule 5.01.5(b) hereof, a proxy may be given only to a member of the Association or to another member of the Club whose appointed delegate is absent.

9.02.5 Order of Business

Unless varied by the Chairperson for any reason he deems sufficient, the Order of Business at the Annual Meeting shall be:-

1. Notification of the names of delegates appointed by Clubs for the ensuing year in accordance with Rule 5.01.
2. Apologies for absence and verification of proxies.
3. Confirmation of the Minutes of the preceding Annual Meeting.
4. Consideration of the Association's Annual Report and Financial Statement.
5. Address by Chair of the Board.
6. Election of Officers.
7. Consideration of Life Membership and Awards Committee Report.
8. Consideration of Motions of which Notice has been given.
9. General Business.

9.02.6 Voting Rights

Delegates of affiliated Clubs or their proxies shall be entitled to one vote. The Chairperson of the Association shall be entitled to a casting vote when required but shall not have a deliberative vote unless otherwise qualified. The following shall be entitled to speak, to move or second motions, but not

to a deliberative vote unless otherwise qualified.

- Life Members of the Association
- Members of the ASA Board (Rule 7.02.1)
- An Honorary Member shall be entitled to attend but will not be entitled to vote or to partake in any discussion.

9.03 General Meetings

9.03.1 When Held

General Meetings of the Association shall be held from time to time as the ASA Board shall determine.

9.03.2 Notification

At least seven days notice of such meetings shall be given by the Executive Officer to each member (as defined in Rule 2.01.4) of the Association.

9.03.3 Quorum

The quorum shall be fifty per centum (50%) of those Delegates whose names have been notified in writing to the Associations' Executive Officer prior to the commencement of the meeting.

9.03.4 Proxies

Any delegate representing a Club, or the Secretary of such Club may appoint a proxy to represent such delegate. Except in the case of a delegate coming within the scope of Rule 5.01.6 hereof, a proxy may be given only to a member of the Association or to another member of the Club whose appointed delegate is absent.

Proxies may not, without the consent of the Board be given for more than two (2) consecutive meetings in respect of the same delegate.

9.03.5 Attendance

Any delegate who is absent from two consecutive meetings of the Association without cause to the satisfaction of the Association having been shown shall be deemed to have vacated the position and the position shall be declared vacant. The Club which such delegate represented shall have the right to appoint another delegate, but it may not within the period defined in Rule 5.01.6, reappoint the delegate whose position has been declared vacant. Where an apology is recorded and a proxy attends, the appointed delegate shall be recorded as having attended the particular meeting.

9.03.6 Voting Rights

Voting rights shall be as provided in paragraph 9.02.6 under Annual Meetings.

9.04 Special Meetings

9.04.1 When Held

Special Meetings of the Association may be called by the Association or Board at any time.

9.04.2 **Notification**

Notice of the holding of a Special Meeting and the business to be transacted shall be given by the Executive Officer to each member (as defined in Rule 2.01.4) of the Association and to the Secretary of each Club at least seven days before the date set down for the meeting.

(Refer to Rule 2.02.2. if amendments to Rules are proposed)

9.04.3 **Quorum**

The quorum shall be fifty per centum (50%) of those Delegates whose names have been notified in writing to the Associations' Executive Officer prior to the commencement of the meeting.

9.04.4 **Proxies**

Any delegate representing a Club, or the Secretary of such Club may appoint a proxy to represent such delegate at the Special Meeting of the Association.

Except in the case of a delegate coming within the scope of Rule 5.01.6 hereof, a proxy may be given only to a member of the Association or to another member of the Club whose appointed delegate is absent.

9.04.5 **Business**

Except with the consent of three-fifths of the delegates present in person and entitled to vote at the Meeting, no business, other than that set out in the Notice calling such Meeting, shall be transacted at such meeting.

9.04.6 **Voting Rights**

Voting rights shall be as provided in Rule 9.02.6 under Annual Meetings.

9.05 Extraordinary General Meetings

9.05.1 **When Held**

An Extraordinary General Meeting shall be called by the Executive Officer on receipt of a requisition signed by at least sixty per cent of the delegates of the Clubs and setting forth the nature of the business to be transacted at such meeting. Immediately upon receipt of such a requisition the Executive Officer shall take steps to convene the Extraordinary General Meeting.

9.05.2 **Notification**

At least fourteen days notice of such meeting shall be given to each member (as defined in Rule 2.01.4) of the Association and to the Secretary of each affiliated Club, and the notice shall set out explicitly the nature of the business proposed to be transacted in accordance with the requisition.

9.05.3 **Quorum**

The quorum shall be not less than the number of members required to requisition such a meeting and who are qualified to vote.

If, within fifteen minutes from the time appointed for the commencement of an Extraordinary General Meeting called by requisition a quorum is not present the Chairperson shall declare such meeting dissolved.

9.05.4 **Proxies**

Any delegate representing a Club, or the Secretary of such Club may appoint a proxy to represent such delegate at the Extraordinary Meeting of the Association.

Except in the case of a delegate coming within the scope of Rule 5.01.6 hereof, a proxy may be given only to a member of the Association or to another member of the Club whose appointed delegate is absent.

9.05.5 **Business**

At such Extraordinary General Meetings no business other than that set out in the Notice calling the meeting shall be transacted.

9.05.6 **Voting Rights**

Voting rights shall be as provided in Rule 9.02.6. under Annual Meetings.

9.06 Annual Meetings of Clubs

Annual Meetings of Clubs must be held not later than the 31st May in each year.

10. LIFE MEMBERSHIP AND AWARDS

10.1 Life Membership & Awards Committee Meetings

10.01.1 **Composition**

The Committee shall consist of a Life Member of the Association, two members with N.Z. Service Awards, and two members with Association Service Awards. One member shall retire by rotation annually and be replaced at the Annual General Meeting by a member with comparable qualifications. Where more than two persons are elected the order of retirement shall be decided by ballot following the Annual General Meeting.

Where nominations are considered for new members of the committee, in the event that there are not two members of the committee who are not presently Association Service Award only, then the new member must only have an Association Service Award. The retiring member shall be eligible for re-election unless they have received a higher award.

Explanation:

A person holding office on the Life Membership & Awards Committee who receives a higher award during their elected term of office shall be entitled to continue to serve the residue of their term.

10.01.2 **Responsibility**

The Committee shall adjudicate on or make recommendations for Life Membership and other Association Awards. It shall also be responsible for recommendations to SNZ Inc concerning applications for National Awards on behalf of members of the Association. Its operations shall be entirely confidential. It may approach in confidence any member or official of the Association, and any member of the Association may communicate with the Committee in confidence touching any matter under consideration by the Committee. All representations to the Committee shall be treated as strictly confidential. The Committee may make any enquiry's it chooses in any matter it thinks fit concerning matters before it. At Annual Meetings of the Association, the Committee shall announce Life Membership

recommendations and other Association Awards.

10.01.3 **Quorum**

The quorum for Meetings shall be three fifths of the members of the Life Membership and Awards Committee.

10.01.4 **Life Membership**

The Association may elect to Life Membership of the Association any person who in the opinion of the Association has rendered conspicuous service over a long period of time.

10.01.5 **Eligibility for Life Membership**

No person shall be eligible to be elected a Life Member unless that person has been a member of the Association either as an active swimmer and/or an officer of the Association for a period of not fewer than twenty years, or fifteen years when this lesser amount is part of at least thirty years of accumulative service of outstanding quality to the Sport in New Zealand.

An officer of the Association for the purposes of this Rule shall mean an Officer or member of the Association, or an officer or committee member of a Club. Any break in the continuity of the service shall be deducted from the period of service in computing the time served. Absence on war service shall not be considered a break in the continuity of service.

10.01.6 **Nomination for Life Membership**

A candidate for Life Membership may be nominated by the Association or may be nominated by a Club in writing to the Executive Officer of the Association setting out fully the grounds on which such nomination is made. The nomination shall be submitted to the Life Membership and Awards Committee with the grounds in support thereof and thereafter submitted to the first ensuing Annual Meeting of the Association.

Nominations for Life Membership must be made not later than the 31st March in each year.

The Life Membership and Awards Committee may itself originate Life Membership recommendations to Annual Meetings of the Association.

10.01.7 **Approval of Life Membership**

Election to Life Membership of the Association shall be made only at Annual Meetings of the Association. No person shall be elected a Life Member of the Association unless the affirmative votes shall be three-fifths of the total voting's strengths of the Clubs in the Association.

10.01.8 **Eligibility for Service Awards**

Service Awards will be granted only after a continuous service of seven years or nine years accumulative service as a registered Club member. The service must cover at least some outstanding contribution to the Sport.

A selected swimming representative shall, without prejudice to that person's rights as a selected swimmer, be eligible to receive the Award for outstanding services on the same conditions as other persons.

10.01.9 Nominations for Service Awards

Recommendations for the grant of a Service Award must be lodged with the Association Executive officer no later than the 31st March in any year for submission by the Executive Officer direct to the Life Membership and Awards Committee. Where clubs have not exercised the initiative the Life Membership and Awards Committee may recommend the granting of a Service Award where the criteria described in 10.01.8 have been fulfilled.

10.01.10 Approval of Service Awards

Favourable recommendations of the Life Membership and Awards Committee shall be made public to the Annual Meeting through the report of the Life Membership and Awards Committee. Such recommendations shall then be submitted to the Annual Meeting, which alone shall have power to grant the Awards.

10.01.11 Honours Awards

The Life Membership and Awards Committee may recommend the granting of HONOURS if in its opinion the record of the nominee is outstanding. The initiative in this respect will remain with the Committee.

Where the Committee has not exercised the initiative, Clubs may recommend Honours where the holder of a Service Award has had the Service Award for at least ten years and has continued throughout that period to give service of quality that earned the Award in the first place. Applications in the latter case shall be on the same basis as for the Service Award.

11. OTHER COMMITTEES

11.01 Appointments

The Board may at any time appoint emergency or other Committees or sub committees and may from time to time dissolve such Committees or sub committees, and appoint others in their place, or alter the personnel or such Committees as the Board shall determine.

11.02 Composition

In the appointment of such Committees or sub committees the Board shall not necessarily select from among its own members.

11.03 Duties

On the appointment of such other Committee or sub committees the Board shall prescribe the duties. A committee or sub committee shall be bound by its order of reference and shall carry out its order with due dispatch, and shall where such order requires a report by a given date, report to the Board on such date, or in default of such report to the Board on such date, it may apply to the Board for further time and the Board may grant such further time or dissolve the committee or sub committee as the Board shall determine.

11.04 Quorum

In the absence of any direction on the subject from the Board, the quorum for such committee or sub committees shall be as each shall determine.

12. FINANCE

12.01 Funds

12.01.1 All moneys received by the Association shall be placed to the credit of the Association's accounts in any Bank approved by the Association, and all disbursements of the Association's funds shall be by cheque signed by any two joint signatures appointed by the Board.

12.01.2 Payment of charges which in the opinion of the two signatories are fair and reasonable, and which have been incurred in furtherance of a purpose previously authorized by the Board, may be made at the due date of the account. An analysis of the payments made in this manner shall be presented to each meeting of the Board. Any other amount shall, before payment, be authorized by the Board.

12.02 Club Affiliation Fee

Each Club shall pay to the Association an affiliation fee of such sum as is prescribed from time to time. The affiliation fee shall be paid by 1st November in each year.

12.03 Registration Fees for Individual Members

A Registration fee for every registered member of a Club shall be paid in the manner as determined by the Association from time to time. The amount payable in respect of each member shall include:

- a) A levy as determined by SNZ Inc. from time to time to be transmitted in the prescribed manner.
- b) An administration levy determined by the Association from time to time in General Meeting.
- c) Any Special Levy determined by the Association from time to time in General Meeting.
- d) For first time members who join a club after January 1st in any financial year, 50% of the Auckland levy applies.

Note: This reduction does not currently apply to the New Zealand levy.

- e) The Registration year for members commences on May 1st in each year.

12.04 A.S.A. Investment Fund

*(History listed in 1992 ASA Annual Report in Financial Report)

A fund entitled the "A.S.A. Investment Fund" shall be established and maintained for such purposes as the Association shall from time to time determine:

- a) The base capital for this fund was an accumulated fund of \$31,326.00 listed in the April 30, 1991 Financial Report.
- b) The accumulated interest derived from the ASA Investment Fund may be expended at the times and in such manner as directed by and at the discretion of the Board.
- c) Any proposed expenditure of capital from the A.S.A. Investment Fund shall be subject to the prior approval of the Association in General Meeting and no motion may be declared carried except as provided in rule 9.04.5 hereof.

- d) Any proposed increase in the capital of the A.S.A. Investment Fund shall be subject to the prior approval of the Association in General Meeting and any motion may be declared carried on a simple majority vote.

12.05 Financial Arrears

12.05.1 Clubs to Association

Except as hereinafter provided, any Club which is financially in arrears to the Association may lose its representation on the Association. Notwithstanding the provisions of the preceding Rules 12.02 and 12.03 the Association may by special resolution passed by a majority of the delegates present and entitled to vote at the meeting at which the matter is considered grant a Club extension of time in which to pay its financial arrears or may remit all or part of the said arrears as it shall determine, and it may in addition make such recommendation to SNZ Inc. as it shall deem fit in respect of any sum due by such Club to SNZ Inc. In respect of any such application by a Club for an extension of time, or for whole or partial remission of arrears, the delegates representing such Club shall not vote.

A club whose arrears are remitted in the manner set out in the preceding Rule shall be deemed in every way to be financial.

The Declaration by the Association that a Club is a defaulter shall have the effect of suspension upon the said Club. Any Club declared by the Association as a defaulter must pay the amount due to the Executive Officer of the Association before that Club can be reinstated, but unless the Board has specifically determined otherwise in a particular case or cases, reinstatement shall follow immediately and automatically upon the due discharge of the debt. Where the Board has specifically determined otherwise in a particular case or cases, reinstatement shall be subject to such conditions as the Board shall determine.

12.05.2 Members to Clubs

Any member for whom a registration fee has not been paid in manner prescribed in these Rules or has been exempted there from shall be declared a defaulter in accordance with the following provisions.

The provisions of Rule 12.05.1 shall (any changes notwithstanding) apply to this Rule.

Any Club may apply to the Board to declare a member suspended who is in arrears with the payment of any subscription or other money owing by him to such Club provided the Club to which the money is owing has carried out the Rules as laid down by SNZ Inc regarding suspension.

The Declaration by the Board that a person is a defaulter shall have all the effect of suspension upon the said person.

Any person posted to the Association as a defaulter must pay the amount due to the Executive Officer of the Association before that person can be reinstated, but unless the Board has specifically determined otherwise in a particular case or cases, reinstatement shall follow immediately and automatically upon the due discharge of the debt. Where the Board has specifically determined otherwise in a particular case or cases, reinstatement shall be subject to such conditions as the Board shall

determine.

12.06 Audit of Accounts

12.06.1 Funds

The books of accounts of the Association shall be audited. The Auditor shall be qualified by professional status to perform the duties of a public accountant. The Auditor shall have power to call for the production of all books, papers and accounts (including all records kept on automated computerized retrieval and accounting systems) relating to the affairs of the Association at any time.

12.06.2 Voting at the Annual General Meeting

For the purpose of voting at the Annual General Meeting, Clubs must have paid the club affiliation fee and registration fees for individual members due under the preceding Rules 12.02 and 12.03, or have met the provisions of Rule 12.05.1.

12.07 Financial Year

The financial year of the Association shall commence on the 1st day of May in each year and close on the 30th day of April in the following year.

13. COLOURS AND UNIFORMS

13.01 Colours

13.01.1 Association

The colours of the Association shall be squadron blue and white

13.01.2 Clubs

All Clubs shall register their colours with the Association and a register of such colours shall be kept by the Registrar.

13.01.3 Application by New Clubs for Colours

New Clubs wishing to have colours registered must apply to the Board with the relevant information

13.01.4 Alteration to Club Colours Register

Any Club wishing to alter any item registered in the Register of Club colours must apply in writing. The application will be placed before the Board for decision.

13.02 Uniforms

13.02.1 Association Uniform

The Association Uniform shall be as determined by the Board from time to time.

14. COMPETITIONS

14.01 Association Championships

14.01.1 Championships

The Board may conduct annually such Association Championships as it may determine. The Championships shall be carried out in accordance with

the Regulations made under these Rules.

14.01.2 Application by Clubs

In lieu of conducting the Championships itself the Board may delegate the right to conduct such Championships to a Club or Clubs. The Board may grant any application by a Club or Clubs to conduct a Championship event or events on such terms as it shall in its absolute discretion deem fit.

The Board reserves full power over Association Championship events whether conducted by the Association or a Club.

14.02 Visiting Competitors

14.02.1 Auckland Age Group

Competition in the Auckland Age Group Championships shall be open to overseas and other swimmers by invitation only. ASA Board maintains the right to determine the limits that are to apply to swimmer invitations. With the prior approval of the Association a visitors medal may be presented. Where heats are held no more than two visitors may contest the final provided that the number of local swimmers is sufficient to fill the remaining lanes in the final. The title and associate medal/trophy shall be awarded to the first Auckland swimmer to finish.

14.02.2 Auckland Open

Competition in the Auckland Open Championships shall be open to local and visiting swimmers as prescribed in 14.02.1. Any swimmer who wins an event shall be eligible to hold the title and claim the medal. The Trophy shall be awarded to the first Auckland Swimmer to finish.

14.02.3 Visitors in Championships

Visitors in limited-entry Championships shall be limited to three visitors per age group per event where the qualifying criteria is based on Top 16 and two per age group per event where the criteria is based on Top 8 provided that the number of local swimmers is sufficient to fill the remaining lanes in the final.

14.03 Club Representation

Refer to Rule 6.03.5 – Transfers

14.04 Inter Club Competitions

Interclub competitions held within the region under the control of the Association shall be conducted according to and be governed by these Rules and/or Regulations made under these Rules.

15. REGULATIONS

The Association may in General Meeting, or at the Annual General Meeting enact Regulations not inconsistent to these rules to govern such activities as deemed necessary.

Any Regulation enacted in General Meeting shall hold good until the next ensuing Annual General Meeting where it shall be confirmed or lapse.

Any Regulation enacted at an Annual General Meeting shall have the full force and effect of these Rules and shall not be amended, altered or repealed otherwise than in accordance with Rule 2.02 hereof.



Any Regulation confirmed at an Annual General Meeting shall have the full force and effect of these Rules and shall not be amended, altered or repealed otherwise than in accordance with Rule 2.02 hereof.