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Rules of Onehunga Swimming Club
Incorporated



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ONEHUNGA SWIMMING CLUB INCORPORATED

RULES

1. NAME

The name of the Club shall be the Onehunga Swimming Club Incorporated.

2. REGISTERED OFFICE

The registered office of the Club shall be Onehunga Aquasport, Jellicoe Park, Park Gardens Road, Onehunga or at such other place as the Committee may from time to time determine.

3. DEFINITIONS

3.1 In these Rules, unless the context otherwise requires:

Club means Onehunga Swimming Club Incorporated.

Committee means the Committee established under Rule 9.

Committee Member means a member of the Committee established under Rule 9.

Due Date means the date that the annual subscription is due and payable which is at the date of the Club's Annual General Meeting.

Executive Officers means the President, Secretary, and Treasurer, and any other person holding an executive office as the Committee may from time to time determine.

General Meetings includes both Annual General Meetings and Special General Meetings.

Life Member means a person elected as a member in accordance with Rule 8.4 on account of outstanding services to the Club.

Member is a person admitted to membership under Rule 8 and who has not ceased to be a Member under any other Rule. For the purposes of Rules 9, 10 and 13 Member shall include reference to a Parent.

Officer means the Handicapper, Volunteer Coordinator, Registrar, Meet Manager and any other person elected or appointed under Rule 10.3 holding an office as the Committee may from time to time determine.

Parent means parent, caregiver, guardian or any person who is responsible for the Member while the Member is undertaking Club activities.

Proxy means to exercise the right to vote on behalf of another Member and for that vote to be given so.

Rules means these Rules from time to time in force and includes any alteration or amendment, and "Rule" means a rule of these Rules.

3.2 In these Rules, unless the context otherwise requires, words importing the singular include the plural and vice versa.

3.3 Headings are included for convenience of reference only and shall not affect the interpretation of these Rules.



4. OBJECTS

The objects of the Club shall be:

- (a) To encourage and promote competitive swimming at an amateur level.
- (b) To provide a pathway to competitive swimming for both the Club's non-competitive swimmers and also for other swimmers.
- (c) To provide community based swimming opportunities for children as a means to encourage and develop swimming, water safety, water education, and fitness skills.
- (d) To provide Members access to swimming pool facilities for recreation, education and training purposes.
- (e) To adopt the objects of Auckland Swimming Association Incorporated and Swimming New Zealand (Incorporated) in so far as they further the above objects of the Club.

5. POWERS OF THE CLUB

5.1 In addition to its statutory powers, the Club:

- (a) may use its funds to pay the costs and expenses of furthering or carrying out its objects, and for that purpose may employ such people as necessary;
- (b) may purchase, lease, hire or otherwise acquire, may exchange and may sell, lease or otherwise dispose of property, rights or privileges to further or carry out its objects as necessary;
- (c) may enter contracts and make investments to attain the Club's objects;
- (d) may borrow or raise money by debenture, bonds, mortgage and other means with or without security;
- (e) may reimburse a Committee Member for all legitimate expenses properly incurred by them on behalf of the Club;
- (f) may make at any time rules and policies, provided any such rules or policies do not conflict with these Rules; and
- (g) shall have the power to do all lawful acts and things incidental or conducive to the attainment of the Club's objects.

6. COLOURS

The colours of the Club shall be Squadron Blue and White.

7. NO PRIVATE PECUNIARY BENEFIT

7.1 Any income, benefit, or advantage must be used to further the objects of the Club.

7.2 No Committee Member or any person associated with a Committee Member is allowed to take part in, or influence any decision made by the Club in respect of payments to, or on behalf of, the Committee Member or person associated with a Committee Member of any income, benefit, or advantage.



7.3 Any payments to a Committee Member or person associated with a Committee Member must be for goods or services that advance the Club's objects and must be reasonable and relative to payments that would be made between unrelated parties.

8. MEMBERSHIP

8.1 Every person wishing to become a Member of the Club shall complete an application form and pay the annual subscription by the Due Date. The Committee shall have the discretion as to whether or not it will accept an application for membership. The Committee is not required to supply reasons for either acceptance or rejection of membership.

8.2 Payment of the annual subscription, whether by a Member or by a Parent, implies acceptance by the Member and their Parent of these Rules and of any other regulatory rules or policies to which Members may be subject to from time to time, including but not limited to health and safety regulations and swimming pool rules. Any breach of these Rules or other regulatory rules or policies by a Member or their Parent may result in suspension or expulsion of the Member, at the discretion of the Committee.

8.3 Members shall be divided into:

- (a) Members who are competitive or non-competitive swimmers who swim under training programmes run by the Club.
- (b) Members who are involved in the administration or coaching of the Club.
- (c) Life Members.

8.4 For a person to become a Life Member, that person must be nominated, and the nomination seconded by two (2) Members of the Club at least seven (7) days before a General Meeting. Election will be by ballot as prescribed in Rule 11 and the nominee must receive at least 75 per cent of the votes cast.

8.5 A register of Members shall be maintained and shall be available for inspection and copying by Members upon request.

9. MANAGEMENT COMMITTEE

9.1 The management of the affairs of the Club shall be vested in a committee of Members, who shall be elected to the committee at the Annual General Meeting.

9.2 A Member of the Committee ceases to be a Committee Member by:

- (a) resignation in writing to the Committee;
- (b) removal by a resolution passed by not less than 75 per cent of the Members present and entitled to vote at a General Meeting;
- (c) expiration of the term, at the next Annual General Meeting.

9.3 The Committee shall consist of not less than six (6) persons and shall include all current Executive Officers.

9.4 If there is a casual vacancy in the Committee, the Committee may appoint a Member or their Parent to fill the vacancy. That person holds office until the end of the next Annual General Meeting after the date of the appointment.

9.5 Any Committee Member who fails to attend three (3) consecutive Committee meetings without reasonable excuse, as the Committee may determine, shall cease to be a Committee Member.

9.6 Any rules or policies adopted by the Committee, by a simple majority vote, shall have full force as if included in these Rules, provided such rules and policies do not conflict with Rule 17.3. Notwithstanding Rule 17.1, any adopted rules and policies may be altered, added to or rescinded at any time by a simple majority vote of the Committee.

10. APPOINTMENT AND ELECTION OF OFFICERS

10.1 Only Members whose annual subscription is fully paid may be elected or appointed as an officer. Any candidate for election to an office must be nominated by a Member and the nomination must be seconded by another Member.

10.2 Executive Officers shall be elected at an Annual General Meeting by a simple majority vote.

10.3 Officers shall be elected at an Annual General Meeting by a simple majority vote or may be appointed by the Committee, on such terms as the Committee thinks fit.

10.4 In the event that the number of offices is less than the number of candidates, a ballot shall be held as prescribed in Rule 11.

10.5 In the event the number of offices is greater than the number of candidates, candidates may be elected or appointed to more than one office.

11. VOTING

11.1 Only Members shall be eligible to vote and only one vote per Member may be registered. Voting shall be on the voice or by such method as decided by the meeting.

11.2 Where a Member is under the age of 16 years, their Parent shall vote by Proxy.

11.3 Where a Member is aged between 16 to 18 years they shall have the right to exercise their own vote, but they may elect in writing for their Parent to vote by Proxy.

11.4 In all contested offices at the Annual General Meeting the voting shall be held by secret ballot.

11.5 The Chairperson shall have the casting vote on any resolution where the voting is tied.

12. ANNUAL GENERAL MEETING

12.1 The Annual General Meeting shall be held at least one week before the ASA AGM but not later than the first week in August each year. Seven (7) days' notice of the meeting shall be given by posting on the club website and notice boards at the swimming venues.

12.2 The business of the Annual General Meeting shall be:

(a) To receive and approve the Annual Report and Financial Statements.

(b) To elect officers.

(c) To consider motions of which notice has been given.

(d) To transact general business.

12.3 No items of business shall be transacted at a meeting unless a quorum of Members is present.



13. SPECIAL GENERAL MEETING

- 13.1 A Special General Meeting may be called at any time by the Committee or by written notice signed by not less than ten (10) Members. The notice shall be addressed to the Secretary and shall set out specifically the business for which the Special General Meeting is required.
- 13.2 Upon receiving such notice, the Secretary shall forthwith take the steps necessary to convene the meeting, in the manner prescribed above at Rule 12.2.
- 13.3 At a Special General Meeting only the business set out in the notice convening the meeting shall be considered, provided that persons present at the meeting may, by unanimous vote, permit the consideration of additional business.

14. QUORUM

- 14.1 At all General Meetings the quorum shall be fifteen (15) Members present.
 - (a) 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 date and time to be determined by the meeting.
 - (b) Notice of the new date and time shall be given by the Secretary in the manner prescribed above at Rule 12.1. 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.
- 14.2 In the case of a Special General Meeting, if the quorum is not present the Chairperson shall have discretion to adjourn the meeting in manner prescribed above at Rule 14.1 or to declare the meeting lapsed.
- 14.3 At Committee meetings the quorum shall be five (5) members including Executive Officers present.

15. CEASING TO BE A MEMBER

- 15.1 A Member will cease to be a Member of the Club in any of the following events:
 - (a) By written resignation addressed to the Registrar before the Annual General Meeting, otherwise the Member will be liable for that season's annual subscription.
 - (b) By death.
 - (c) By expulsion.
 - (i) Any Member who, in the opinion of the Committee does or does not do, or causes to be done or omitted to be done, any act, matter or thing whereby any other Member, Officer, Executive Officer or any other person or body will or may, or may be likely or liable to suffer any loss, hardship, loss of status, injustice or other injury, within the Club's facilities or facilities to which the Club has use or elsewhere may be expelled from the Club.
 - (ii) No Member shall be expelled without being given an adequate opportunity to be heard in defence by the Committee and will be given explicit written notice of the nature of the violation and notification of the time and place of hearing.



(iii) In the event that a person is expelled from the Club, that person has the right to appeal the expulsion by application to Auckland Swimming Association Incorporated or other body in substitution thereof.

(d) If a person or their Parent fails to pay their subscription within one (1) calendar month of the Due Date.

16. SUSPENSION

16.1 A Member may be suspended by the Committee in the event of violation by the Member or Parent of the Club's Rules, regulations or policies, or for failure to comply with any lawful directions of the Club or Committee Member.

16.2 No Member shall be suspended without notification and an adequate opportunity to be heard in defence as prescribed above at Rule 15.1, 15.1(c) and 15.1(c)(ii).

16.3 In the event that a person is suspended from the Club, that person has the right to appeal the suspension by application to Auckland Swimming Association Incorporated or other body in substitution thereof.

16.4 A Committee Member may request and insist that a Member or their Parent is to leave swimming pool facilities or other premises for breaches of the facilities' or other rules to which all members of the public are subject. Repeated breaches of swimming pool rules and regulations by a Member or their Parent may lead to suspension of the Member.

17. ALTERATION TO RULES

17.1 The Rules of the Club may only be altered, added to or rescinded at a Special General Meeting called for that purpose. A copy of the resolution is to be made available to each Member or Parent at least seven (7) days before the Special General Meeting.

17.2 The resolution shall be effective if passed by not less than 75 per cent of the Members present and entitled to vote at that meeting.



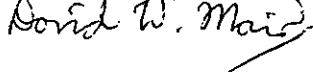
17.3 The Rules may not be in any way altered, added to or rescinded in a manner which would negate the objects of the Club or Rules 6 and 18 or result in an Officer or Executive Officer of the Club deriving any private pecuniary benefit.

18. WINDING UP

18.1 Upon winding up or dissolution of the Club, any property remaining after the settlement of all the Club's debts and liabilities shall be given or transferred to another swimming organisation that is charitable under New Zealand law and has purposes similar to those of the Club.

19. COMMON SEAL

19.1 The Common Seal of the Club shall be in the custody of the Secretary who will affix it to documents on the authority of the Committee in presence of two (2) Committee Members, who shall sign the document.

 Andrea Davies (President)
 Joanna Milne (Secretary)
 David Mair (Member)