
KIWI WEST AQUATICS INCORPORATED

CLUB RULES



UPDATED: 27 November 2019

Rule 1 – NAME

- 1.1 The name of the Club shall be **KIWI WEST AQUATICS INCORPORATED** (“the Club”).

Rule 2 – OBJECTS

The Objects of the Club shall be:-

- 2.1 To promote, foster and encourage swimming and associated aquatic sports and disciplines.
- 2.2 To arrange for instructions and coaching in swimming and associated aquatic sports and disciplines.
- 2.3 To promote, organise and/or conduct competitions, carnivals, tournaments and entertainments both related to swimming and associated aquatic sports.
- 2.4 To affiliate with Swimming New Zealand (Incorporated) and to do all acts, matters and things incidental thereto.
- 2.5 To promote attitudes and behaviour conducive to good conduct and fair play.
- 2.6 To do all other acts, matters and things as are incidental to or conducive to the attainment of the above objects and the objects of Swimming New Zealand (Incorporated).

Rule 3 – INTERPRETATION

In these Rules and in any Regulations/Policies made thereunder, unless contradictory to the context:-

- 3.1 Expressions referring to writing shall be construed as including references to words printed, typewritten or otherwise howsoever they are produced. Words importing the singular number only include the plural number and vice versa; words importing one gender only include the other genders.

3.2 Definitions

- “Club” - means the Club named in Rule 1 hereof.
- “Committee” - means the Committee set up pursuant to Rule 7 hereof.
- “Centre” - means the Manawatu Swimming Centre of Swimming New Zealand (Incorporated).
- “Financial Member” - is a member whose subscription has been paid and is current.
- “Junior Swimmer” - is a person under 18 years of age who is registered with the Club pursuant to these Rules.
- “Member” - is a member of the Club and includes Junior Swimmers.
- “SNZ” - means Swimming New Zealand (Incorporated).

This includes Officials and Administrators that have been registered with the Centre and Life Members

- 3.3 In the event of there being any question or dispute as to the interpretation of these Rules or of the application or import of the whole or any part thereof the decision of the Committee as to the meaning and intent of the Rule in question shall be final and binding.

Rule 4 – MEMBERSHIP

- 4.1 Membership of the Club shall be restricted to such persons of good character in the community who are interested in pursuing the objects referred to in Rule 2 hereof.
- 4.2 Members shall be divided into:
- 4.2.1 Senior Members (a Member aged 18 and over at the commencement of the Club financial year).
- 4.2.2 Family Members – all young people under the age of 18 shall be entitled to be registered with the Club as a Junior Swimmer providing a Family Member has nominated the Junior Swimmer. A Family Member is one parent or guardian of a Junior Swimmer as specified on the application

form of a Family Member. Where there is more than one Junior Swimmer living in the same household or in the case of two or more siblings registered as Junior Swimmers living in different households there shall only be one Family Member representing such Junior Swimmers (i.e. only one Family Member can nominate Junior Swimmers living in the same household or Junior Swimmers who are siblings living in different households). A Junior Swimmer shall cease to be a Member when the Family Member who nominated the Junior Member ceases to be a Family Member.

4.2.3 Affiliated Member – Swimmers attending the Tertiary Performance Centre at West End Aquatics are Affiliated Members. They receive the same club benefits and obligations as the competitive swimmer, apart from not having a vote in the administration of the club.

4.2.4 Officials and Administrators that have been registered with the centre

4.2.5 The club may elect to Life Membership any active member of the Club who in the opinion of the Committee has rendered extraordinary service over a period of not less than fifteen years. Long service in itself is not qualification. There must be quality of service, involving much more than routine services to the Club at any or all levels. The service of a Life Member requires consistency of his/her own initiatives to extend the scope of his/her work beyond the ordinary and normal duties of his/her office(s) that as a direct result benefits are conferred on the club and sport beyond those accrued by normal performance.

4.3 In addition, the Club may elect to honorary, associate or other membership such persons as it shall decide subject to such conditions as the Club shall by Regulation prescribe. Honorary and Associate Members shall not have a vote in the administration of the Club nor take part in any competition under the rules of SNZ.

4.4 All applications for membership shall be made in writing and signed by the applicant in such form as may from time to time be prescribed by the Committee. All such applications shall be accompanied by a remittance for the current subscription fees as hereinafter defined.

- 4.5 A new Member may be elected at any Committee meeting or at any General Meeting of the Members of the Club. The Committee or a General Meeting of Members may refuse to elect any applicant and if requested in writing the Committee shall provide the reasons/s for this action. The Membership Register of the Club shall be prima facie evidence of Membership of the Club. The Register of Members shall be compiled so as to show the various categories of activity as may from time to time be required by SNZ for statistical purposes.
- 4.6 Only Financial Members may take part in Club activities and vote at any meeting of the Club.
- 4.7 Members are to ensure the Club Secretary has the Member's current residential address and other addresses for communication.

Rule 5 – HEADQUARTERS

- 5.1 The Headquarters of the Club shall be Westend Aquatics Pool Complex, 198 College Street, Palmerston North or at such other place as the committee shall from time to time determine.

Rule 6 – COLOURS AND UNIFORM

- 6.1 The colours of the Club shall be Blue and Yellow, as approved by the Centre, consequent upon prior application having been made in writing by the Club to the Centre.
- 6.2 Club swimmers shall wear the approved Club shirt at swimming meets they represent the Club. Uniforms shall be worn on pool deck, viewing stand and ancillary locations during the event. Uniforms must be worn when receiving accolades, awards or prize giving
- 6.3 Uniform must be presentable and in a clean and tidy condition

Rule 7 – MANAGEMENT/COMMITTEE

- 7.1 The management of the affairs of the Club shall be vested in a Committee of no less than five (5) Members who shall be:

The President

The Club Secretary

The Treasurer and/or

The Race Secretary,

all of which shall be individually elected at the Annual General Meeting of the Club.

- 7.2 The Committee shall appoint from the competitive Members of the Club a person to serve on the Committee and on accepting such appointment the appointee shall become a full Member of the Committee until the next Annual General Meeting of the Club. A competitive Member is a Member registered by the Race Secretary in the competitive register of the Club. The role of this person is to represent the views of registered swimmers at Committee meetings.
- 7.3 In addition, the Members in General Meeting or the Committee may appoint such other officers as they shall determine, and shall prescribe the duties of such officers.
- 7.4 Any Member of the Committee who shall fail to attend three consecutive meetings of the Committee without cause to the satisfaction of the Committee having been shown shall (in the event that dispensation has not been granted by the Committee) forthwith cease to be a Member of the Committee but any such cessation of Committee membership shall not prevent the person from seeking nomination and re-election at a future Annual General Meeting.
- 7.5 The Committee has power to grant dispensations of determinate duration not exceeding a total of two calendar months in any year from the operations of the preceding section of this Rule.
- 7.6 The Committee may appoint any Financial Member to fill any casual vacancy among its Members or to fill any office of the Club that may become vacant, and such appointment shall hold good until the next Annual General Meeting of the Members.
- 7.7 For the avoidance of doubt the selection and terms and conditions of appointment of a Coach are the responsibility of the Committee. The Coach's responsibilities have been agreed and are documented in the "Management Agreement" dated 10th December 2002 between Kiwi West Aquatics

Incorporated and West End Aquatics Limited. The Coach is not a Committee member.

Rule 8 – SUB COMMITTEES

- 8.1 The Committee shall when necessary appoint and may at any time appoint such sub committees as it may consider necessary and shall prescribe the duties of such sub committees, and may from time to time to dissolve such sub committees and appoint others in their stead or alter the personnel of such sub committees as the Committee may determine.
- 8.2 In the appointment of any subcommittee the Committee shall not be restricted to choosing from its own Committee Members.
- 8.3 The Committee may delegate any or all of its powers to a subcommittee of Members of the Club.
- 8.4 Sub committees may be appointed by a General Meeting of Members of the Club in the same manner as provided for the appointment of sub committees by the Committee of the Club.
- 8.5 A subcommittee shall carry out the duties assigned to it by its order of reference and shall on the date mentioned in such order or in the absence of any date then as expeditiously as circumstances will permit, present its finding and recommendations to the Committee (or to the Members in General Meeting as the case may be). Should the subcommittee fail to present its report on the due date it may apply for further time, and the Committee (or the Members in General Meeting as the case may be) may grant such further time or dissolve the subcommittee as the Committee (or Members in General Meeting) shall determine.
- 8.6 Save as provided in clause 8.5 hereof, no decision of a subcommittee shall be binding until it has been ratified by the Committee (or the Members in General Meeting as the case may be), nor save as provided in clause 8.3 hereof, shall any subcommittee, unless its order of reference specifically authorises it in that behalf, have the right to transact any business in the name of the Club.

Rule 9 – CONTRACTS

- 9.1 The approval of the Committee must be obtained before the Club is committed as a party to any contractual arrangement.
- 9.2 Any contract that is approved by the Committee must be signed by the Club President and one other Member of the Committee.
- 9.3 No Club Member may enter into a contract in the name of the Club.

Rule 10 – ELECTION OF OFFICERS

- 10.1 Only a Financial Member may be elected to the Committee or to any office in the Club.
- 10.2 A candidate for committee or for office in the Club must be proposed by one Financial Member and seconded by another. If the candidate be not present at the meeting, then the person proposing that candidate must produce satisfactory evidence to the Chairperson of the General Meeting that such candidate is willing to accept office.
- 10.3 Where the number of candidates is greater than the number of offices to be filled, a secret ballot shall be held. Scrutineers for the conduct of the ballot shall be appointed by the Chairperson.

Rule 11 – DUTIES OF OFFICERS

- 11.1 The duties of the **Club Secretary** shall be:
 - 11.1.1 To call and attend all General Meetings of the Club and all committee meetings;
 - 11.1.2 To take Minutes, submit correspondence and reply thereto according to the directions of the meeting;
 - 11.1.3 To keep all records and generally to perform all the clerical work of the club.

11.1.4 The Secretary shall furnish to the Centre the Annual Return of Clubs on the official Return of Clubs form, and such return of Clubs shall be a faithful copy of the membership register of the Club as at the date specified in the Rules of SNZ.

11.2 The duties of the **Treasurer** shall be:

11.2.1 To attend all General Meetings of the Club and all committee meetings;

11.2.2 To receive all moneys due to the Club and to place the same to the credit of the Club's banking account;

11.2.3 To sign all cheques for disbursements in conjunction with the other Club Member appointed for that purpose.

11.2.4 To keep proper books of account

11.2.5 To prepare and submit to Members of the Club at the Annual General Meeting a duly reviewed statement of the financial affairs of the Club.

11.3 The duties of the **Race Secretary** shall be:

11.3.1 To handicap all club handicap races or other competitions.

11.3.2 To keep a register of all competitive club Members, showing the times of such Members for all distances over which such Members compete in races, and shall from time to time as occasion may demand amend such register in such manner as it presents a true record of the times of Members for the respective distances stated.

11.3.3 To inform Club Members of pending meets and carnivals by placing flyers on the notice-board poolside and processing entries for such in time to meet the close off dates stipulated on flyers.

11.3.4 The Race Secretary shall be open for inspection at such times and in such manner and by such persons as the Committee shall direct, and shall at all convenient times be open for inspection by such person or persons as the Centre may appoint.

11.3.5 To keep a Register of the Members and Junior Swimmers of the Club and the addresses of same

11.4 This Rule 11 or any part thereof can be amended or varied from time to time by the Committee as the roles of the various positions change.

Rule 12 – CHAIRPERSON/PRESIDENT

12.1 At all General Meetings of Members of the Club and at all meetings of the Committee the President shall preside as Chairperson. If the President should be absent then the meeting shall elect a Chairperson.

12.2 At all General Meetings of Members of the Club and at all meetings of the Committee the Chairperson shall have a deliberate vote, and in the event of equality of voting a casting vote in addition. The Chairperson's ruling shall be final on any point of order.

Rule 13 – SUBSCRIPTION

13.1 The annual subscription shall be as determined from time to time at the Annual General Meeting of the Club and shall include all levies and other payments due or payable or to become due and payable to the Centre and/or SNZ.

13.2 The annual subscription shall become due and payable at the date of the Annual General Meeting in each year.

13.3 A Member remains liable to pay the annual subscription unless the Member has resigned or been expelled from the Club.

13.4 Any Member of the Club whose subscription is in arrears for three (3) months without having made any suitable arrangements with the committee shall thereupon cease to be a Member of the Club but that person shall still be liable for the subscription. The name of such Member shall be notified to the Centre. Notwithstanding the preceding provisions hereof, the Committee shall have the right to waive the subscription or other dues owing by any Member for any reason it may think fit.

Rule 14 – FINANCIAL YEAR

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

Rule 15 – RESIGNATION

- 15.1 Any Member of the Club wishing to leave it shall forward a resignation in writing to the Secretary prior to the end of the financial year.

Rule 16 - SUSPENSION

- 16.1 Any Member of the Club shall be liable to suspension for a period of time determined by the Committee or quorum of Committee Members in any or all of the following events:

16.1.1 The Member in question violating the rules of the Club or the Regulations/Policies made thereunder, or failing to comply with any lawful direction of the Committee or of an Officer of the Club.

16.1.2 The Member in question knowingly competing with one who is under suspension, or against a disqualified person.

16.1.3 The Member in question being guilty of unfair practice or misconduct whether relating to competition or not.

- 16.2 Any suspension must be actioned in accordance with the Club's 'Complaints Procedures' policy.

- 16.3 Save as set out in paragraph 1 of Rule 17 hereof, no Member shall be suspended without being given an adequate opportunity of being heard in defence. Notice of a proposal to suspend a Member shall be given in writing to the Member concerned setting forth explicitly the charge preferred and notifying the date and time and place of a meeting.

Rule 17 – EXPULSION

- 17.1 Any Member of the Club who is found guilty of flagrant breaches of the Rules and/or Regulations/Policies of the Club, of habitual insubordination or unfair practices, or of conduct prejudicial to good order, decency and discipline, whether within the Club precincts or elsewhere, may be called upon to show cause why he should not be expelled from the Club, and in the event of the Member in question failing to show such cause, may be expelled. Pending the hearing and determining of the charges, the Member may be summarily suspended by the Committee or quorum of Committee Members.
- 17.2 Expulsion of a Member may be made only by a Special Meeting of the Committee called for the purpose
- 17.3 The Special Meeting of the Committee will be held “In Committee” where the Investigating Panel will present their findings from their investigation into the actions of the Club Member(s).
- 17.4 The Committee must approve the suspension of any Club member.
- 17.5 Any suspension must be actioned in accordance with the Club’s ‘Complaints Procedures’ policy.
- 17.6 In all cases of expulsion the provisions of sections 16.3 of Rule 16 shall apply.
- 17.7 The Centre will be informed of the name of any Club member expelled from the Club.

Rule 18 – APPEALS

- 18.1 Any Member of the Club may appeal to the Committee against any decision of any officer or subcommittee of the Club.
- 18.2 Such appeal shall be in writing addressed to the Club Secretary and shall set forth specifically the decision appealed against and the grounds for such appeal.
- 18.3 The Club Secretary shall arrange for the hearing and determination of the appeal by the Committee at the earliest convenient date. Both the person appealing

and the official or officials appealed against shall have the right to appear before the committee prior to determination of the Appeal.

18.4 There shall be no appeal on the question of fact.

Rule 19 – ANNUAL GENERAL MEETING

19.1 The Annual General Meeting of Members of the Club shall be held prior to the AGM of the Centre. Fourteen (14) days' notice of the meeting shall be given by the Club Secretary to Members entitled to attend and vote at such meetings.

19.2 Notice will be via a notice placed on the Notice Board poolside advising date, time and location of the meeting and a copy of the Notice will also be posted or email to the addresses of Members as held by the Race Secretary.

19.3 The business of the Annual General Meeting shall be:

19.3.1 To receive the Annual Report and Financial Statement.

19.3.2 To elect the Committee and Officers.

19.3.3 To consider motions of which notice has been given to the Club Secretary prior to commencement of the meeting.

19.3.4 To set the amount of the annual subscription.

19.3.5 To transact general business.

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

Rule 20 – SPECIAL GENERAL MEETING

20.1 A Special General Meeting of Members may be called at any time by the Committee or by requisition signed by not less than 15% of Financial Members. The requisition shall be addressed to the Club Secretary and shall set out specifically the business for which the Special General Meeting is required. Upon receipt of such a requisition the Club Secretary shall forthwith take the

necessary steps to convene the meeting. The notice of Members of a Special General Meeting shall be the same as that prescribed for the Annual General Meeting (i.e. 14 days' notice).

- 20.2 At a Special General Meeting only the business set out in the Notice convening the meeting shall be considered.
- 20.3 The accidental omission to give notice of a Special General Meeting to, or the non-receipt of notice of a meeting by any person entitled to receive notice shall not invalidate the proceedings at that meeting.

Rule 21 – MEETINGS OF COMMITTEE

21.1 Meetings of the Committee may be called by the President and/or Club Secretary at any time or on such dates as the Committee shall determine. At all meetings of the Committee the order of business shall be:-

- (a) Apologies for absence.
- (b) Confirmation of Minutes.
- (c) Business arising out of Minutes.
- (d) Correspondence.
- (e) Accounts for Payment and Financial Reports.
- (f) Reports of Sub-committees.
- (g) General Business.
- (h) Next meeting.

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

Rule 22 – VOTING

- 22.1 At all meetings of the Committee and at all General Meetings of Members voting shall be on the voices, save where a vote is challenged, when a show of hands shall be taken.
- 22.2 In all contested offices at the Annual General Meeting and/or in any manner where contentious issues are to be determined in General Meeting of Members voting shall if the meeting so decide be by way of secret ballot.
- 22.3 Only Financial Members present at any Annual General Meeting or Special General Meeting may vote. Written proxies will be accepted but must be handed to the secretary prior to the start of the meeting. For the avoidance of doubt, a Financial Member of whatever class, including but not limited to Family Member who may have nominated more than one Junior Swimmer, is entitled to only one vote.

Rule 23 – QUORUM

- 23.1 At all Annual General Meetings and Special General Meetings of Members of the Club, the quorum shall be 15% of the Financial Members entitled to attend and vote thereat.
- 23.2 If after the expiration of such time as the Chairperson shall decide from the time appointed for the commencement of the meeting there is no quorum present, the Chairperson shall adjourn the meeting to a venue, date and time to be determined by the meeting.
- 23.3 Notice of the new venue, date and time shall be given by the Club Secretary in the manner prescribed for notice of a General Meeting.
- 23.4 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.
- 23.4 In the case of a Special General Meeting called by requisition of Members, if there be no quorum present the Chairperson shall have discretion to adjourn

the meeting in the manner prescribed in section 1 hereof or declare such meeting lapsed.

23.5 At all meetings of the Committee the quorum shall be 50% of those entitled to vote.

23.6 At all meetings of sub committees the quorum shall be 50% of those entitled to vote.

Rule 24 – POLICIES/REGULATIONS

24.1 The Members of the Club in general meeting or the Committee of the Club at any time may make such Policies/Regulations for the conduct of the Club as they shall determine but such Policies/Regulations may not conflict with these Rules.

24.2 Policies shall be developed in accordance with the ‘Development of Policies’ Policy adopted by the Club.

24.3 Policies/Regulations shall be binding on all Club Members.

24.4 Any Policy/Regulation made by the Committee may be repealed by the Committee at any time however the provision of the Club’s ‘Development of Policies’ Policy in regard to consultation with Members shall be followed.

Rule 25 – ALTERATION OF CLUB RULES

25.1 These Rules shall not be altered or repealed nor any new Rule introduced except at the Annual General Meeting or at a Special General Meeting called for that purpose.

25.2 Not less than fourteen (14) days’ notice of any proposed alteration repeal or introduction of a new Rule shall be given to each Member entitled to attend and vote at such meeting before the date of the meeting.

25.3 A copy of the amended Rules must be forwarded to the Centre forthwith in the event of their being adopted at the meeting.

25.4 No addition to or alteration or recession of the Rules shall be approved if it effects the personal benefit clause or the winding up clause.

25.5 No Rule or regulation may be made which will conflict with the Rules of the Centre or SNZ.

Rule 26 – PRIZES

26.1 With respect to all swim related activities of the Club, all prizes shall be in accordance with the rules laid down by SNZ.

Rule 27 – PECUNIARY GAIN

27.1 No Member of the Club shall derive any pecuniary gain (except as a salaried officer, or by way of honorarium for services rendered voted by a General Meeting of Members) from any property or operations of the Club provided that the pecuniary award shall be at a reasonable rate for the services provided.

27.2 No Member or Members of the Club or any person associated with a Member shall participate in or materially influence any decision made by the Club in respect of the payment to or on behalf of that Member or associated person of any income benefit or whatsoever.

Rule 28 – WINDING UP

28.1 In the event of the dissolution of the Club or the Club through any other cause ceasing to exist, the funds and property thereof after the discharge of all liabilities shall be handed to the Centre to be disposed of as the Centre shall in its absolute discretion determine.

28.2 That the dissolution of the club may only be by way of unanimous vote at a Special general called for that purpose.

28.3 In no event shall any surplus assets of the Club be divided among the Members thereof, nor shall the Members of the Club have any beneficial interest therein.

Rule 29 – PERSONAL BENEFIT CLAUSE

29.1 No addition to or alteration of non-profit aims, Personal Benefit clause or the Winding Up clause shall be approved without the approval of the Inland Revenue. And the provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

Rule 30 – NOTICE

30.1 Any notice to be given under these Rules to any Member shall be given by posting such notice on the Notice Board poolside and a copy of the notice will also be posted to the addresses of the Members as held by the Race Secretary. Notice shall be deemed to be received two working days (2) after it was placed in the post for delivery, and on the day that the Notice was placed on the Notice Board.

Rule 31 – SWIMMING MEET AND CLUB ACTIVITY EXPENSES AND REFUNDS

31.1 Club members who register with the committee or Race Secretary to attend swimming events and club activities are liable for their personal financial expenses associated with attending events. The expenses include, but are not limited to, accommodation costs, travel costs, uniform costs, food costs and event fees

31.2 If the Club Member fails to qualify, withdraws, scratches or fails to attend a swimming event or club activity, for any reason whatsoever, they will only receive a refund if any of the following reasons apply:

31.2.1 The Club has not incurred the liability or expense

31.2.2 The Club received a refund. The maximum refund is limited to the amount received by the club

31.2.3 A written appeal, for extenuating circumstances, to the committee receives a majority decision of the Committee Members at a General Meeting