

## **CONSTITUTION OF ATHLETICS WAIKATO-BAY OF PLENTY INCORPORATED**

### **1. NAME:**

The name of the organisation shall be Athletics Waikato-Bay of Plenty Incorporated ("AWBOP").

### **2. DISTRICT:**

The district covered by AWBOP shall be the district as defined in the rules of Athletics New Zealand (Incorporated) ("ANZ") and currently incorporating the boundaries of the Waikato and Bay of Plenty regions and the Ohura and Taumarunui Wards of the Ruapehu District Council and excluding that part of the Auckland Council in the Waikato Region.

### **3. OBJECTS:**

The objects shall be to encourage, control, promote and develop the sport of Athletics within the district in accordance with the rules of ANZ and to exercise all powers and to perform all duties vested in and imposed upon it by those rules.

### **4. COLOURS:**

The colours of AWBOP shall be Black, Red, and Gold.

### **5. HEADQUARTERS:**

The headquarters of AWBOP shall be in Hamilton.

### **6. MEMBERSHIP:**

The following persons and organisations shall be members of AWBOP provided that at all times they abide by the rules and regulations of AWBOP:

#### **6.1 Member Clubs**

All Clubs within the district which are affiliated to ANZ

#### **6.2 Individual Members**

- (a) All members of member clubs.
- (b) Life Members of AWBOP.
- (c) Officers of AWBOP.
- (d) Coaches whose names are listed on the ANZ Coaches list and who reside within the district.
- (e) Officials whose names are listed on the Waikato Bay of Plenty Technical Officials Register.

#### **6.3 Member Organisations**

- (a) Waikato Bay of Plenty Secondary Schools' Athletic Association
- (b) Waikato Bay of Plenty Masters' Athletic Association

Any person who ceases to be a member of a member club, or ceases to be a member pursuant to subclause 6.2(c), (d), or (e) of this clause, and any Club which is no longer affiliated to ANZ shall immediately cease to be a member of AWBOP.

Any person may resign from membership by notice in writing to the Administrator of AWBOP.

## **7. CLUB UNIFORMS**

All new clubs are to have their uniform ratified by the AWBOP Management Committee prior to their affiliation. Any changes to existing club uniforms (part or whole uniform) must also be ratified by the Management Committee. A register of Club Uniforms is to be kept by the Administrator.

## **8. ANNUAL GENERAL MEETING**

The Annual General Meeting shall be held not later than the 31<sup>st</sup> day of August each year for the purpose of:

- (a) Receiving the Annual Report for the year ended May 31.
- (b) Receiving reviewed Financial Accounts for the year ended May 31.
- (c) Receiving an Annual Report from the Children's Committee for the past year.
- (d) Electing the following Officers and Others from the nominations forwarded by member Clubs and member organisations:

Officers \* President  
\* Chairperson of the Management Committee Others  
\* Financial Accounts Reviewer  
\* Arbitration Panel  
\* Official's coordinators  
\* Management Committee members – two from Road & Cross Country and two from Track & Field

Where sufficient nominations are not submitted by member clubs or member organisations, those persons who are nominated shall be declared duly elected and other nominations to fill any remaining vacancies may be taken from the floor of the meeting and if necessary an election held amongst those so nominated.

- (e) Determining the levy and the structure for AWBOP to apply from the 1<sup>st</sup> April next following, after first considering the recommendation of the Management Committee in this regard.
- (f) Transacting any other business forwarded by member clubs, member organisations and AWBOP Committees.

Officers and others, elected at the Annual General Meeting shall take their elected positions at the conclusion of that meeting.

Notification of the Annual General Meeting and all Committee Annual General Meetings shall be in writing to member clubs and member organisations not less than 60 days before the meeting. All nominations and business from member clubs, member organisations

and Committees shall have been received in writing by the Administrator not less than 28 days before the date of the meeting. The Administrator shall in turn send such nominations and business, in writing, to the member clubs and member organisations, not less than 14 days prior to the meeting.

## **9. LIFE MEMBERS**

Life members may be elected at the Annual General Meeting. Nominees must have rendered outstanding service and have given not less than 15 years of service to AWBOP. All nominations of persons for Life Membership from member clubs, member organisations and AWBOP Committees shall have been received in writing by the Centre Administrator not less than 2 months before the Annual General Meeting. The Management Committee shall consider the nomination and have the right to reject or forward the Nomination to the Annual General Meeting.

For a Life Member to be elected, not less than 75% of the delegates present at the Annual General Meeting and eligible to vote, must vote in favour of the election.

Life Members shall receive a Life Membership badge, at the cost of AWBOP.

## **10. SERVICE AWARD**

An Athletics Waikato-Bay of Plenty Service Award may be awarded to any person who has demonstrated a substantial contribution to the Sport within the district as an Official, Administrator, Coach or Athlete. The Award may be made each year at the Annual General Meeting on the recommendation of an Awards Committee, consisting of the Chairpersons of the Management and Children's Committees.

## **11. VOTING**

At any Annual General Meeting or Special General Meeting, each member club and member organisation shall be entitled to two votes each, providing that no person present and entitled to vote shall exercise more than one vote.

All persons appointed to vote must be 16 years or over at the time of the Meeting.

In the case of equality of votes the Chairperson of the meeting shall have a casting vote in addition to any deliberative vote to which they shall be entitled to.

At any meeting of the Committees set out in clause 14, each Committee member shall be entitled to one vote. No Committee member present and entitled to vote shall exercise more than one vote. In the case of equality of votes the Chairperson of the meeting shall have a casting vote in addition to any deliberative vote to which they shall be entitled to.

Election of Officers and others, and all questions submitted for discussion at any meeting shall be put to the vote and decided on a show of hands, provided however that if any person present and entitled to vote requests that voting be by ballot then the voting shall take place accordingly.

## **12. DELEGATES**

Each member club or member organisation shall be entitled to be represented by two persons to exercise that organisation's votes at any Annual General Meeting or Special General Meeting.

No person shall exercise more than one vote.

All persons appointed to vote must be 16 years or over at the time of the meeting.

## **13. PROXIES**

Each delegate appointed under clause 12 may exercise his or her vote at any Annual General Meeting or Special General Meeting by proxy.

All persons appointed to act as proxy must be aged 16 years or over at the date of nomination. Notice of the nomination of the proxy must be in writing, signed by the person appointing the proxy and lodged with the Centre Administrator prior to the commencement of the relevant meeting.

## **14. COMMITTEES**

There shall be two committees – Management and Children (the latter one being a “Committee Meeting of delegates”).

Each committee shall consist of the following personnel and be appointed as follows:

### **(a) MANAGEMENT**

1. Chairperson, elected at the Annual General meeting by delegates in accordance with clause 7
2. Two representatives appointed by the Children's Committee.
3. Two representatives appointed at the Annual General Meeting to represent the interests of “Track and Field” and “Road and Cross Country”.
4. Administrator appointed by the Management Committee.

The President, Administrator, Life Members and any person who is a director of Athletics New Zealand and who lives within the AWBOP district, may attend and speak at any Management committee meeting and the Annual General Meeting or any Special General Meeting, but do not have any voting rights.

The Management Committee by majority vote may invite any other person to attend and speak at any meeting of the Management Committee, but such other persons shall not have any voting rights.

(b) CHILDREN'S

1. Chairperson, elected by the Annual Meeting of Childrens delegates.
2. Secretary, appointed by Childrens committee.
3. One representative appointed by Waikato Bay of Plenty Secondary Schools Athletic Association.
4. Two representatives from each member Club whose members participate in children's events.

Any vacancies occurring on the Management Committee throughout the year to Officers or appointees of the Management Committee shall be filled by appointments made by the Management Committee. Any other vacancies occurring on the Management Committee shall be filled by the Committee whose representative has vacated. Any vacancy in the position of Chairperson or Secretary of a committee other than the Management Committee shall be filled at a subsequent meeting of that committee.

**15. SUB COMMITTEES:**

Each committee may appoint sub committees to undertake specific tasks as required from time to time.

**16. MEETINGS:**

The Management Committee and Children's Committees shall meet not less than 5 times in each year.

The Children's Committee shall hold an Annual General Meeting prior to the AWBOP Annual General Meeting.

**17. QUORUM:**

The quorum for meetings shall be as follows:

- (a) For an Annual General or Special General meeting of AWBOP – 8 member clubs or member organisations.
- (b) For the Management Committee – 5 members of the Committee.
- (c) For the Children's Committee – 6 member clubs or member organisations.

**18. SPECIAL GENERAL MEETING:**

- (a) A Special General Meeting will be convened by the Administrator on receipt in writing of a request signed by not less than 5 member clubs or member organisations or if called by the Management Committee at any time.
- (b) Member clubs or member organisations shall receive not less than 21 days notice of a Special General Meeting stating the purpose of the meeting and no other business shall be transacted at that meeting.

**19. FINANCIAL ACCOUNTS REVIEW:**

The annual Financial Accounts shall be reviewed in accordance with the Review Engagement Standards issued by the Institute of Chartered Accountants of New Zealand by an independent qualified accountant who has been appointed at the previous Annual Meeting of the Association. The Review Opinion shall be presented to the Annual meeting of the Association.

**20. FINANCE:**

- (a) The financial year shall be from 1 June to 31 May each year.
- (b) The Administrator shall bank all money received as promptly as circumstances may permit.  
The bank account shall be operated by any two of the authorised signatories determined from time to time by the Management Committee.

**21. MEMBERSHIP FEES:**

Every athlete who is a member of a member club shall pay to AWBOP such fees as are from time to time prescribed by AWBOP, at an annual general meeting or at a special general meeting.  
The membership year shall commence on 1 April.  
Failure of a member to pay the fees as prescribed shall result in that member being liable for disqualification from membership of AWBOP and unable to enjoy the benefits contained within these rules.

**22. DUTIES OF ADMINISTRATOR:**

- (a) The Administrator of AWBOP will be appointed by the Management Committee for periods decided by the Management Committee from time to time.
- (b) The Management Committee may also appoint a Treasurer.
- (c) The Administrator shall attend all meetings of the Management Committee, the Annual General Meeting and any Special General meetings. The Administrator shall carry out the full secretarial duties of the office.
- (d) The Administrator or Treasurer if appointed shall keep a clear account in writing of all the income and expenditure and shall submit Financial Statements duly audited at the end of each financial year. The Administrator or Treasurer shall present to the Management Committee a list of accounts for approval for payment.

**23. CHAIRPERSON OF MEETINGS:**

At the Annual General Meeting or any Special General Meeting the chair shall be taken by the President. If the President is absent the Chair shall be taken by the Chairperson of the Management Committee. If the Chairperson of the Management Committee is also absent the delegates present shall elect one of the members to take the Chair for that meeting.

At all meetings of the Management Committee, and Children's committees, the Chair shall be taken by the elected Chairperson of that particular committee. If the Chairperson is absent, the delegates

present shall elect one of their members to take the Chair for that meeting.

**24. DUTIES OF THE COMMITTEES:**

The duties of each committee are set out as follows:

The Management Committee shall be responsible for:

- (a) The implementation of Annual General and Special General Meeting decisions.
- (b) Formulation of new policies for recommendation to the Annual General Meeting.
- (c) Financial planning and budgeting.
- (d) Approval of accounts for payment for all Committees.
- (e) Oversight of Committees functions.
- (f) Appointment of administrator.

The Management Committee may appoint other persons in positions in addition to those already provided for and shall prescribe the duties of such persons. It may from time to time remove any such persons and appoint others in their place.

The Children's Committee shall be responsible for the day to day administration and competition for Childrens Athletics.

The Children's Committees shall commit AWBOP for expenditure or operate a bank account only as determined from time to time by the Management Committee.

**25. COMMON SEAL:**

The Common Seal shall be in the custody of the Administrator and shall be affixed to documents only by the direction of the Management Committee and shall be attested by any two members of the Management Committee.

**26. POWER TO BORROW:**

The Management Committee may from time to time for the proper objects of AWBOP obtain advances or deposits of money from any person or Corporation and may receive or arrange for purchase of securities or repayment of those advances, deposits, or any money owing by AWBOP in any manner the Management Committee may in its absolute discretion deem fit and in particular by mortgage or charge or lien upon a whole or any part of AWBOP's property or assets, whether present or future.

**27. POWER TO LEND:**

The Management Committee shall have the power to lend to ANZ or any Club affiliated to ANZ any sum or sums of money out of the accumulated funds upon such terms and period, either with or without security, as the Management Committee shall in its absolute discretion so determine.

**28. INVESTMENT OF FUNDS:**

AWBOP may invest or reinvest such part or parts of its capital not immediately required for the purposes of AWBOP as the Management Committee shall from time to time think fit in such investment or securities, whether in New Zealand or elsewhere, as the Management Committee shall from time to time consider beneficial to AWBOP.

**29. STANDING ORDERS:**

On all questions concerning the interpretation of rules or standing orders, the rules of ANZ as may deal with the matter, shall apply.

**30. GENERAL:**

These rules shall be read with and subject to the rules of ANZ and where the rules of AWBOP do not apply or are inconsistent therewith the rules of the former body shall apply.

**31. BY-LAWS:**

AWBOP may by resolution in General Meeting, enact By-Laws for the purpose of securing the objects and giving effect to the provisions of the Rules and or regulating in greater detail the matters provided for in these Rules.

**32. DISCIPLINARY ACTION:**

- (a) Where an offence is alleged to have taken place or where discipline procedures by a member are contested, AWBOP shall appoint a panel of three from the members of the Arbitration Panel as elected at the Annual General Meeting to conduct a hearing into the matter and to make a decision as to the disciplinary action to be taken (if any).
- (b) Not less than 48 hours notice shall be given to any member of any hearing at which the allegation against the member is to be discussed.
- (c) A member or representative shall be entitled to be heard in their defence.
- (d) Notice of any suspension or expulsion of a member as a result of the hearing shall be given to the member in writing with the reasons for it.
- (e) Any member may appeal the decision of the Arbitration Panel in accordance with the By-laws of ANZ.

**33. ALTERATION TO RULES:**

- (a) These rules may be altered, added to, or rescinded by a majority of not less than 2/3 of those present and entitled to vote at an Annual General or Special General Meeting called for that purpose.
- (b) No alteration to the Pecuniary Profit clause or the winding up clause shall become effective without the approval of the Department of Inland Revenue.



**34. PECUNIARY PROFIT:**

No member or person associated with a member of AWBOP shall derive any income, benefit, or advantage from AWBOP where they can materially influence the payment of income, benefit or advantage, except where that income, benefit or advantage is derived from:

- (a) Professional services to AWBOP rendered in the course of business charged at no greater than current market rates, or
- (b) Interest on money lent at no greater than current market rates.

**35. WINDING UP:**

- (a) AWBOP may be wound up if at a General Meeting a resolution to wind up is passed by not less than 2/3 of those present and entitled to vote and is confirmed by a like majority at a subsequent meeting called for that purpose not later than 30 days after the first meeting.
- (b) If upon winding up or dissolution of AWBOP there remains after the satisfaction of all debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members, but shall be given or transferred to some other organisation having objects similar to the objects of AWBOP (and provided that ANZ or equivalent body shall exist, shall agree to be governed by ANZ rules).

11<sup>th</sup> October 2016