



To: Auckland swimmers and clubs
From: Board of Swimming Auckland (ASA)
Date: 30 September 2011

**Re: Information for Auckland Swimmers and Clubs on the proposed
Swimming New Zealand Review**

There are no doubt a lot of questions coming from clubs and individual members following Ross Butler's note on behalf of the Swimming New Zealand (SNZ) Board that was posted to the SNZ website last Friday. This document is an attempt to address as many of those as possible within the confidentiality constraints imposed by the mediation process.

Swimming Auckland is pleased that we have participated with other regions in the regionally initiated and SPARC sponsored mediation process with SNZ. It is well known that there have been major points of difference between SNZ and many of its grass roots stakeholders which have been voiced through a group of regions (including NZSCTA) loosely referred to as "the coalition".

The initial mediation involved only coalition members, the SNZ Board and SPARC. Some regions and other stakeholders are disappointed that they were not invited to participate. The parties involved in the mediation had made significant financial and resource commitments which, together with other reasons of convenience (to keep the numbers manageable), led to the first stage of mediation being with a smaller group of participants. It was envisaged that mediation would likely be a two stage process which would eventually include mediation with all regions. It was felt that if the parties that were furthest apart could find some common ground and start to work together on a way forward, the other stakeholders could be brought in later through further mediation. As it turned out significant progress was made at the first stage and it became evident that better progress could be made through engagement with all regions in a deferred AGM process. As mediation is a demanding and expensive process for all involved it is hoped that this will provide a more productive and cost-effective outcome for all.

The review referred to by Ross Butler on behalf of the SNZ Board was the outcome of the first stage of mediation. It has not been in any way imposed by SPARC, it was voluntarily agreed to by the parties at the mediation and has subsequently been accepted as a way forward by most other regions. The review envisages a full comprehensive external review of the sport. Templates for this form of review have been established already within some other sports and have produced generally better outcomes than internally commissioned and conducted processes such as we have experienced with Project Vanguard. Final approval for the review, its terms of reference, etc. still need to be agreed by majority vote at the postponed AGM. SPARC will fund and support the review but will not lead or direct it. The SNZ Board will be bound, by SPARC's terms, to accepting the outcomes of the review. If a proposed new constitution results from the review (which is quite likely) that will need

to be voted in and accepted by the regions at a future general meeting as per the requirements of the existing constitution.

Many other sports have had similar reviews. There have been some well-publicised failures as well as some outstanding successes. There is no guarantee of success but we all agree that swimming can't not change and if we engage fully, openly and in good faith to make this a good process that it will yield a good result for swimming and, most importantly, for swimmers at every level. In this regard we are extremely positive about the opportunities this represents for us as a sport. The review process itself will not be short because of its comprehensive nature. Comparable reviews have been conducted and completed in a time frame of around 9 - 12 months. At this early stage we would expect that to be a good guideline for what maybe ahead of us.

There seems to be some concern that the coalition has done a "cosy backroom deal" with SNZ or has somehow backed down on its demands for accountability and change in swimming. The mediation process was productive and, while there are still significant differences of view, alternative ways of resolving those issues were agreed. We are very hopeful that these will provide better solutions than would be available through adversarial conflict. While there will be no grand and immediate result such as the wholesale resignation or forcible removal of the Board, we believe that the process that has been initiated will bring constructive changes that will benefit generations of swimmers to come. We're looking beyond our need for immediate gratification and playing for the long term.

We have heard concern voiced that postponing the AGM is not constitutional. Legal advice was sought on the subject and lawyers acting both for the SNZ Board and also for the coalition recommended the approach which has been taken. The postponement of the AGM was agreed to by all but one region (whose representative wanted to defer to the region's clubs purely on the grounds of requiring more time than was available to obtain consent) so is constitutional in spirit. We could all make lawyers very wealthy in a debate over whether or not it is constitutional according to the law but, in the spirit of moving forward and doing so in good faith, there is little to be gained from pursuing this point. The postponement was necessary to allow time to assemble a steering group and for them to develop the review's terms of reference for consideration and approval at the AGM. It is worth bearing in mind that the regions will retain control of the process because the review cannot proceed without a majority vote of regions at a general meeting.

The release from Ross Butler made a comment that the review was to proceed "away from the glare of publicity". This has been incorrectly interpreted by some as meaning that the review will be conducted in secret. There has always been a concern that differences have been played out in the media and what was agreed by all in this instance was that this would not be a productive way forward. There is, of course, a legitimate public interest in our sport which is funded by the public purse and it would be naive to suggest that interest of that sort will evaporate because we tell it to. The process of a major review will be transparent and will be subject to appropriate public scrutiny and accountability as it is a process which is funded by the public purse. We have agreed to ensure that the process itself does not become one that is played out through the media and will not be the subject of constant briefings to the press from one side or the other. We are committed to ensuring

that the process is open and transparent and that the respective parties deal with each other in spirit of respect and good faith. In as much as it (the review) will follow agreed terms of reference and will involve engaging a working group comprised of some very capable and experienced people who will be seeking representation and input from every level of the swimming community there will of course be a very open level of engagement within our entire community. To produce a positive outcome which we can all own and get behind, we have agreed that the process itself will be conducted in an agreed, ordered and respectful environment. In that regard our input to the process will be free from the glare of publicity and will be without stakeholder comment to the press while the review is underway.

There are undoubtedly many questions which our clubs and stakeholders will have from time to time. We are very happy in as much as it is possible to do so to address those questions. If you have questions, then undoubtedly another club or member will or may hold similar concerns. The path ahead holds many unknowns and we may not always be able to answer a question. That will most likely be simply because we do not know the answer more than anything else. What we are sure of is that there is most certainly no pre-determined outcome. We think each party to the process enters it with both hopes and fears.

We are extremely excited about the opportunity presented by having a rigorous and comprehensive external review of our sport. We are confident that the steering group will establish rigorous terms of reference which will be acceptable to all regions. Equally we remain confident that those selected to conduct the review will bring some of the finest talent available in New Zealand to the process. In this regard the opportunity afforded us is simply a once in a generation chance to set the sport in a better direction. We in Auckland welcome and support that opportunity.

The logo for Swimming Auckland features a stylized blue wave graphic in the background. The word "Swimming" is written in a large, bold, light blue sans-serif font, and the word "AUCKLAND" is written below it in a smaller, all-caps, light blue sans-serif font.

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