

Rules of St Peter's Swimming Club Incorporated

Rule 1 - NAME

1.1 The name of the Club shall be: St Peter's Swimming Academy Incorporated

Rule 2 – OBJECTS

The objects of the Club shall be:-

- (a) To promote, foster and encourage swimming and associated aquatic sports and disciplines.
- (b) To arrange for instruction and coaching in swimming and associated aquatic sports and disciplines.
- (c) To promote, organise and/or conduct competitions, carnivals, tournaments, meets and entertainments both related to swimming and associated aquatic sports and disciplines and also unrelated to swimming and associated aquatic sports and disciplines. (In the latter case for the pose of furthering, extending, assisting, fostering or providing financial support for swimming and associated aquatic sports and disciplines or individuals or affiliated clubs and/or other members).
- (d) To affiliate with Swimming New Zealand Inc. and to do all acts, matter and things incidental thereto.
- (e) To promote attitudes and behaviour conducive to good conduct and fair play.
- (f) 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 Inc.

Rule 3 – INTERPRETATION

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

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.

"Club" means the Club named in Rule 1 hereof

"Committee" means the Committee set up pursuant to Rule 7 hereof.

"SW" means the Swim Waikato Inc. Regional Association of Swimming New Zealand Inc.

"SNZ" means Swimming New Zealand Incorporated.

Rule 4 – MEMBERSHIP

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.

2. Members shall be divided into:-

Senior Members

Junior Members. (A Junior member is one who shall not have attained the age of 16 years at commencement of Club financial year.)

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.

3. 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. 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 without giving any reason therefore. 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.

Rule 5 – HEADQUARTERS

The Headquarters of the Club shall be at St Peter's School Cambridge. Private Bag 884 Cambridge or at such other place as the Committee shall from time to time determine.

Rule 6 – COLOURS

The colours of the Club shall be Navy, White, Sky an Red as approved by SW, consequent upon prior application having been made in writing by the Club to the Region.

Rule 7 – MANAGEMENT

The Management of the affairs of the Club shall be vested in a Committee of up to 12 members. The President, Secretary and Treasurer to be appointed by St Peter's School and the remaining officers to be elected at the first St Peter's Swimming Academy meeting and thereafter annually at the Annual General Meeting.

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. The provisions of this Rule shall apply equally to the Executive Committee and any Sub-Committees constituted under these Rules.

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.

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.

Rule 8 – EXECUTIVE

The Committee may appoint from among its members and Executive Committee to transact the business of the Club and generally to fulfil all the functions of the Committee between Committee meetings, but all decisions of the Executive Committee must be ratified at the first ensuing meeting of the Committee or must lapse.

The Executive Committee shall present to each meeting of the Committee a report of its transactions in such form as the Committee shall from time to time determine.

Rule 9 – SUB COMMITTEES

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 dissolve such sub committees and appoint others in their stead or alter the personnel of such sub committees as the Committee may determine.
2. In the appointment of any sub committee the Committee shall not be restricted to choosing from its own Committee members.
3. The Committee may delegate any or all of its powers to a sub committee of members of the Club.
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.

5. A sub committee 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 findings and recommendations to the Committee (or to the Members in General Meeting as the case may be). Should the sub committee 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 sub committee as the Committee (or Members in General Meeting) shall determine.
6. Save as provided in clause 5 hereof, no decision of a sub committee 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 3 hereof, shall any sub committee, 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 10 – OFFICERS

The Officers of the Club shall be:-

- (a) President / Chairperson (appointed by St Peter's School)
- (b) Vice President
- (c) Secretary (appointed by St Peter's School)
- (d) Treasurer (appointed by St Peter's School)
- (e) Club Captain
- (f) Registrar
- (g) Recorder
- (h) Officials Convenor
- (i) Three general committee members

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.

The President, the Secretary and the Treasurer shall be ex officio members of the committee.

Rule 11 – ELECTION OF OFFICERS

No member whose subscription is in arrears or who is not a financial member may be elected to the Committee or to any office in the Club.

A candidate for committee or for office in the Club must be proposed by one 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.

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 12 – DUTIES OF OFFICERS

1. The duties of the Secretary shall be: to call and attend all General Meetings and all committee meetings; to take Minutes, submit correspondence and reply thereto according to the directions of the meeting; to keep a Register of the Members of the Club and the addresses of the same; to keep all records and generally to perform all the clerical work of the Club. The Secretary shall furnish to SW at times prescribed by SW full details of all members which shall be a faithful copy of the membership register of the club. These details will be requested by SW in accordance with the Rules of SNZ.
2. The duties of the Treasurer shall be : to attend all General Meetings of the Club and all committee meetings; to receive all moneys due to the club and to place the same to the credit of the Club's banking account; to sign all cheques for disbursements in conjunction with the other Club member/s appointed for that purpose; to keep proper books of account; to prepare and submit to members of the Club at the Annual General Meeting a set of accounts of the financial affairs of the Club. At the Annual General Meeting members will decide on the level of independent verification of financial statements required and the qualifications of the person performing this assignment.
3. The Recorder / Registrar shall keep a register of all active 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 that it presents a true record of the times of members for the respective distances stated. Such Register 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 SW may appoint.
4. It shall be the duty of the Club Captain to foster and direct all the active operations of the Club. Subject to the overriding authority of the Committee, the Club Captain shall be in charge of the operations at the pool. It shall be the Club Captain's duty to arrange for the coaching of members and the encouragement of their participation in club and inter-club competitions.

5. It shall be the duty of the Junior Club Captain to assist the Club Captain in the performance of the Club Captain's duties and in the absence of the Club Captain to carry out the Club Captains duties.

Rule 13 – CHAIRPERSON

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

At all General Meetings of members 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 14 – SUBSCRIPTION

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 payment due or payment or to become due and payment to SW and/or SNZ.

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

No member whose subscription is in arrears for shall be entitled to be designated "financial member" or take part in the activities of the Club or to vote at any meeting thereof, but this shall not absolve the member from liability for payment.

Any member of the Club whose subscription is in arrears shall thereupon cease to be a member of the Club but that person shall be liable for the subscription. The name of such member shall be notified to SW. Notwithstanding the preceding provisions hereof, the committee shall have the right to remit the subscription or other dues owing by any member for any reason it may think fit.

Rule 15 – FINANCIAL YEAR

Unless SW 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 16 – RESIGNATION

Any member of the Club wishing to leave it shall forward a resignation in writing to the Secretary before the Annual General Meeting of the Club. If such resignation is not received prior to the Annual General Meetings, then the member concerned shall be liable for the ensuing season's subscription.

Rule 17 – SUSPENSION

1. Any member of the Club shall be liable to suspension for a period of time determined by the Committee in any or all of the following events:-
 - (a) the member in question violating the rules of the Club or the Regulations made thereunder, or failing to comply with any lawful direction of the Committee or of an Officer of the Club.
 - (b) the member in question knowingly competing with one who is under suspension, or against a disqualified person
 - (c) the member in question being guilty of unfair practice or misconduct, whether relating to competition or not.
2. Suspension may be imposed by the Committee of the Club if for not more than one month's duration. Suspension for a longer period may be imposed only by a Special General Meeting of members being called for the purpose.
3. Save as set out in paragraph 1 of Rule 18 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 setting forth explicitly the charge preferred and notifying the date time and place of hearing.
4. Notice of any suspension imposed shall at once be sent by the Secretary of the Club to SW.
5. A person so suspended shall a right of appeal to SW.

Rule 18 – EXPULSION

1. Any member of the Club who is found guilty of flagrant breaches of the Rules or Regulations 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.
2. Expulsion of a member may be made only by a Special General Meeting of members of the Club called for the purpose, and only if the votes in favour of expulsion shall constitute three-fourths of the members present and entitled to vote at the meeting.
3. The notice of such Special Meeting shall be that prescribed for the Annual General Meeting of members.
4. In all cases of expulsion the provisions of sections 3, 4 & 5 of Rule 17 shall apply.

Rule 19 – APPEALS

Any member of the Club may appeal to the Committee against any decision of any officer or sub committee of the Club.

Such appeal shall be in writing addressed to the Secretary of the Club and shall set forth specifically the decision appealed against and the grounds for such appeal.

The 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 the determination of the Appeal.

There shall be no appeal on the question of fact.

Rule 20 – ANNUAL GENERAL MEETING

1. The Annual General Meeting of members of the Club shall be held not later than August 31st in each year. Fourteen clear days notice of the meeting shall be given by the Secretary.
2. The business of the Annual General Meeting shall be :-
 - (a) to receive the Annual Report and Financial Statement
 - (b) to elect the Committee and Officers
 - (c) to consider motions of which notice has been given to the Secretary prior to the commencement of the meeting.
 - (d) To set the amount of the annual subscription
 - (e) To transact general business
3. The order in which business is transacted at the Annual General Meeting shall be determined by the Chairperson.
4. The accidental omission to give notice of a 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 – SPECIAL GENERAL MEETING

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 Secretary and shall set out specifically the business for which the Special General Meeting is required. Upon receipt of such a requisition the Secretary shall forthwith take the necessary steps to convene the meeting. The notice to members of a Special General Meeting shall be the same as that prescribed for the Annual General Meeting.

At a Special General Meeting only the business set out in the Notice convening the meeting shall be considered, provided that the meeting may by unanimous vote, permit the consideration of additional business.

The accidental omission to give notice of a 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 22 – MEETINGS OF COMMITTEE

Meeting of the Committee may be called by the 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.

The accidental omission to give notice of a committee 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 committee meeting.

Rule 23 – VOTING

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.

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 members of the meeting so decide be by way of secret ballot.

2. A parent or guardian of a financial member of the Club under the age of sixteen years shall be entitled to vote at Annual General Meetings or at any Special or other General Meeting.

Rule 24 – QUORUM

1. At all Annual General and Special General Meetings of members of the Club the quorum shall be 50% of the committee members and no less than 5 of the financial members entitled to attend and vote thereat. 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. Notice of the new venue, date and time shall be given by the Secretary in the manner prescribed for notice of a General Meeting. 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.
2. 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 to declare such meeting lapsed.
3. At all meetings of the Committee the quorum shall be 50% of the committee members entitled to vote.
4. At all meetings of sub-committees the quorum shall be 50% of the sub-committee members entitled to vote.

Rule 25 – REGULATIONS

The members of the Club in general meeting or the Committee of the Club at any time may make such regulations for the conduct of the Club as they shall determine but such regulations may not conflict with these Rules. Regulations shall have full force as rules of the Club. Any Regulation made by the Committee shall hold good until the next ensuing Annual General Meeting or Special General Meeting of members, when it must be confirmed or lapse. Pending the confirmation by a General Meeting of a Regulation made by the Committee, a Regulation so made may be repealed by the COommittee notwithstanding the provisions of Rule 26 hereof.

Rule 26 – ALTERATION OF RULES

Neither these Rules nor the Regulations made there under shall be altered or repealed nor any new Rule or Regulation (save as provided in Rule 25) introduced except at the Annual General Meeting or at a Special General Meeting called for that purpose. Not less than seven days notice of any proposed alteration, repeal or introduction of a new Rule or Regulation shall be given to each member and to the SW before the date of the meeting. A copy of the amended Rules must be forwarded to SW forthwith in the event of their being adopted at the meeting. 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.

Rule 27 – PRIZES

All prizes shall be in accordance with the rules laid down by SNZ.

Rule 28 – PECUNIARY GAIN

No member or members 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. 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 29 – WINDING UP

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 SW to be disposed of as the Region shall in its absolute discretion determine. In no event shall any surplus assets of the Club be divided among the members thereof, not shall the members of the Club have any beneficial interest therein.

Rule 30 – PERSONAL BENEFIT CLAUSE

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.