



**ARTISTIC SWIMMING NEW ZEALAND
Incorporated
CONSTITUTION
January 2021**

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ARTISTIC SWIMMING NEW ZEALAND (INC)

1. NAME

The name shall be Artistic Swimming New Zealand (Inc) or shortened to ASNZ

2. DEFINITIONS

2.1 **The Board:** The Governing Body of ASNZ

2.2 **Federation:** The Federation of Swimming Sports, known as Aquatics New Zealand

2.3 **FINA:** The Federation Internationale de Natation, the world governing body to which ASNZ is affiliated, through Aquatics New Zealand, as the member for New Zealand

2.4 **Meet:** shall be a meeting for competition purposes

2.5 **Member:** a person shall be deemed a member of ASNZ if a member of a Club or group that is recognised by ASNZ and has paid all fees due.

2.6 **New Zealander:** Any New Zealander may compete in Championships and hold titles provided they are a New Zealand citizen or permanent resident, and are a financial member of ASNZ. The ability to represent New Zealand at any International Competition is subject to FINA Rules.

3. OBJECTIVES:

The aim of Artistic Swimming New Zealand shall be "to promote, foster encourage and govern Artistic Swimming in all its forms, and promote competition at all levels" and in addition

3.1 To affiliate with FINA which ASNZ recognises as the World governing body of the sport, through Aquatics New Zealand.

3.2 To provide administrative services to its members and associated sports as appropriate and requested. To promote attitudes and behaviour conducive to good conduct, fair play, and equity.

3.3 To ensure the uniformity of the Rules and Regulations for the governance and administration of ASNZ for its members.

3.4 Subject to this Constitution, to adjudicate on all matters of dispute referred by a member.

3.5 To undertake such actions or activities as are incidental to or conducive to the attainment of the above objects.

4. POWERS

4.1 To prescribe, make and adopt such rules, regulations and resolutions and to do all such acts as may be necessary or desirable to carry out the objects or to conduct business including all lawful acts incidental or conducive to the attainments of the objects.

- 4.2 To prescribe any fees or charges to be paid by members including those paid by members being admitted to membership.
- 4.3 To open and operate bank accounts
- 4.4 To hire agents, employ and/or engage executive officers, secretaries, managers or any other type of employee and to pay them and any other persons in return for services to ASNZ, such as salary, wages, gratuities, fees or pensions, as ASNZ may determine from time to time.
- 4.5 To subscribe to or become a member of, or affiliate with any association, society or organisation whose objects are similar either wholly or in part to the objects, or which may further the objects in any way.
- 4.6 To determine, implement and enforce disciplinary, disputes and appeals procedures for its members, including sanctions.
- 4.7 To delegate its powers as it may from time to time see fit.
- 4.8 To undertake or promote any action required to attain the objects of ASNZ.

5. REGISTERED OFFICE AND COLOURS

- 5.1 The registered office of ASNZ shall be located in Wellington or such place as determined from time to time.
- 5.2 The Colours of ASNZ shall be Black Silver and White.

6. FINANCIAL YEAR

Until ASNZ shall otherwise be determined by ordinary resolution passed at an Annual General Meeting or at a Special General Meeting called for that purpose, the financial year shall be from the 1st day of September to the 31st day of August the following year.

7. WINDING UP

- 7.1 ASNZ may be wound up at either an Annual General Meeting or Special General Meeting if a resolution to so wind up is passed by a majority of at least 75% of those present and entitled to vote.
- 7.2 If in the event of ASNZ being wound up or dissolved, there remains after the satisfaction and discharge of all debts, liabilities and obligations, any assets, these shall be transferred to a sport with similar objects.
- 7.3 In no circumstances shall any surplus assets be divided among the members of ASNZ nor shall the members of ASNZ have any beneficial interest therein.

8. MEMBERSHIP

- 8.1 Membership of ASNZ shall be open to any person who is a member of a club or group established for the main purpose of the development of, or participation in Artistic Swimming.
- 8.2 A member of ASNZ must recognise, observe and comply with the Constitution, Rules and Regulations of ASNZ, and those of FINA.

8.3 Election of a member to membership of a club shall be as provided for in their respective rules, and every member shall pay the prescribed affiliation fees from time to time imposed in respect of membership of ASNZ.

8.4 The ASNZ Membership year is from January to December 31.

9. **TERMINATION OF MEMBERSHIP**

9.1 A member may terminate her/his membership of ASNZ by giving notice in writing. Such resignation will not relieve the member of her/his obligation to pay membership fees due for the year in which she/he resigns. If a member has her/his membership suspended or terminated by ASNZ in accord with these rules, she/he will still be liable to pay her/his membership fees in respect of the year in which her/his membership has been terminated.

9.2 Failure to abide by the rules and regulations set out in the ASNZ Constitution may result in a member or a club facing suspension, or termination of their membership.

10. **STRUCTURE COMPOSITION AND ELECTION OF THE BOARD**

10.1 The Board shall be elected at the AGM of ASNZ.

10.2 The Board shall comprise 5 Board Members. As soon as practicable after the AGM, the Board will meet and elect the Chairperson, and nominate other Board members to various roles as required e.g. Secretary, Treasurer, HP Committee etc

10.3 The term of office for all Board Members shall be three (3) years, expiring at the conclusion of the relevant Annual General Meeting. The commencement of the terms of office for Board Members shall be staggered so as to ensure a rotation of Board members over a three year period.

There shall be no limit on the number of consecutive terms a board member may serve, but at the conclusion of their three year term, they must put themselves up for re-election if they wish to continue on the Board.

10.4 The Board shall have the right to Co-opt up to three members to undertake specific tasks. However, these co-opted members will have no voting rights.

10.5 At the AGM shall also be elected.

(a) Two members of an Appointments Committee – who will be responsible for appointing team officials from the applications received for the positions

(b) Three members of the Awards Committee- who will be responsible for receiving and considering all nominations for Life membership, Honours Awards and Service Awards, and present the proposals for these as a formal motion to the AGM.

10.6 At least 50% of those Board members with full voting rights shall form a quorum at any Board meeting.

10.7 A meeting of the Artistic Swimming New Zealand Board may be held either by:

- (a) A Physical Meeting: by the number of the Artistic Swimming New Zealand Board members who constitute a quorum being assembled together at the place, date and time appointed for the meeting; or
- (b) Other Means: by means of audio, or audio and visual, or electronic communication by which all Artistic Swimming New Zealand Board members constituting a quorum can participate.
- (c) Other than co-opted members, all elected members shall be financial members of ASNZ.
- (d) One member of the Board shall represent ASNZ on the Board of Aquatics New Zealand.

11. FUNCTIONS OPERATIONS AND POWERS OF THE BOARD

- 11.1 The Board shall meet as and when required by the Chairperson or at any time necessary at the request of 3 members of the Board.
- 11.2 Any Board Member unable to attend a Board meeting may appoint a proxy that shall be accepted by Board
- 11.3 The Board shall assume the powers of ASNZ as described in Rule C 4.
- 11.4 The Board may from time to time discipline any member or official, subject to the rules of Aquatics New Zealand relating to disciplinary actions.
- 11.5 In all such matters of debate not specifically provided for under these rules, Parliamentary Standing Orders shall apply.
- 11.6 The Board shall have the power to interpret ASNZ rules or any definition contained therein, and such decisions shall be final except to the extent set out in this Constitution (such as the right of the Sports Disputes Tribunal of New Zealand in certain cases - See clause19).
- 11.7 The Board shall administer the finances, appoint bankers, and direct the opening and closing of bank accounts for specific purposes, transfer funds from one account to another as necessary and close any such account.
- 11.8 The Board shall fix the manner in which such banking accounts shall be operated upon.
- 11.9 Selection Panel

Each year the Board shall form a Selection Panel from which they will appoint selectors to undertake the duties required. This Panel will be made up of the following people:

- FINA A Judges
- FINA G Judges
- Judges who have passed the Advanced Judging Exam and are working towards FINA G certification
- Experienced judges who have judged at three or more international competitions in the last 6 years and received at least one positive Evaluation
- Former New Zealand coaches with experience at 3 or more international competitions
- Former Aquaferns' athletes who have judged at 3 or more national competitions

NB: Any of the above people who have conflicts with the Squad where selections are occurring e.g. because they are a Squad Coach or Manager, or they are the Club Coach of athletes being considered for selection, would not be chosen for that selection.

The Board will allocate selectors from the panel to selection trials on the basis of regional diversity, experience and to ensure consistency across consecutive trials in a squad.

11.10 Vacancies

Should a position on the Board or Committees become vacant, the Board will first of all call for nominations and elections will be run by email. If no nominations are received, the Board may appoint a person who it considers has the necessary skills and attributes to fill the vacant position.

A vacancy may occur if a Board or Committee member:

- (a) Dies
- (b) Resigns in writing
- (c) Becomes ineligible to continue to hold office by reason of disqualification or suspension
- (d) Becomes bankrupt
- (e) Is convicted of a criminal offence punishable by a term of imprisonment
- (f) Is absent, unless leave of absence has been granted, for more than two successive meetings.

12. **ANNUAL GENERAL MEETING**

12.1 ASNZ shall hold the Annual General Meeting not later than 15 October in each year at a venue to be determined by the Board.

12.2 The business of the Annual General Meeting shall be to

- (a) receive the annual report and financial statements
- (b) to approve the budget
- (c) to determine affiliation fees and/or levies of the members
- (d) to carry out any elections required
- (e) to allocate Championships
- (f) to consider Awards
- (g) to consider remits and constitutional changes
- (h) to deal with any other business which the meeting agrees to consider.

12.3 Delegates and Voting Rights

- (a) The five elected members of the ASNZ Board shall be entitled to one vote each.
- (b) Clubs and Groups which are recognised by ASNZ shall be entitled to vote as follows:
 - (i) From 1-20 Registered Members: one delegate with one vote

- (ii) From 21-40 Registered Members: two delegates with one vote each
 - (iii) From 41-60 Registered Members: three delegates with one vote each
 - (iv) And so on i.e. for up to 20 additional Registered Members, a further delegate with one vote each
- (c) Registered members are defined as members who have paid their affiliation fees to ASNZ by May 30th (or prior to the start of the first competition of the year – whichever is earliest) in the following categories:
- (i) Competitive, Regional or Masters Swimmers (i.e. not Novice or School)
 - (ii) Officials – includes Judges, Coaches, Club Committee Members (i.e. not Supporters)
- 12.4 Proxies may only be appointed with the consent of the Annual General Meeting.
- 12.5 The Chairperson shall preside over the Annual General Meeting, or in her/his absence, those present and entitled to vote shall elect a Chairperson.
- 12.6 Notice of the Annual General Meeting shall be given in writing to all members not less than 30 days before the date of such meeting. Such notice shall include the calling of nominations for elected Officers, call for any notices of motion, constitutional amendments or any other business.
- 12.7 All nominations, notices of motion and constitutional amendments shall be in the hands of the Secretary at least 21 days prior to the Annual General Meeting.

13. **SPECIAL GENERAL MEETING**

The Board may convene a Special General Meeting at its discretion, or on receiving a requisition setting forth the objects of such meeting, signed by either 3 or more members of Board, or by not less than 75% of the members affiliated to ASNZ.

14. **ALTERATION TO RULES**

Alterations to the Rules of Artistic Swimming New Zealand will only be made at the AGM or at a Special General Meeting called for the purpose. Not less than 14 days' notice of any proposed alteration shall be given to all members before the date of the meeting. No alteration or addition shall be approved Wit affects the personal benefit clause or the winding up clause.

15. **GOVERNANCE**

The affairs of Artistic Swimming New Zealand shall be governed and conducted by the Board of Artistic Swimming New Zealand.

16. **FEES**

- 16.1 For the purposes of membership and payment of affiliation fees all fees shall be paid by 30 May of the calendar year, or prior to the start of the first competition of the year – whichever is earliest.
- 16.2 Every person desiring to become a member of ASNZ shall pay the designated affiliation fee by 30 May of the calendar year.

17. **INDEMNITY**

- 17.1 The Board and other officers of ASNZ shall be indemnified against all disbursements, expenses, liabilities, and losses incurred by them in or about the discharge of their duties, except such as happens from their own wilful act, neglect or default.

18. DISPUTES RESOLUTION

- 18.1 In the event of a sports related dispute arising between any member or club or group involving a matter which does not involve suspension, expulsion or the imposition of a penalty, the parties shall
- (a) endeavour to negotiate a resolution of the dispute by themselves or with the assistance of professional advisers;

and failing that,
 - (b) endeavour to agree on a resolution of the dispute by attending mediation;

and failing that,
 - (c) either party may refer the dispute to the Sports Disputes Tribunal of New Zealand for determination by it in accordance with its rules.

19. SPORTS DISPUTES TRIBUNAL OF NEW ZEALAND

- 19.1 ASNZ recognises the Sports Disputes Tribunal of New Zealand established by Sport and Recreation New Zealand as the appropriate forum to resolve certain sports related matters set out in the rules of that Tribunal.
- 19.2 Any member of ASNZ who wishes to appeal a decision of the ASNZ Board regarding any sports related matter where she/he has exhausted their rights of appeal within this Constitution, the Rules and/or Regulations of ASNZ, may appeal to the Sports Disputes Tribunal of New Zealand. The rules of that Tribunal shall apply to any such appeal.
- 19.3 Any member who has a sports related dispute with ASNZ may refer such dispute to the Sports Disputes Tribunal of New Zealand with the written agreement of the ASNZ Council and the other party/s to the dispute, in accordance with the rules of the Tribunal.
- 19.4 The ASNZ Board may provide for additional rights of appeal to the Sports Disputes Tribunal of New Zealand, and the referral of other sports related disputes to the Tribunal, in any Rules or Regulations made under this Constitution.
- 19.5 Where not specifically provided for in this Constitution, and the Rules and Regulations of ASNZ, the ASNZ Board may agree to refer certain sports related disputes to the Sports Disputes Tribunal of New Zealand as set out in the rules of that Tribunal.

20. CLUBS AND GROUPS.

To be entitled to be affiliated to Artistic Swimming New Zealand, individuals must be registered members of an Artistic or Synchronised Swimming Club or group recognised by the Board of Artistic Swimming New Zealand.

21. AWARDS

Where any person has rendered special service to Artistic Swimming New Zealand, or the sport of Artistic or Synchronised Swimming in New Zealand, they may be elected a Life Member, or awarded an Honours Award or a Service Award. Nominations for these shall be made to the Awards Committee of Artistic Swimming New Zealand, by a Club affiliated to Artistic Swimming New Zealand.

22. **GENDER EQUITY**

ASNZ will encourage gender equity policies which will improve operations and attitudes within Artistic Swimming New Zealand.

23. **COMMON SEAL**

The common seal of ASNZ shall be held by the Secretary and shall only be affixed pursuant to a resolution of the Board and shall be witnessed by two members of the Board.

24. **PECUNIARY GAIN**

No member or members of ASNZ 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 ASNZ provided that the pecuniary award shall be at a reasonable rate for the services provided. No member or members of ASNZ or any person associated with a member shall participate in or materially influence any decision made by ASNZ in respect of the payment to or on behalf of that member or associated person of any Income benefit or whatsoever.

25. **PERSONAL BENEFIT CLAUSE**

No addition to or alteration of non-profit objectives, the personal benefit clause or the winding up clause shall be approved without the approval of the Inland Revenue Department, 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.