

# CONSTITUTION AND RULES OF DIFFERENT STROKES WELLINGTON

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## 1. NAME

The name of the Club shall be "Different Strokes Wellington" abbreviated as "DSW".

## 2. INTERPRETATION

In these rules and in any by-laws made in accordance with these rules unless inconsistent with the context:

- The singular shall include the plural and the plural the singular.
- "Club" shall mean Different Strokes Wellington.
- "Committee" shall mean the Committee set up under Rule 11 hereof.
- LGBTQ shall mean "lesbian, gay, bisexual, transgender, queer/questioning".

## 3. OBJECTS

The objectives for which the Club exists are:

- To provide an opportunity for LGBTQ swimmers of all ability to participate in organized practices and swimming competitions (LGBTQ and not) in a team atmosphere and so to achieve their own goals in aquatic sports as a mean to health, fun, fitness and friendship.
- To promote sporting, social, educational and fundraising activities which further the objectives of the Club.

## 4. AFFILIATION

The Club shall affiliate with the New Zealand Masters Swimming Inc. and with GLISA (Gay and Lesbian International Sport Association). The Club can also affiliate with such other local, national and international bodies of a like nature as the members in general meeting decide.

## 5. NON PROFIT

The assets and income of the Club shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to its members except as bona fide compensation for services rendered or expenses on behalf of the Club.

## 6. MEMBERSHIP

Eligibility for membership of the Club shall be in accordance with the rules the Committee may from time to time decide.

Every applicant for membership shall agree in writing to comply with all the rules of the Club by completing an application for membership form in such a manner as the Committee may from time to time determined.

All applications for membership must be accepted, deferred or refused at the next Committee meeting. The Committee shall have the right to refuse any application for membership in its absolute discretion.

The membership year shall start on January 1<sup>st</sup> and end on December 31<sup>st</sup> of each year.

The Club Secretary must establish and maintain a register of members of the Club specifying the name and address of each person who is a member of the Club together with the date on which the person became a member.

## 7. SUBSCRIPTIONS

There are two kinds of subscriptions: regular member subscription and social member subscription.

The regular member subscription shall have two components: the New Zealand Master Swimmers membership fee and the DSW annual membership fee. The social member subscription shall only have one component: the DSW annual membership fee.

The DSW annual membership fee shall be determined by a majority of the members present at each Annual General Meeting.

## 8. CESSATION OF MEMBERSHIP

A member shall cease to be a member upon resignation or upon suspension in accordance with the rule hereof.

The Committee may expel a member from membership if that person has failed for a period of two months to pay their subscription or any other money due under these rules.

The Committee may suspend any person from membership or cancel any membership if it is satisfied that the continuation of such membership is not in the best interest of the Club, provided that before resolving to do so, the Committee shall give no less than seven days of notice of its intention to act under these rules to the person concerned and afford that person the opportunity to appear before the Committee to show cause why such an order of suspension or dismissal should not be made.

## 9. MANAGEMENT

The Management of the affairs of the Club shall be vested in a Committee appointed or elected in accordance with these rules.

Any member of the Committee who fails to attend three consecutive meetings of the Committee without adequate cause shall cease to be a member of the Committee.

The Committee may appoint any other member to fill any casual vacancy in its number.

The Committee may appoint sub-committees for any purpose and may discharge the same. The Club Captain shall be an ex officio member of any such sub-committee.

## 10. OFFICERS

The officers of the Club, all of whom shall be elected at the Annual General Meeting shall be:

- Club Capitan (Chairperson)
- Secretary
- Treasurer

Members present at an Annual General Meeting may appoint such other officers as they may deem necessary and may prescribe their duties.

Where an officer of the Club for any reasons is unable to continue in that office, the Committee shall appoint one of its number or any other member to fill such casual vacancy.

The officers shall deal with the day to day transaction of the business of the Club and shall fulfil the function of the Committee between Committee meetings. The officers shall present at each meeting of the Committee a report of the transaction effected by it during the than past period.

## 11. COMMITTEE

The Committee shall consist of the Club Capitan, the Treasurer, the Secretary and not more than five other persons duly elected at the Annual General Meeting.

The Committee shall continue in office from the conclusion of the Annual General Meeting, at which it is elected, until the conclusion of the next succeeding Annual General Meeting.

Five members personally present shall form a quorum for the Annual General Meeting.

The Committee may meet at such times as it thinks fit and a meeting of the Committee may be summoned at any time by the Club Capitan or by the Secretary.

## 12 DUTIES OF OFFICERS

### Club Capitan

The Club Capitan shall be responsible for the running of the Club (i.e. motivating, organizing participation in Swim meets...) and chair all Committee meetings and Annual General meetings.

### Secretary

The Secretary shall, in addition to any other duties normally performed by that office:

- Conduct the correspondence of the Club
- Convene and attend all meetings of the Club and of the Committee either personally or by deputy and properly record the minutes
- Make provision for the safe custody of the books and records and other documents of the Club
- Carry out other duties as may be required by the Committee.

### Treasurer

The Treasurer shall, in addition to any other duties normally performed by that office:

- Receive all money, cheques, bills and negotiable instruments payable to the Club and forthwith upon receipt place the same to the credit of the Club in some bank as directed from time to time by the Committee.
- Keep a correct account of all the money received and payments made and prepare a statement of receipt and expenditure and a balance sheet to be required to be produced at the Annual General meeting.

### 13. AUDITOR

The books of the Club may be audited at the discretion of the Committee and reported upon by an Auditor duly appointed by the Annual General Meeting.

### 14. ACCOUNTS

The funds of the Club shall be under the sole control of the Committee which shall cause a Bank account or accounts to be opened and determine the methods of operation and as to the investment of funds that are not immediately required.

All disbursements from the accounts of the Club shall be authorized by the Committee.

### 16 INFORMATION TO NEW ZEALAND MASTERS SWIMMING INCORPORATED

The Committee shall see to the dispatch to the New Zealand Masters Swimming Incorporated any matters concerning any members which may properly be required by the New Zealand Masters swimming Incorporated to be supplied to them by Clubs affiliated to it.

### 17. ANNUAL GENERAL MEETING

The Annual General Meeting of the Club shall be held no later than the 31<sup>st</sup> day of December in each year. Fourteen days' notice of the meeting shall be given by the Secretary to each member either personally or by email or by post.

The business of the Annual General Meeting shall be:

- To receive the Annual Report and the financial statement.
- To elect officers.
- To transact any general business acceptable to the meeting.
- To set the annual subscription for the next financial year starting January 1<sup>st</sup>.

### 18. SPECIAL GENERAL MEETING

A special general meeting shall be convened by the Club Capitan or Secretary or by resolution of the Committee or by seven members of the Club and in the case of a meeting convened by requisition the same shall be held at a date no later than thirty days from the receipt of the requisition and in the event of the Secretary failing to call the meeting the person or persons signing the requisition or a majority of them may themselves convene the meeting. Any requisition addressed to the Secretary under this Rule shall set out specifically the business that it is intended

that the General Meeting shall deal with. At any such Special General Meeting only the business set out in the notice convening the meeting shall be dealt with.

Any notice of motion shall be in writing addressed in the first place to the Secretary and shall be delivered not later than fourteen days prior to the meeting at which it is desired it shall be dealt with.

#### 19. APPEALS

Any member of the Club may appeal to the Committee against any decision of any Officer or Sub-Committee of the Club. Any 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 of the appeal. He Secretary shall upon receipt of such appeal arrange for it to be heard and determined by the Committee and the Appellant and the official or officials appealed against shall have the right to appear before the Committee before a determination is made thereon. There shall be no appeal to the Committee under this Rule on a matter of fact.

#### 20. INDEMNITY

No action at law or otherwise shall lie in favour of members of their executors or administrators against any member of the Club or its Committee or any officer of the Club for or in respect of any act, matter or thing done, omitted or suffered in pursuance of these Rules and that notwithstanding any irregularity or informality occurring in or about the doing omitting or suffering thereof.

#### 21. WINDING-UP

The Club shall be wound up at a General Meeting of which notice has been given if a majority of those persons present pass a resolution to that effect and such resolution is duly confirmed by a similar majority at a subsequent general meeting called for that purpose and held not less than thirty days later.

If upon such winding-up or dissolution of the Club whether voluntary or otherwise there remains after satisfaction of all the debts and liabilities any property whatsoever it shall be disposed of in accordance with the aforesaid resolution of dissolution.

#### 22. ALTERATION OF RULES

These rules or any of them may be altered, added to or rescinded by resolution passed by a duly constituted general meeting of the Club by a majority of the members present in person and entitled to vote provided that the notice convening such a meeting shall set out the alterations of the Rules to be considered thereat and shall indicate the general nature of the proposed alterations.

#### 23. BY LAWS

The Committee of the Club in general meeting may at any time make such regulation and by-laws for the conduct of the Club or of its members as it shall be considered necessary. Such regulations or by-laws shall not in any way conflict with these Rules.

#### 24. VOTING

Only financial members shall be entitled to vote at any meeting of the Club and at all meeting voting shall be on the voices save where a vote is challenged, when a show of hands shall be taken or voting shall be by secret ballot if the motion so calls. Proxy votes shall not be allowed. In all contested offices at the Annual General Meeting the voting shall be by secret ballot. At all meeting the Club Capitan will have the right to a casting vote if necessary.

#### 25. FINANCIAL YEAR

Each financial year of the Club shall be a calendar year commencing January 1<sup>st</sup> and ending December 31<sup>st</sup>.

#### 26. SPONSORSHIP

The Club may accept such sponsorship as the Committee determines appropriate from time to time.

#### 27. BINDING OF THESE RULES

If any question or dispute arise as to the construction of these rules or any of them or the application thereof, the decision of the Committee shall be final and binding upon all members.

#### 28. CONFLICT OF INTEREST

Committee members and members of the Club must always bear in mind, and declare any conflict of interest when dealing with any affairs of the Club.

It is obligatory on the Committee members and the members of the Club to keep the affairs of the Club confidential and to fully comply with the provisions of the Privacy Act.