

**Raumati Swimming Club Inc.**

**Constitution And Rules**

**23 August 2011**

**Amendments endorsed by:**

Signed.....

Name.....

Signed.....

Name.....

Signed.....

Name.....

**Rule 1. Name**

The name of the club shall be Raumati Swimming Club Inc. (“RSC”).

**Rule 2. Address**

2.1 The address of RSC shall be the Raumati Swimming Pool, Marine Gardens, Raumati Beach, or at such other place as the committee shall from time to time determine.

**Rule 3. Geographical Boundaries**

3.1 The geographical boundaries of RSC shall be the Kapiti Coast, from the South bank of the Otaki River in the North, the summit of the Akatarawa and Paekakariki Hill Roads in the East and the intersection of Ames Road, Paekakariki with State Highway 1 in the South.

**Rule 4. Club Colours**

4.1 The colours of RSC shall be Red / White / Blue.

**Rule 5. The Financial Year**

5.1 The financial year for RSC shall be 1 July to 30 June.

**Rule 6. Definitions**

“Club”	means Raumati Swimming Club Inc.
“Member”	means any person who is a member of the Club as defined in Rule 9.
“SW”	means Swimming Wellington.
“SNZ”	means Swimming New Zealand
“SNZ Constitution”	shall include the SNZ Regulations, FINA Rules and IPC Rules.
“SW Constitution”	shall include SW Rules and Regulations.
“Membership Fees”	includes fees and levies payable in instalments to SW and SNZ.
“AGM” and “SGM”	shall mean respectively, Annual General Meeting and Special General Meeting.
“Competitive Member”	means a member of RSC who actively engages from time to time in competing in inter-club, regional, national or international competitions.

## **Rule 7. Objects**

**7.1** The objects of RSC are;

- (a) To encourage and support swimming, water safety, water education, water recreation, swimming competition and other aquatic sports as the committee may from time to time determine.
- (b) To actively promote and encourage Club spirit.
- (c) To provide good governance for the Club.
- (d) To ensure compliance by RSC with SW, SNZ and FINA's rules at all levels of swimming and competition.
- (e) To raise funds to promote all or any of the Club's objects.
- (f) To do all such other acts as in the opinion of the Club, shall further the objects of the Club, SW and SNZ or of aquatic sports in general in the Kapiti District.

## **Rule 8. Powers**

**8.1** The powers of RSC are:

- (a) To make or adopt such rules and regulations as are necessary for the efficient administration of the Club.
- (b) To prescribe fees payable by members.
- (c) To purchase, sell, lease, exchange or otherwise deal with property (whether personal or real).
- (d) To borrow and / or give security or undertakings for any borrowings and to lend, either with or without security, where such borrowings or loans are conducive to the attainment of the objects of RSC. Where borrowings are at a level which requires the Club to provide security, the borrowing proposal must first be approved by resolution passed at a SGM.
- (e) To employ staff, engage contractors or enter into arrangements with providers of services.
- (f) To discipline any member of the Club.
- (g) To grant awards and bestow honours.
- (h) To delegate such of these powers as it deems appropriate from time to time.
- (i) To do, or cause to be done, any action which is conducive to the attainment of the objects of RSC, SW and SNZ.

## **Rule 9. Membership**

**9.1** The following persons shall be the members and will remain so as long as they shall continue to abide by the rules of RSC, SW and SNZ.

Junior: 16 years and under at the beginning of the Club's financial year. Voting rights – parent/guardian to have 1 vote per child

Senior: 17 years and over at the beginning of the Club's financial year  
Voting rights – 1 vote per member

Officials: Officials registered with SW and / or SNZ  
Voting rights – 1 vote per member

Committee Members:  
Persons duly nominated and elected to the committee at the AGM shall be deemed to be members of the Club with voting rights until the next election of the committee is held, either at the AGM or a SGM.

Life Members: See Rule 10.

Associate Member:  
Swimmer wanting membership for the purposes of swimming e.g. swimmer wanting to take part in Club race nights, or swimmer wanting to take part in the Kapiti to Mainland Swim. Must be elected to membership at a meeting of the committee and pay an annual subscription.  
No voting rights.

Affiliate Member:  
Open to any person or supporter who makes application to, or is invited to join by the committee. Must be elected to membership at a meeting of the committee and pay an annual subscription.  
No voting rights.

- 9.2** Members entitled to vote shall have one vote per person.
- 9.3** The Club shall remit to SW a list of names and addresses of members (excluding Life, Associate and Affiliate members) as at the 30th June in each year, or as may be required by SW from time to time.
- 9.4** A member who does any act, or omits to do any act, which brings the sport of swimming into disrepute, or who violates any Rule or Regulation of FINA, SNZ, SW or the Club, can render such member liable to be fined, interimly suspended, suspended or expelled by the Club.
- 9.5** 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 the applicant is under 16 years of age, by his/her parent or guardian, and must be accompanied by the current membership fee. This requirement may be waived at the discretion of the committee.
- 9.6** A new member may be elected at any committee meeting or at any general meeting of the members.

**9.7** The committee or a general meeting of members may refuse to elect any applicant without giving any reason therefore.

**9.8 The Register of Members.**

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 SW or SNZ for statistical purposes.

The Register of Members shall be prima facie evidence of membership of the Club.

**9.9 RSC Member's Code of Conduct.**

It is a condition of membership that all members of the Club comply with the RSC Member's Code of Conduct.

The RSC Member's Code of Conduct shall be reviewed on an annual basis.

**Rule 10. Life Members**

**10.1** The Club, in general meeting, may elect any person to Life Membership who has extended outstanding and exceptional service to RSC, including;

- (a) Length of service,
- (b) Consistency of initiative beyond the ordinary and normal,
- (c) Quality of service over and above routine service to the Club
- (d) The conferring of benefits on the sport and / or Club beyond those accrued by normal performance.

**10.2** A candidate for life membership may be nominated and seconded by any members of the Club, in writing to the RSC Secretary setting out the grounds on which such nomination is made. Nominations must be received by the Secretary no later than fourteen (14) days prior to the AGM.

**10.3** A Life Member of RSC shall not, unless otherwise entitled, have the right to vote but shall have the right to speak and to move and second motions.

**Rule 11. Transfer of Membership**

**11.1** No member of the Club whose name appears on the membership list of the Club shall represent any other club unless a transfer of membership has been affected.

**11.2** Any member of a club desiring to transfer to RSC shall, with his / her application for transfer, forward to the RSC Secretary a certificate from the former club stating that he / she is not financially indebted to that club.

- 11.3** Any transfer of membership shall be effective once signed by the transferring and receiving club.
- 11.4** Any member under suspension, or awaiting a hearing for an offence capable of having a period of suspension imposed, is ineligible for transfer.

**Rule 12. Termination of Membership**

- 12.1** A member may terminate his or her membership of RSC by giving the Club notice in writing of his or her resignation.  
Such resignation will not relieve the person of the obligation to pay membership fees due for the year in which he or she resigns.  
If a member has his or her membership suspended or terminated in accordance with these rules, he or she will remain liable to pay his or her membership fees in respect of the year in which his or her membership has been terminated.

**Rule 13. Fees**

- 13.1** Each member shall pay such fees as shall be set by the committee prior to the start of the new financial year, and ratified at the AGM.
- 13.2** A member will be ineligible to compete in any swimming competitions conducted by the Club, SW or SNZ if he or she has not paid his or her Club, SW and SNZ fees within fourteen (14) days of the due dates.
- 13.3** The Treasurer shall pay fees due to SW and SNZ by the due dates as may be determined by SW and SNZ from time to time.

**Rule 14. Club Officers**

- 14.1** The Officers of the Club shall be:  
Patron  
President  
Vice President  
Coach Liaison  
Club Captain  
Secretary  
Treasurer  
Race Secretary  
Head Coach  
Hon. Auditor  
Hon. Doctor  
Hon. Solicitor

In addition, the AGM or the committee may appoint such other Officers or members as they shall determine, and shall prescribe the duties of such other Officers.

**14.2** Duties of Officers  
The duties of the Club's Officers are set out in Appendix 1 and may be varied by resolution of the committee.

**Rule 15. RSC Committee**

**15.1** The committee shall comprise:

President  
Vice President  
Secretary  
Treasurer  
Head Coach  
Club Captain  
Race Secretary  
Swimmers' Representative  
A maximum of fifteen (15) ordinary members.

**15.2** Parents / Legal Guardians of Junior Members may stand for election.

**15.3** The elected members of the committee shall be elected at the AGM.

**15.4** No person who is not a member of the Club, or member whose subscription is in arrears or who is otherwise unfinancial, may be elected to the committee.  
In addition, the AGM or the committee may appoint such other officers or committee members as they shall determine, and shall prescribe the duties of such other officers or committee members.

**15.5** The committee shall appoint two (2) Delegates to the Members' Meetings, Special and Annual General Meetings of SW.

**15.6** Executive Committee  
The Club's executive committee shall consist of the President, Vice President, Treasurer, Secretary, Race Secretary and Coach Liaison. The executive committee shall have the power to transact any urgent business arising between meetings of the committee but all decisions of the executive committee must be ratified at the next ensuing meeting of the committee or they will lapse.  
A quorum of the executive committee shall be three.  
The executive committee shall present a report of its transactions to the committee in such form as the committee shall determine.

**15.7** Any member of the committee who fails to attend three consecutive meetings of the committee without giving acceptable reason to the committee shall cease to be a member of the committee.

**15.8** In the event of any elected positions becoming vacant the committee may co-opt a replacement to fill the vacancy until the next AGM. Consideration in the first instance will be given to unsuccessful candidates from the previous general election.

**Rule 16. Powers of the Committee**

- 16.1** The Committee shall exercise all of the powers of the RSC other than those required to be exercised in general meetings.  
In particular, the committee shall have the power;  
To sanction any member in accordance with the Constitution and all RSC Rules and the RSC Member's Code of conduct.  
To delegate any of its powers or functions to any person or sub-committee it sees fit to appoint. Such delegation to be set out in that person's or sub-committee's Terms of Reference.  
To act as an Appeals Body as set out in these rules.

**Rule 17. Committee Meetings**

- 17.1** The committee shall from time to time meet at the request of the President, who shall give at least seven (7) days notice in writing of such meeting. A committee meeting may also be summonsed upon the requisition in writing, by at least three members of the committee, and giving at least seven (7) days notice of such meeting date.
- 17.2** The President shall preside as chairperson at all committee meetings or in the President's absence; the Vice President shall preside as chairperson. In the absence of both the committee shall elect a chairperson.
- 17.3** A quorum of the committee shall be at least 60% of the members of the committee.
- 17.4** All elected and appointed members shall have one vote.
- 17.5** In the case of equality of votes, the presiding chairperson shall have a deliberative and casting vote.
- 17.6** Committee members shall be entitled to vote by proxy at a committee meeting provide such proxy is a specific proxy giving directions to another committee member present as to how that member's vote is to be exercised on a specific item or items in the agenda.
- 17.7** Minutes of all committee meetings shall be taken and promptly distributed after all meetings to every committee member.

**Rule 18. Sub Committees**

- 18.1** The committee shall when necessary appoint such sub-committees as it may consider necessary and shall prescribe the duties of such sub-committees (Terms of Reference). The committee may alter the duties and personnel of sub-committees at any time.
- 18.2** In the appointment of sub-committees, the committee shall not be restricted to choosing from members of the committee.

- 18.3** The committee may delegate any or all of its powers to a sub-committee.
- 18.4** Sub-committees may be appointed by a general meeting of members in the same manner as provided for the appointment of sub-committees by the committee of the Club.
- 18.5** No decision or recommendation of a sub-committee shall be binding on the Club until ratified by the committee.
- 18.6** No sub-committee shall have the right to transact any business in the name of the Club unless its Terms of Reference specifically authorises it.

**Rule 19. Financial Administration**

- 19.1** The Treasurer in consultation with the committee shall prepare an annual budget for submission to the committee at least one month prior to the expiry of each financial year.
- 19.2** The committee shall be responsible for the control and investment of all funds of RSC and the proper administration of all other property of RSC and shall, where appropriate, take external advice on matters relating to financial management and the administration of the assets and liabilities of RSC.
- 19.3** All payments shall be authorised by two (2) members of the committee appointed for that purpose.
- 19.4** No money shall be paid except pursuant to a resolution of the committee.

**Rule 20. Subsidies and Travel Assistance**

- 20.1** Subsidies and Travel Assistance Grants will only be made if the Club has sufficient funds, either allocated or received for that purpose, available.
- 20.2** RSC swimmers who have been members of the Club for 6 months or longer may apply in writing for financial assistance to attend a swim meet once the swimmer has met the specific swim meet qualifying criteria for the meet for which the assistance is being sought.
- 20.3** All applications will be reviewed by the committee. The committee may decline any application without giving any reason therefore. The committee may at its discretion give priority to applications made in cases of genuine hardship.

**Rule 21. Annual Returns**

**21.1** The Club shall provide to the Secretary of SW, prior to the AGM of SW, a copy of its relevant annual report and relevant audited financial statements prepared by a member of the Institute of Chartered Accountants of New Zealand, the names and addresses of its Delegates and the names and addresses and telephone numbers of its Officers.

**Rule 22. Disciplinary Action**

**22.1** If any member transgresses these Rules or the Rules of SW, SNZ or the Rules of FINA, the committee may suspend, expel, impose such penalty or requirement as determined by the committee, or in some other way materially and/or affect a member or former member. The committee shall give notice in writing of its decision to the member or former member and SW.

**Rule 23. Appeals**

**23.1** Any member of the Club shall be entitled to appeal, in writing, to the committee against any decision of the Club which involves suspension, expulsion, imposition of a penalty or in some other way materially and / or detrimentally affects a member.

**Rule 24. Quorum**

**24.1** The quorum for any committee or sub-committee meeting shall be the presence, in person, of at least 60% of the committee or sub-committee members.

**24.2** If after thirty (30) minutes elapsing from the appointed time for the commencement of the meeting there is not a quorum, the meeting shall stand adjourned to the same time and place within ten (10) days. The Secretary shall notify the committee / sub-committee members of the adjourned date, time and place. Those present and entitled to vote at the subsequent meeting shall constitute a quorum.

**Rule 25. Voting**

**25.1** Members of the committee may move or second motions and vote thereon.

**25.2** Voting shall be on the voices save where a vote is challenged when a show of hands may be taken.

**25.3** In all cases, the voting shall be recorded in the minutes.

**25.4** In the case of equality of votes, the presiding chairperson shall have a deliberative and casting vote.

**Rule 26. Proxies**

**26.1** A member may appoint a proxy who is a member of the Club to represent such member at any committee and / or sub-committee meeting and such proxy, unless limited by the document appointing him / her, shall have all the powers of speech and vote possessed by the member for whom he or she acts.

**26.2** A proxy shall be in writing and signed by the member authorising the proxy and shall be handed to the chairperson at the commencement of the meeting.

**Rule 27. Notice of Annual General Meeting**

**27.1** Notice of the AGM shall be given by the Secretary of the Club not less than twenty-one (21) days prior to the AGM;  
Specifying the date, time and place of the AGM,  
Calling for nominations for the elected members of the committee,  
Calling for notices of any motions, constitutional amendments or other business to be actioned at the AGM.

**27.2** All nominations must be signed by the nominee, the nominator and seconder, all of whom must be members of the Club.

**27.3** All nominations, notices of motion and notices of constitutional amendments must be received by the Secretary fourteen (14) days prior to the AGM.

**27.4** All members shall receive copies of the annual report, notices of motion, constitutional amendments and the agenda for the AGM seven (7) days prior to the AGM.

**Rule 28. Annual General Meeting**

**28.1** The AGM of RSC shall be held prior to 31st August each year.

**28.2** The president shall preside over the AGM. If the president is absent those present and entitled to vote shall elect a chairperson.

**28.3** The business of the AGM shall be;

- (a) To receive apologies for absence
- (b) To call the roll of members
- (c) To confirm the minutes of the previous AGM
- (d) To table the RSC Annual Report and Financial Statement
- (e) To receive the Annual Report and Financial statement for the year ended 30 June
- (f) To ratify the membership fees

- (g) To appoint two scrutineers
- (h) To elect the committee
- (i) To consider all motions, notice of which has previously been given
- (j) To deal with all other business which can be properly considered or which the AGM agrees to consider.

**28.4** The order in which business is transacted shall be determined by the chairperson.

**28.5** The Secretary shall forward to SW within fourteen (14) days, and to the Registrar of Companies;

- I. A copy of the Annual Report and Financial Statement,
- II. Names of the elected committee members and any amendments to the RSC Constitution.

**Rule 29. AGM Quorum**

**29.1** The quorum for the AGM shall be the presence, in person, of at least 25% of the members entitled to vote.

**29.2** If after thirty (30) minutes elapsing from the appointed time for commencement of the meeting there is not a quorum the AGM shall be adjourned to the same place and time fourteen (14) days later. The Secretary shall immediately notify all members of such adjourned date, time and place.

Those present and entitled to vote at the subsequent meeting shall constitute a quorum.

**Rule 30. Voting at the AGM**

**30.1** The vote for the election of the President, Vice President, Secretary, Treasurer, Race Secretary and Coach Liaison shall be by secret ballot where more than one nomination is received. The highest polling candidate shall be duly elected.

Where nominations for the committee exceed the number of positions, election shall be by secret ballot and the highest polling candidates shall be elected.

The two appointed scrutineers shall count the cast votes, announce the result and thereafter destroy the ballot papers.

**30.2** Voting on all other matters before the AGM shall be on a show of hands. Where a challenge is made as to the result of any particular vote, a poll by way of ballot may be demanded and conducted.

The two appointed scrutineers shall count the votes cast, announce the result and thereafter destroy the ballot papers.

**Rule 31. Voting by Proxy at AGM**

**31.1** Voting by proxy at AGM will not be allowed.

**Rule 32. Special General Meetings**

- 32.1** The committee may convene a SGM on its own motion.
- 32.2** The committee shall call a SGM upon receiving a requisition signed by three or more members.
- 32.3** Where a SGM is requisitioned it shall be convened within twenty-eight (28) days of receipt of the requisition.
- 32.4** At least twenty-one (21) days written notice of a SGM shall be given to the members.
- 32.5** Such notice shall specify the time, date, place and business of the SGM.
- 32.6** All members shall receive copies of the notices of motion and constitutional amendments and the agenda for the SGM fourteen (14) days prior to the SGM.
- 32.7** The rules relating to attendance and voting at AGMs shall apply to SGMs.

**Rule 33. Alteration to Constitution and/or Rules**

- 33.1** The Constitution and Rules of RSC shall not be repealed without the concurrence of 60% of the membership.
- 33.2** Notice of any proposed alterations to the Constitution or Rules of RSC shall be given in writing to the Secretary at least fourteen (14) days prior to the AGM or within the notice requisitioning a SGM to consider such alterations.
- 33.3** The President / Secretary shall set out the reasons for (and against) and the effects of the proposed alterations and shall forward these together with the Notices of Motion and the agenda for the AGM or SGM to consider such alterations.
- 33.4** Any changes to the Constitution or Rules must be approved by the SW Board and the Registrar of Companies before they can take effect.
- 33.5** The Private Pecuniary Advantage (personal benefit) and / or the Winding UP rules shall not be repealed or altered without the approval of the Inland Revenue Department.

**Rule 34. Private Pecuniary Advantage**

- 34.1** No member (or person associated with a member) of RSC shall derive any income, benefit or advantage from RSC where they can materially the payment of income, benefit or advantage except where that income, benefit or advantage is derived from professional services to

RSC rendered in the course of business, charged at no greater rates than current market rates.

**Rule 35. Common Seal**

**35.1** The common seal of Ruamati Swimming Club Inc. shall be held by the Secretary and shall only be affixed pursuant to a resolution of the committee and shall be signed by either the President or Vice President and shall be countersigned by the Secretary or Treasurer.

**Rule 36. Winding Up**

**36.1** RSC may be wound up at either an AGM or SGM if a resolution to so wind up is passed by a majority of at least 75% of the membership.

**36.2** If in the event of RSC being wound up or dissolved there remains after the satisfaction and discharge of all debts, liabilities and obligations, any property or assets, the same shall be vested in SW as trustee until such time as these can be given or transferred to another club or organisation having similar objects to RSC, on the Kapiti Coast.