

Constitution and Rules

Porirua City Aquatics Incorporated

1. Name:

- (a) The Name of the club shall be **Porirua City Aquatics Incorporated**.

2. Purpose:

The purposes of the Club shall be:

- (a) To promote and encourage the sport of swimming by adopting, as far as is practicable, the purposes of Swimming New Zealand and Swimming Wellington.
- (b) To arrange for coaching, instruction, and competitions in swimming.
- (c) To develop active, skilled, community minded, and enthusiastic Club Members.
- (d) To actively promote and encourage a positive and inclusive Club spirit.
- (e) To be financially sustainable.

3. Interpretation:

In these rules and any Policies made under them, unless the context requires otherwise, these terms have the following meaning.

- (a) "Act" means the Incorporated Societies Act 2022 and any related regulations.
- (b) "Club" means Porirua City Aquatics Incorporated.
- (c) "Committee" means the Club's governing body established under Rule 16.
- (d) "Committee Members" means the general committee members and Officers elected or appointed under Rule 16.
- (e) "Financial Member" means any member who has paid all subscriptions that are due and includes all members who are not required to pay a subscription.
- (f) "General Meeting" means the Annual General Meeting or Special General Meeting of the Club.
- (g) "Member" means any person whose membership has been approved by the Committee according to rule 8.
- (h) "Officers" means the persons elected or appointed to the positions referred to in Rule 14(a)
- (i) "Parent or Guardian" means the legal parent or guardian of a member who is under the age of 18 years.
- (j) "Policy" means a policy made under Rule 19.
- (k) "SNZ" or "Swimming NZ" or "Swimming New Zealand" means Swimming New Zealand Incorporated and its successors.
- (l) "SW" or "Swimming Wellington" means Swimming Wellington Incorporated and its successors.
- (m) "Voting Member" means any current financial member who has been a member for at least 90 days as at the date of a General Meeting. Each Voting Member holds one vote at a General Meeting. The Parent or Guardian of a Member under the age of 18 years may exercise that vote on the Voting Member's behalf. The Parent or Guardian of a Member under the age of 14 years, if voting, must exercise that vote on the Voting Member's behalf.
- (n) Words importing the singular shall import the plural; words importing one gender shall import other genders.

Constitution and Rules

Porirua City Aquatics Incorporated

4. Affiliation:
 - (a) The Club shall:
 - (i) maintain membership of Swimming New Zealand and Swimming Wellington; and
 - (ii) observe the rules of Swimming New Zealand and Swimming Wellington; and
 - (iii) pay any amounts imposed by Swimming New Zealand and Swimming Wellington.
5. Headquarters:
 - (a) The headquarters of the Club shall be at the Cannons Creek Pool, Bedford Street, Porirua or at such other place as the Committee shall determine.
6. Colours:
 - (a) The Colours of the Club shall be Black, Orange and Turquoise.
7. Membership:
 - (a) Membership shall be restricted to persons, inclusive of their Parents or Guardians, who are of good character and who are interested in pursuing the purposes of the Club and adhering to the Club values.
 - (b) The Club shall divide its membership into any groupings that may suit its purposes according to the current membership policy. As a minimum the Club shall group members according to the current Swimming New Zealand membership categories.
 - (c) Any elected or appointed Officer or general Committee Member shall automatically be a Member while in office and membership shall cease on leaving office if membership was conferred under this section.
 - (d) All persons engaged in the day to day activities of the club, except employees and independent contractors, are required to be Members of the Club.
 - (e) A register of members shall be kept by the Registrar.
8. Membership Application and Consent:
 - (a) All applications for membership shall be submitted as required by the current membership policy and shall be subject to Committee approval. The Committee shall only accept Members who comply with rule 7(a) and may decline any application without giving any reasons.
 - (b) Each membership application shall require that the consent of the applicant to becoming a member is declared in their application.
 - (c) By completing and submitting an application for membership of the Club, the applicant consents to (on approval by the Club as a Member) also becoming a member of Swimming NZ and Swimming Wellington, and having their personal details entered on the Swimming NZ's database of Swimming NZ members, which includes the details of Members.
9. Resignation of Membership:
 - (a) Any Member who wishes to resign from the Club shall forward their resignation to the Registrar in writing.
 - (b) The resignation shall take effect from the date requested, the date the Committee accepts the resignation, or some other agreed date, as determined by the Committee.

Constitution and Rules

Porirua City Aquatics Incorporated

- (c) No resignation shall be accepted or actioned while the Member is not a Financial Member or is subject to a disciplinary investigation or sanction by the Club, Swimming Wellington or Swimming New Zealand.
- (d) Any Financial Member who has not attended any Club activity for four months or more without prior notice to the Club shall be deemed to have resigned as of the last date of their attendance at any club activity.

10. Suspension of Member:

- (a) Any Member may be suspended if the Member:
 - (i) Is suspected of breaching the rules or any policy of the Club, Swimming Wellington or Swimming New Zealand, or
 - (ii) fails to comply with any proper direction of the Committee, Officer, Official, Coach or Team Manager, or
 - (iii) Is subject to an investigation by any organisation that may result in the Member being expelled from the Club.
- (b) The Committee may make such enquiries of any person regarding the matter causing the suspension in order to make a decision on the commencement, continuation or otherwise of the suspension.
- (c) During a period of suspension, the Member may not exercise any rights as a Member, including those of a Committee Member if elected or appointed to those positions.
- (d) Notice of Suspension is to be given to the Member by the President setting out the reasons and the term of suspension, and their appeal rights, as soon as practicable after the Member has been verbally informed.
- (e) The term of a suspension does not need to be specific but must last no longer than any investigation and determination process.
- (f) Suspensions must be reviewed and confirmed, or rescinded, by the Committee at each Committee meeting during the period of suspension.
- (g) The suspended Member may appeal their suspension to the Committee.
 - (i) The appeal will be heard by the committee during an "In Committee" part of the next monthly Committee meeting, or a specially convened "In Committee" committee meeting held within four weeks of an appeal being submitted.
 - (ii) A quorum of the Committee must be present.
 - (iii) If the suspended Member is aged under 18 they must have a Parent or Guardian present and may also have an advocate or support person present.
 - (iv) The Committee's decision to grant or reject an appeal shall be final and made on criteria of its sole determination.
 - (v) Reasons for the Committee's decision must be provided in writing to the appellant.
- (h) Notice of suspension and/or revocation of suspension is to be forwarded to Swimming Wellington and Swimming New Zealand.

11. Expulsion of Member:

- (a) Any Member may be expelled for:
 - (i) Any serious breach of the rules or any policy of the club, Swimming Wellington or Swimming New Zealand, or
 - (ii) Continuing non-compliance with any proper direction of the Committee, Officer, Official, Coach or Team Manager, or

Constitution and Rules

Porirua City Aquatics Incorporated

- (iii) No longer meets the requirement of being a Member in accordance with rule 7(a).
- (b) Any Member must be expelled who has been expelled as a member by Swimming Wellington or Swimming New Zealand.
- (c) Subject to rule 11(b) no member shall be expelled without being given an adequate right of reply opportunity at a special Committee Meeting convened to consider a proposed expulsion.
- (d) Prior to making a decision on a proposed expulsion at a special Committee Meeting, the Committee shall consider:
 - (1) Any evidence and / or result of any investigation; and
 - (2) Representations made from the Member facing expulsion, their Parent or Guardian, or advocate.
- (e) Any Member proposed to be expelled shall be informed in writing of the Committee's decision by the President as soon as possible after the special Committee Meeting.
- (f) The decision of the Committee is subject to one appeal to a Special General Meeting or to Swimming Wellington.
- (g) Where a member is appealing their expulsion their membership shall be suspended until the appeal is decided.

12. Subscriptions:

- (a) The subscription and membership year shall be from 1 July to 30 June.
- (b) The Committee shall set the annual subscription for the membership year for each member group prior to the Annual General Meeting each year, and also set the pro-rated rates for new members joining during the year.
- (c) The Treasurer may postpone payment of the subscription or any instalment or any other moneys owing by any Member for any reason.
- (d) Any Member whose subscription (or any instalment) is in arrears for one month or more, without excuse or exemption, shall not be entitled to take part in the activities of the club, but shall remain liable for payment of any monies owed by the member.
- (e) Any Member whose subscription (or any instalment) is in arrears for four months or more, without excuse or exemption, shall have their membership cancelled as of the last date of their attendance at any club activity.

13. Patron:

- (a) The Patron shall:
 - (i) Attend General Meetings.
 - (ii) Preside at any meeting where requested to do so by two or more members of the Committee.
 - (iii) Represent the Club as requested by the Committee.

14. Officers:

- (a) The Officers of the Club shall be:
 - (i) President
 - (ii) Vice-President
 - (iii) Club Captain
 - (iv) Secretary
 - (v) Treasurer

Constitution and Rules

Porirua City Aquatics Incorporated

- (vi) Registrar
- (vii) Race Secretary.

- (b) A Member can hold more than one office during the same period.
- (c) The executive of the club are the President, Vice-President, Secretary and Treasurer.

15. Duties of Officers:

The duties of officers are to be carried out personally by each officer unless the Committee appoints a delegate to carry out those duties:

- (a) President
 - (i) Preside as Chairperson at General Meetings.
 - (ii) Preside as Chairperson at Committee Meetings.
 - (iii) Oversee the day to day operation of the Club.
 - (iv) Represent the Club at official events
 - (v) Be a contact person for the Club in relation to the Act.
- (b) Vice-President
 - (i) Fulfil the duties of the President where the President is unable to.
 - (ii) Be a contact person for the Club in relation to the Act.
- (c) Club Captain
 - (i) Foster and encourage participation in all Club and other competitions and activities.
 - (ii) Be in charge of non-coaching operations at the pool during Club activities.
- (d) Secretary
 - (i) Call and attend all General Meetings and Committee meetings.
 - (ii) Submit correspondence and reply to correspondence according to the directions of any meeting.
 - (iii) Keep records and minutes of all meetings.
 - (iv) Maintain the Register of Conflicts of Interest
 - (v) Provide information to Swimming Wellington and Swimming New Zealand as required.
 - (vi) Be a contact person for the Club in relation to the Act.
- (e) Treasurer
 - (i) Attend all General Meetings and Committee meetings.
 - (ii) Ensure all monies due to, or payable by the Club are handled appropriately.
 - (iii) Ensure that proper financial records are prepared and maintained.
 - (iv) Ensure that up to date monthly accounts are provided to each Committee Meeting and are approved at each meeting.
 - (v) Ensure that the audited financial statements of the Club, approved by the Committee, are available for the Annual General Meeting.
- (f) Registrar
 - (i) Keep a register of members that, for seven years following the date of their membership ceasing, contains as a minimum for each member:
 - (1) Full name

Constitution and Rules

Porirua City Aquatics Incorporated

- (2) Date of birth
- (3) Address and contact details
- (4) Member classification/s
- (5) Financial status
- (6) Date of joining
- (7) Date of resignation or termination of membership.
- (ii) Ensure that annual subscriptions are charged and paid appropriately.
- (iii) Ensure that membership data required by Swimming Wellington and Swimming New Zealand is provided as required.

(g) Race Secretary

- (i) Keep a current register of active swimmers that contains as a minimum for each swimmer:
 - (1) Full name
 - (2) Date of birth
 - (3) Member classification
 - (4) Date of joining
 - (5) Record of times Swum.
- (ii) Maintain the Club's swimming records.
- (iii) Handicap club races and other competitions as required.
- (iv) Nominate club swimmers for representative and Club relay teams.

16. Election and Appointment of Patron, Officers and general Committee Members:

- (a) The Committee shall comprise not less than ten or more than fifteen members.
- (b) The Patron, Officers and general Committee Members shall be elected at each Annual General Meeting provided they are not disqualified from being so elected under section 47 of the Act (which generally relates to being a person of good and appropriate character).
 - (i) The Patron shall be nominated by the Committee.
 - (ii) A candidate for Officer, or Committee Member, must be nominated by a Voting Member and seconded by another Voting Member.
 - (iii) A candidate for Officer or Committee Member may not be an employee of the Club unless all Officers, excluding the candidate if they are an Officer, agree to waive this requirement upon receipt of the nomination.
 - (iv) Nominations may be in writing prior to the Annual General Meeting and signed by the Proposer and Secunder, and by the Nominee confirming their eligibility for and acceptance of the nomination.
 - (v) Nominations may be from the floor at the Annual General Meeting by a Proposer and Secunder. The Nominee must confirm their acceptance and eligibility if present, or evidence must be provided that the Nominee accepts and is eligible for the nomination. The decision to accept or decline the nomination shall be decided by the Chairperson.
 - (vi) The person being nominated does not need to be a current member of the Club.
 - (vii) Where there is more than one person nominated for an office, or the number of nominated general Committee Members is more than eight, a vote shall be held by a show of hands, unless the majority of Members present request a secret ballot.
 - (viii) Where a secret ballot is required the Chairperson shall appoint scrutineers.

Constitution and Rules

Porirua City Aquatics Incorporated

- (c) If no nominations are received for any positions then the incoming Committee shall appoint that Officer or extra general Committee Members at the next or subsequent committee meeting.
- (d) The Committee may appoint any person to fill a casual vacancy for Officer or general Committee Member that may become vacant.
- (e) All Officers and general Committee Members holding office prior to the Annual General Meeting are deemed to have resigned at the conclusion of the Annual General Meeting, unless voted back in.
- (f) A Committee Member is deemed to have vacated their position upon any one or more of the following occurring:
 - (i) becoming disqualified from being a Committee Member under section 47 of the Act;
 - (ii) resigning or retiring, or their term of appointment expiring;
 - (iii) being convicted of a criminal offence or being sentenced to imprisonment;
 - (iv) dying; or
 - (v) failing to attend three consecutive meetings of the Committee without a satisfactory reason (as determined by the majority of the Committee) or the Committee's prior approval..

17. General Meetings:

- (a) Annual General Meeting
 - (i) The Annual General Meeting shall be held not later than 30 June in each year and may be in person and/or use electronic communication methods that allow all those participating to hear each other simultaneously and have reasonable opportunity to participate.
 - (ii) No less than 14 days notice of the meeting shall be given to each Member by email and shall also be advertised on the clubs web page and social media pages.
 - (iii) The use of proxies for the purposes of forming a quorum and for voting must be determined by the committee and the committee's decision on their use must be included in the notice of the meeting.
 - (iv) The Annual General Meeting shall be chaired by the President or as agreed by the Members present and shall be minuted by the Secretary.
 - (v) The business of the Annual General Meeting is to:
 - (1) Approve the minutes of the previous General Meeting
 - (2) Receive the Annual Report and Financial Statements
 - (3) Elect the Officers and general Committee Members
 - (4) Receive disclosures of any conflicts of interests made by Committee Members
 - (5) Consider motions filed with the Secretary no later than 21 days prior to the date of the meeting
 - (6) Consider any other General Business advised in the notice.
 - (vi) The order in which business is transacted shall be determined by the Chairperson of the Annual General Meeting.
 - (vii) A quorum for the Annual General Meeting shall be 10% of the Voting Members in attendance in person or by proxy (if proxies are allowed) as at the date of the meeting.
 - (viii) Where a quorum is not available the Chairperson shall suspend the meeting for decision of another date by the Committee.

Constitution and Rules

Porirua City Aquatics Incorporated

- (ix) Any Annual General Meeting held after being suspended for lack of a quorum shall proceed as if a quorum is in attendance.
 - (x) Voting is by voices or by show of hands as determined by the Chair, except if a secret ballot is called for by the Chair or at least 10 Members, in which case voting will be by way of a secret ballot and the Chair shall appoint scrutineers.
 - (xi) Any accidental omission to give notice of an Annual General Meeting to, or any non-receipt of notice of that meeting by any person entitled to receive that notice, shall not invalidate the proceedings at that Annual General Meeting.
 - (xii) Should the Committee decide that Government Restrictions on holding meetings interfere with the holding of the Annual General Meeting the following shall apply:
 - (1) No less than 14 Days notice of the day that the Annual General Meeting was to be held is to be given
 - (2) The notice is to include the decision of the Committee that the Annual General Meeting is unable to be held, with the reason stated
 - (3) The Annual Report and Financial Statements are to be published in the normal timeframe for the Annual General Meeting
 - (4) The Annual General Meeting is required to be held within 30 days of any restrictions being lifted
 - (5) The Officers and General Committee Members will remain in Office until the actual Annual General Meeting is held.
 - (xiii) Written resolutions may not be passed in lieu of an Annual General Meeting.
- (b) Special General Meeting:
- (i) A Special General Meeting shall be called by the Secretary
 - (1) At the request of the committee, or
 - (2) At the request of 10 voting members, or
 - (3) At the request of a Member in accordance with clause 11(f),
 - (4) If the circumstances, relating to Committee Member conflicts of interests, provided for in section 63(3) of the Act arise.
 - (ii) The request for a meeting must state specifically the business for which the meeting is required.
 - (iii) Upon receipt of a valid request the Secretary shall take steps to convene the Special General Meeting within 30 days.
 - (iv) No less than 14 days notice of the meeting shall be given to each member by email and shall also be advertised on the clubs web page and social media pages.
 - (v) The business of the meeting shall be included in the email to members.
 - (vi) The only business to be considered at any Special General Meeting shall be the business set out in the notice convening the meeting, except that the meeting may, by unanimous vote, agree to consider additional business.
 - (vii) The use of proxies for the purposes of forming a quorum and for voting will be determined by the committee and the committee's decision on their use must be included in the notice of the meeting.
 - (viii) The Special General Meeting shall be chaired by the President or as agreed by the Members present and shall be minuted by the Secretary.
 - (ix) A Quorum for a Special General Meeting shall be 10% of the voting members as at the date of the meeting.

Constitution and Rules

Porirua City Aquatics Incorporated

- (x) Where a Quorum is not available the Chairperson, after waiting a suitable time for any latecomers, shall declare the meeting abandoned.
- (xi) Any accidental omission to give notice of a Special General Meeting to, or any non-receipt of notice of such meeting by any person entitled to receive notice, shall not invalidate the proceedings at the Special General Meeting.

18. Management:

- (a) The management of the affairs of the Club shall be vested in a Committee comprising the Officers of the Club and the general Committee Members.
- (b) In addition to the powers given to the committee elsewhere in these rules, the Committee shall have the following powers:
 - (i) To raise funds to promote all or any of the Clubs' purposes.
 - (ii) To use the funds of the Club as the Committee thinks necessary to further the purposes of the Club.
 - (iii) To invest surplus funds upon such terms as the Committee thinks fit.
 - (iv) To borrow or raise money from time to time with or without security and upon such terms as to priority and otherwise as the Committee thinks fit.
 - (v) To purchase, lease, or otherwise acquire any premises, property or other equipment to be used in connection with the objects of the Club, and to dispose of them as it sees fit.
 - (vi) To do all things as may from time to time be necessary or desirable to enable the Committee to give effect to and to attain the objects of the Club.
- (c) Meetings of the Committee:
 - (i) The Committee shall meet monthly where possible.
 - (ii) The Secretary shall call meetings as required by the President with at least 14 days notice.
 - (iii) The President shall chair the meetings and shall have a casting vote in the event of an equality of voting.
 - (iv) The quorum for all committee meetings is 50% of the current members, if a quorum is not present then the meeting shall be postponed to a future date.
 - (v) The Agenda will be as decided by the Chairperson and members present but must include:
 - (1) Apologies
 - (2) Confirmation of Conflicts of Interest
 - (3) Confirmation of previous meeting minutes
 - (4) Correspondence
 - (5) Financial Report
 - (6) Sub Committee Reports.
- (d) Voting on all issues shall be by voice, with a show of hands if the result is challenged.
- (e) The Committee shall have the power to decide any matter not covered by these rules, but any decision must not be in conflict with the purposes of the Club.

19. Policies:

- (a) The Committee shall make or adopt such Policies as are required for the running of the club.
- (b) The Policies approved by the committee must include:
 - (i) Membership
 - (ii) Health and Safety

Constitution and Rules

Porirua City Aquatics Incorporated

- (iii) Code of Conduct
- (iv) Member Protection.
- (c) The committee may adopt all or part of specific Swimming Wellington or Swimming New Zealand Policies to bind Members.
- (d) Each policy must include:
 - (i) The date the policy comes into force
 - (ii) The date the policy is to be reviewed.
- (e) Each policy must be notified by the Secretary to members 14 days before the approval or review of any policy and members may attend the Committee Meeting to discuss if required.
- (f) Any accidental omission to give notice to members, or any non-receipt of notice to any person entitled to receive notice, shall not invalidate the approval or subsequent validity of the Policy.

20. Delegation of Powers:

- (a) The Committee may delegate to a sub-committee any powers that it thinks fit on any terms as it thinks fit.
- (b) The terms of reference for a sub-committee must include:
 - (i) the purpose of the sub-committee,
 - (ii) a detailed description of the sub-committee's delegation and any specific powers delegated,
 - (iii) the membership of the sub-committee and quorum.
- (c) Each sub-committee must report to the Committee monthly.
- (d) It is not necessary for any member of a sub-committee to be a Committee Member or a Member of the club.
- (e) Any delegation is revocable at will and no such delegation shall prevent the exercise of any power or performance of any duty by the Committee.
- (f) The terms of reference and membership of each sub-committee are to be reviewed by the Committee annually after each Annual General Meeting.

21. Financial:

- (a) The financial year of the Club shall be 1 April to 31 March.
- (b) The Committee shall keep financial records of all money received and expended.
- (c) All money received by the Club shall be placed to the credit of the Club's bank account.
- (d) All disbursements of Club funds shall be by electronic means authorised by two Officers.
- (e) The Committee shall approve the monthly financial report.
- (f) The Annual Financial Statements shall be audited and shall be approved by the Committee prior to the Annual General Meeting.

22. Complaints

- (a) How complaint is made
 - 1. A Member or Committee Member may make a complaint by giving to the Committee (or a complaints subcommittee) a notice in writing that —
 - a. states that the Member or Committee Member is starting a procedure for resolving a dispute in accordance with the Club's constitution; and
 - b. sets out the allegation to which the dispute relates and whom the allegation is against; and

Constitution and Rules

Porirua City Aquatics Incorporated

- c. sets out any other information reasonably required by the Club.
- 2. The Club may make a complaint involving an allegation against a Member or Committee Member by giving to the Member or Committee Member a notice in writing that —
 - a. states that the Club is starting a procedure for resolving a dispute in accordance with the Club's constitution; and
 - b. sets out the allegation to which the dispute relates.
- 3. The information given under subclause 1b. or 2b. must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- 4. A complaint may be made in any other reasonable manner.

(b) Person who makes complaint has right to be heard

- 1. A Member or Committee Member who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
- 2. If the Club makes a complaint —
 - a. the Club has a right to be heard before the complaint is resolved or any outcome is determined; and
 - b. an Officer may exercise that right on behalf of the Club.
- 3. Without limiting the manner in which the Member, Committee Member, or Club may be given the right to be heard, they must be taken to have been given the right if —
 - a. they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - b. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - c. an oral hearing (if any) is held before the decision maker; and
 - d. the Member's, Committee Member's, or Club's written statement or submissions (if any) are considered by the decision maker.

(c) Person who is subject of complaint has right to be heard

- 1. This rule applies if a complaint involves an allegation that a Member, Committee Member, or the Club (the respondent) —
 - a. has engaged in misconduct; or
 - b. has breached, or is likely to breach, a duty under the Club's constitution or Policies or the Incorporated Societies Act 2022; or
 - c. has damaged the rights or interests of a Member or the rights or interests of Members generally.
- 2. The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
- 3. If the respondent is the Club, an Officer may exercise the right on behalf of the Club.
- 4. Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if —
 - a. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - b. the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and

Constitution and Rules

Porirua City Aquatics Incorporated

- c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
- d. an oral hearing (if any) is held before the decision maker; and
- e. the respondent's written statement or submissions (if any) are considered by the decision maker.

(d) Investigating and determining dispute

1. The Club must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with this constitution, ensure that the dispute is investigated and determined.
2. Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

(e) Club may decide not to proceed further with complaint

1. Despite the clause 'Investigating and determining dispute' above, the Club may decide not to proceed further with a complaint if —
 - a. the complaint is trivial; or
 - b. the complaint does not appear to disclose or involve any allegation of the following kind:
 - i. that a Member or Committee Member has engaged in material misconduct;
 - ii. that a Member, Committee Member, or the Club has materially breached, or is likely to materially breach, a duty under the Club's constitution or Policies or the Incorporated Societies Act 2022;
 - iii. that a Member's rights or interests or Members' rights or interests generally have been materially damaged;
 - c. the complaint appears to be without foundation or there is no apparent evidence to support it; or
 - d. the person who makes the complaint has an insignificant interest in the matter; or
 - e. the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
 - f. there has been an undue delay in making the complaint.

(f) Club may refer complaint

1. The Club may refer a complaint to —
 - a. a subcommittee or an external person to investigate and report; or
 - b. a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
2. The Club may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

(g) Decision makers

A person may not act as a decision maker in relation to a complaint if 2 or more Committee Members or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be —

- a. impartial; or
- b. able to consider the matter without a predetermined view.

Constitution and Rules

Porirua City Aquatics Incorporated

23. Alteration of Rules:

- (a) These rules shall not be altered or repealed except at a duly constituted Annual or Special General Meeting.
- (b) No addition to or alteration or recession of any Rule shall be approved if it affects the Pecuniary Gain and Winding Up rules.

24. Pecuniary Gain:

- (a) No member shall derive any pecuniary gain (except as a salaried officer or by way of honorarium for services rendered at normal market rates) from any property or operation of the Club.

25. Winding Up:

- (a) If the Club dissolves or ceases to exist for any reason, the assets of the Club (after payment of all liabilities) shall be delivered to Swimming Wellington to hold in trust until such time as a new Club with purposes similar to the Club is formed in Porirua.
- (b) If such club is not formed within five years after delivery of the Club's funds to Swimming Wellington, then Swimming Wellington shall in its absolute discretion determine the application of the Club's assets.
- (c) In no event shall the surplus assets of the Club be divided among the Members nor shall the Members have any beneficial interest in those assets.