



Constitution 2024

25/04/2024

1. Name

The name shall be North Harbour Artistic Swimming Club Incorporated

2. Definitions

2.1 ASNZ - Artistic Swimming NZ is the governing body of artistic swimming in New Zealand

2.2 World Aquatics - The world governing body to which ASNZ is affiliated, through Aquatics New Zealand, as the member for New Zealand

2.3 Meet - Shall be a meeting for competition purposes

2.4 Member - A person shall be deemed a member of North Harbour Synchro if they have paid all fees due

2.5 New Zealander - Any New Zealander may compete in Championships and hold titles provided they are New Zealand citizens or permanent New Zealand residents and are a financial member of ASNZ. The ability to represent New Zealand at any International Competition is subject to World Aquatics Rules.

2.6 Committee Meeting - A meeting of the elected Officers of the Club

2.7 Parent Meeting - A meeting of parents or caregivers to Club members in addition to AGM.

3. Mission, Vision and Goals

3.1 Mission - To create a supportive and encouraging environment for our swimmers to win, to develop strong sportsmanship values, and to set clear goals and achieve them.

3.2 Vision - Become the most successful artistic swimming club in NZ with motivated swimmers and committed families

3.3 Goals

1. Create pathways for our swimmers to excel.

2. Develop and retain coaches and judges.
3. Increase membership through building recreational and competitive channels.
4. Manage the club efficiently, fairly and effectively and promote positive attitudes and fair play.
5. Maintain financial health of the Club.
6. Affiliated with ASNZ which North Harbour Artistic Swimming recognises as the governing body of the sport in New Zealand.

4. Powers are granted

4.1 To prescribe, make and adopt policies or rules and to carry out acts as may be necessary to achieve the Club's goals in a fair and lawful manner.

4.2 To prescribe any fees or charges to be paid by members.

4.3 To open and operate bank accounts.

4.4 To sanction any member by warning, fine, suspension, or expulsion.

4.5 To delegate its powers as it may, from time to time, see fit.

4.6 To undertake or promote any action required to attain the objectives of North Harbour Artistic Swimming

5. Colours

The colours of North Harbour Synchro shall be maroon, black, gold, and white.

6. Financial Year

Until North Harbour Synchro 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 April to March

7. Winding Up

7.0 Dissolution/Winding up -With the members having decided at an Annual General meeting or a Special Meeting to dissolve the Society, then at the discretion of that meeting or at the discretion of the Chairman should no consensus be obtained, all residual cash and assets must be;

- i.* donated to the national governing body of artistic swimming
OR

- ii.* donated to a artistic swimming entity with similar or like goals
OR
- iii.* donated to any other compliant sporting body who have youth as the pre-eminent beneficiary
OR
- iv.* donated to any Registered Charity
OR
- v.* any combination of the above

No individual member of the society can benefit in any way from the final distribution of the cash and assets of the Society.

7.1 North Harbour Artistic Swimming 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 upon the winding up or dissolution of North Harbour Artistic Swimming there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of the organisation, but shall be given or transferred to some other organisation or body with a charitable purpose, who ideally will have objects similar to the objects of North Harbour Artistic Swimming or to ASNZ.

8. Membership

8.1 Membership of North Harbour Artistic Swimming shall be open to any person who is eligible (can safely swim over 25 meters), applies for membership of the Club, is willing to operate in accordance with the Club's Code of Conduct, and who has paid all relevant Club fees.

8.2 A member of North Harbour Artistic Swimming must recognise, observe and comply with the Constitution, Code of Conduct of North Harbour Artistic Swimming and ASNZ, and may be refused if the club has reason to believe this will not be the case.

8.3 Any income, benefit or advantage must be used to advance the charitable purposes of North Harbour Artistic Swimming. No member of the organisation, or anyone associated with a member, is allowed to take part in, or influence any decision made by the organisation in respect of payments to, or on behalf of, the member or associated person of any income, benefit or advantage. Any payments made to a member of the organisation, or person associated with a member, must be for goods or services that advance the charitable purpose and must be reasonable and relative to payments that would be made between unrelated

parties. The provisions and effect of this clause shall not be removed from this document, and shall be included and implied into any document that might replace this document in the future.

8.4 Each member and all Coaches employed or volunteering for North Harbour Artistic Swimming within that financial year may be represented at AGMs and SGMs by one parent or guardian who shall be entitled to one vote.

8.4 Members and their representatives agree to pay all fees in a timely manner according to the rules of the club.

8.5 Members and their representatives agree to assist with any tasks required to ensure the smooth running of club activities during usual training sessions and before, during and after competition meets.

9. Termination of Membership

9.1 A member may terminate membership at any time, either verbally or in writing to the coach or committee officer or their representative. Due to the club's financial commitments, fees for the entire term in which the member last attended are payable in full.

9.2 Failure to abide by the Rules and Regulations set out in the North Harbour Artistic Swimming Constitution may result in a member facing suspension or termination of their membership after due inquiry. Suspension or expulsion may arise from:

- (i) inappropriate behaviour by the member or the member's representative
- (ii) False or inaccurate statements made by the member or member's representative which are detrimental to the club or any of its members
- (iii) Failure to pay fees or money due within 8 weeks of the due date without prior consent of the club officers.

9.3 Any member who is expelled, suspended or has their membership terminated, shall have the right to appeal against their suspension or expulsion by presenting their case to a Special General Meeting called for such purpose, and the decision of the Special General Meeting shall be final.

10. Structure and Composition of the Club

10.1 The Club shall be governed by a minimum of three Committee Members (Officers) of the Club.

10.2 To manage the administration of the club, officers will be elected annually at the Annual General Meeting. At a minimum, these Officers shall comprise a Chairperson, Treasurer and one other. The maximum number should be 6. The elected Officers may co-opt new

Committee members onto the Committee during the course of the year if required without holding a Special meeting.

- 10.3 In the event that not enough officers can be elected from the Annual Meeting, on the proviso there are a minimum of two (2) Officers elected those Officers may co-opt a new Committee member of Members without holding a Special meeting.
- 10.4 In the event only two members are elected to the Committee they may continue to operate the Society with the terms of reference of the Constitution, either until another member is co-opted or until the next Annual meeting at which point the acceptance of their reports and the annual financial statements ratify their tenure.

11. Functions, Operations and Powers of the Officers

11.1 The Officers 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.

11.2 The Officers shall fix the manner in which such banking accounts shall be operated upon.

11.3 The Officers shall make recommendations for the fees payable each year and shall set these at a reasonable level whilst ensuring club costs can be met.

11.4 The Officers shall manage all other administrative and operational affairs of the club, co-opting the help of members as needed.

11.5 All other matters can be brought to the membership for discussion as required.

12. Annual General Meeting

12.1 North Harbour Artistic Swimming Club shall hold the Annual General Meeting no later than December 31st of each school year.

12.2 The business of the AGM shall be to:

- receive the annual report and financial statements
- to determine membership fees
- to carry out any elections required
- to consider remits and constitutional changes
- to deal with any other business which the meeting agrees to consider.

12.3 The members, their representatives and Coaches employed by or volunteering to North Harbour Artistic Swimming who are present at the AGM shall be entitled to one vote each.

12.4 The Chairperson shall preside over the AGM, or in her/his absence, those present and entitled to vote shall elect a chairperson of the meeting.

12.5 Notice of the AGM 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, calling for any notices of motion, constitutional amendments or any other business.

12.6 All nominations, notices of motion and constitutional amendments shall be in the hands of the Chairperson at least 7 days prior to the AGM.

13. Special General and Other Meetings

13.1 The Officers may convene a Special General Meeting at their discretion, or on receiving a requisition setting forth the objects of such meeting, signed by not less than 75% of the club members present at the meeting. Special General Meetings may be called to settle disputes.

13.2 There shall be at least 4 Committee Meetings per year – a minimum of one per term. All Officers will be entitled to one vote. SGMs can be called when a dispute arises (see dispute policy).

13.3 Each member may be represented at AGMs and SGMs by one parent or guardian for each member who shall be entitled to one vote if required. A quorum of a minimum of 15% of members with full voting rights will be required at AGMs and SGMs.

13.4 There shall be a minimum of one Parent Meeting each year that all members are invited to.

13.5 The Chairperson holds a casting vote if required.

14. Governance

The affairs of North Harbour Artistic Swimming shall be governed and conducted by the club's Senior Coaches and Committee Members.

15. Fees

15.1 Term fees shall be agreed by the members each year at the AGM following recommendations made by the appointed Treasurer.

15.2 All membership fees shall be paid by week 3 of every term, unless alternative arrangements have been made with the Treasurer and/or Chairperson.

15.3 For the purposes of payment of affiliation fees, all ASNZ fees shall be paid by 31st March of the calendar year. Arrangements can be made for payment with the Treasurer provided they are paid by the due date.

16. Indemnity

The Officers (or Committee Members) and Coaches of North Harbour Artistic Swimming Club shall be indemnified against all disbursements, expenses, liabilities and losses incurred by them in or about the discharge of their duties, except such as happen from their own wilful act, neglect or default.

17. Dispute Resolution

If a member has a dispute with North Harbour Artistic Swimming Club the Dispute Resolution policy must be followed to resolve matters.

18. Altering the Constitution

18.1 North Harbour Artistic Swimming Club may alter or replace this Constitution by a resolution passed at a meeting by a two-thirds majority of the members' representatives present.

18 Any proposed motion to amend or replace this Constitution shall be circulated to all members at least 7 days prior to the meeting at which the changes will be considered with a written explanation of the reasons for the proposal.

18.3 No addition to or alteration or rescission of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding-up clause. 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.

19. Rules for the Control of Banned Substances

In accordance with the policies of the IOC, World Aquatics and the NZOC, and in compliance with the NZSDA Act 1994, and the Sport Drug (Urine Testing) Regulations 1994; North Harbour Artistic Swimming prohibits doping, (as defined in the Act, and/or World Aquatics Rules) sometimes known as 'prohibited substance abuse' or 'prohibited method use' or 'drug abuse,' on both Fair Play and health grounds. ANY and ALL costs related to, associated with, and incurred by any member of North Harbour Artistic Swimming Club in respect of any doping infringement, shall be borne by the individual member.

20. Gender Equity

North Harbour Artistic Swimming Club will encourage gender equity policies which will improve operations and attitudes within artistic swimming in New Zealand.

21. Digital Communications

North Harbour Artistic Swimming Club members, Officials and Coaches will be bound by the Club's Digital Communication Policy.

22. Health & Safety

North Harbour Artistic Swimming Club members, Officials and Coaches will operate within the Club's Health and Safety Policy.

23. Common Seal

The committee shall provide a common seal for the Society and may from time to time replace it with a new one.

The Secretary shall have custody of the common seal, which shall only be used by the authority of the Committee.

Every document to which the common seal is affixed shall be signed by the Chairperson and countersigned by the Secretary or a member of the Committee