

Gymnastics New Zealand (GNZ)

Technical Committee Regulation

Commencement Date
24 June 2011

Revised 17 June 2011
Issued 24 June 2011
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Issued 22 December 2017

Gymnastics New Zealand Technical Committee Regulations

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to set out the composition, powers, roles and functions of the Technical Committees ("TCs") established under Rule 15.15r of the Constitution.
- 1.2 This Regulation was adopted by the Board on 17 June 2011 in accordance with Rule 24 of the Constitution.
- 1.3 For clarity, throughout this document *Gymnastics New Zealand (GNZ)* refers to the organisation's legal entity, that being *GymSports NZ Incorporated* trading as *Gymnastics New Zealand*.

2. Commencement Date

- 2.1 This Regulation shall take effect and come into force on 24 June 2011 with all subsequent revisions superseding the previous versions. This Regulation is to be read in conjunction with the Gymnastics New Zealand ("Gymnastics NZ") Terms of Reference for Technical Committees.

3. Definitions

- 3.1 Every reference to the Constitution shall mean the GymSports NZ Constitution unless specified otherwise.
- 3.2 The words and phrases used in this Regulation shall have the same meanings as defined in the Constitution unless otherwise specified.
- 3.3 In addition to clauses 3.1 and 3.2 of this Regulation, the following words and phrases used in this Regulation shall mean as follows:

“Annual Work Plan” means the plan developed by each TC, specific to its Gymnastic Code, of goals, tasks, and targets to be achieved in the period 1 January to 31 December, which aligns to the Gymnastics NZ Strategic Plan.

“Commencement Date” means the date this Regulation came into force, namely 24 June 2011.

“High Performance Advisory Group” means the collective of individuals that provides strategic advice to Gymnastics NZ on high performance specifically in relation to pathways, objectives, systems, international competitions, and selection/qualification standards.

“National Championships” means the NZ Gymnastics Championships.

“TC Member” means any person who is a member of a Technical Committee.

4. Application of Regulation and Amendment

4.1 **Application:** This Regulation applies to all Members of Gymnastics NZ as defined in Rule 4 of the Constitution, Gymnastics NZ staff and Members of each TC.

4.2 **Amendment:** This Regulation may be amended by the Board in accordance with Rule 24 of the Constitution provided such amendments are not inconsistent with the Constitution.

5. Composition of Technical Committees

5.1 There will be one TC for each of the Gymnastics Codes, unless the Board decides otherwise, in accordance with Rule 15.15q of the Constitution. If there are insufficient applications or the Board decides there is no suitable applicant(s) to constitute a TC, the Board may appoint a person(s) temporarily to comprise a TC. Such a temporary person(s) could be an employee of Gymnastics NZ or a Member of the Board.

- 5.2 Each TC shall comprise of a maximum of seven (7) Members, as follows:
- a. a Chairperson ratified by the Board on the recommendation of the Technical Appointments Panel (TAP); and
 - b. four (4) persons ratified by the Board on the recommendation of the Technical Appointments Panel (TAP); and
 - c. two (2) co-opted persons as agreed by the Chair of the TC and the CEO.
- 5.3 **Appointed Technical Committee Members:** In determining the appointed TC Members, the TAP shall advise the Board on merit and in doing so shall take into account the following factors in considering potential appointees:
- a. their prior experience in a governance role at national or regional level in New Zealand, whether generally or related to gymnastics;
 - b. their knowledge of, and experience, in the sport of gymnastics;
 - c. their occupational skills, abilities, experience and competency in direct correlation to the role descriptor being applied for;
 - d. any declared or perceived conflicts of interest.
- 5.4 **Process for Appointing Technical Committee Members:** Subject to clause 5.1, by no later than 1 September in every Olympic year, or such other date as determined by the Board, the Chief Executive shall call for applications for all positions on the Technical Committee. Applications shall close by 30 September in each Olympic year, or such other date as determined by the Board.
- 5.5 Upon the receipt of any application/s, the Chief Executive shall forward these to the Technical Committee Appointments Panel for consideration and recommendation to the organisation Board. The Board will seek to ratify those recommendations it deems suitable as outlined in Clause 5.3. The Board shall make their decisions by no later than 15 October each Olympic year, or such other date as determined by the Board. Subsequently, the

Chief Executive shall notify all the Members of Gymnastics NZ of any persons who have been appointed as Members of a TC.

The Technical Appointments Panel shall comprise:

- a. The CEO of Gymnastics NZ;
- b. A maximum of two persons, not being an employee of Gymnastics NZ and who are Members of Gymnastics NZ and have experience, knowledge or an understanding of gymnastics, advised by the CEO and ratified by the Board and;
- c. A person appointed by the Board who is independent of Gymnastics NZ (not a member as defined by the Constitution – Part II Membership, Clause 4.1) and who is suitably skilled, qualified and /or experienced to carry out the functions of the Technical Appointments Panel, taking into account the skills, qualifications and experience of the other Panel members;
- d. If it so chooses, a member of the current Board of Directors;
- e. No member of the Technical Appointments Panel may seek appointment as a Technical Member, while a member of the Panel;
- f. The members of the Technical Committee Appointments Panel shall determine from amongst themselves who will be the Panel's convenor;
- g. The quorum for a meeting of the Technical Committee Appointments Panel shall be three (3) members;
- h. Any decision of the Technical Appointments Panel regarding the appointment of Technical Members must be met with a majority;
- i. Any member of the TAP who is conceivably or literally aligned with a specific Code, shall declare this, and subsequent to deliberations, be removed at the point of voting of applications for that Code.

- 5.6 **Eligibility to be a Technical Committee Member:** No person who is a Gymnastics NZ Board Member or an employee of Gymnastics NZ is eligible to seek appointment as a Member of a TC.
- 5.7 Any person who wishes to apply to be a Member of a TC (other than the Chairperson role) shall be a Member of Gymnastics NZ.
- 5.8 In determining suitable candidates, the TAP will take into consideration the applicant's country of residence. In considering this, the TAP must ensure that there is only a maximum of one member who is not domiciled in New Zealand.
- 5.9 No person shall be eligible for appointment or remain in office as a member of a TC, if any of the circumstances stated in Rule 15.6 of the Constitution apply to them.
- 5.10 **Term of Office:** The term of office for all Members of a TC shall be from their date of appointment to 15 October in the Olympic year following their appointment. An individual may serve for two full Olympic cycles consecutively (or eight years whichever comes first) before being required to step down for a minimum of two years. To ensure appropriately managed rotation, the following schedule of re-appointment shall apply:
- a. 15 October 2020
 - i. Coaching Advisor & Competition Advisor
 - b. 15 October 2024
 - i. Chairperson, Judging Advisor & Performance Advisor
 - c. 15 October 2028
 - i. Coaching Advisor & Competition Advisor
- 5.11 **Vacancies of Technical Committee Members:** If there is a casual vacancy as described in clause 5.12 of this Regulation of any position of a TC Member, that position shall be filled as follows. If the vacancy is created on a date greater than two years from the end of the Olympic cycle

in which it occurs, the CEO will form the TAP for the purpose of filling the vacancy as per the processes outlined in clauses 5.4 to 5.9 of this Regulation. Should the vacancy be created less than two years from completion of the Olympic cycle in which it occurs, the CEO in consultation with the Chair of the TC may replace the position with a suitable candidate.

5.12 Casual Vacancy: A casual vacancy arises on a TC if:

- a. a Member of a TC resigns from office prior to the expiry of their term of office;
- b. a Member of a TC dies;
- c. a Member of a TC is removed under clause 5.13 of this Regulation;
- d. a Member of a TC is absent from more than two successive meetings without reasonable excuse unless leave of absence is granted by the Chairperson of the TC;
- e. A TC Members circumstances significantly change as outlined in clause 5.8 of this Regulation and this change significantly comprises their ability to effectively perform their role;
- f. a position on the TC is not filled by the TAP either because there were insufficient applications or the TAP decided in its discretion that there were no suitable applicants.

5.13 Performance: As a committee, members are expected to work collaboratively to advance Gymnastics NZ interests and objectives as outlined in the Strategic Plan and executed through the TC Work Plan. Individually, members are responsible for performing role descriptor tasks in an honest and ethical manner seeking to consult with or advise Gymnastics NZ employees on appropriate matters. In any task performed by a TC Member, the member is expected to work effectively and productively to the satisfactory completion of the task at hand.

5.14 Removal of Technical Committee Member: The CEO may recommend to the Board the removal of any Member of a TC before the expiration of their term of office for any of the following reasons:

- a. the TC Member has failed, neglected or breached any one or more of their duties as a TC Member as outlined in these Regulations and/or the TC Terms of Reference; and/or
- b. the TC Member has brought the Gymnastics NZ Board, any employee of Gymnastics NZ, any other TC Member, or any other Gymnastics NZ official or Gymnastics NZ generally into disrepute.
- c. The TC Member has failed in their obligations as outlined in clause 5.13 of this Regulation.

Before recommending to the Board the removal of any TC Member from office, the CEO shall inform the TC Member, and their Chair, in writing of his/her proposal to remove the TC Member and give them both a reasonable opportunity to make a submission on the proposed removal.

6. Duties of Technical Committee Members

6.1 The duties of Technical Committees are to:

- a. act in accordance with this Regulation, including any protocols and procedures made pursuant to it, and the Constitution;
- b. where a TC Member may have an interest, (actual or perceived) of a personal or financial nature, the interest is to be disclosed to the Chief Executive and Chairperson of the TC (or in the case of the Chairperson of the TC having such conflict to disclose to the Chief Executive), the nature and extent of such interest as soon as the TC Member becomes aware of the fact. Dependent on the interest, the Chief Executive may determine whether or not, a declared interest is of a conflictual nature. If the interest is determined as a conflict, the Chief Executive may

determine without limitation, abstaining the TC Member from deliberations and/or any vote regarding such interest;

- c. In the capacity of a TC Member, take all reasonable care in the disclosure of and sensitivity to information particularly where confidentiality is required to be maintained except where disclosure is required by law;

7. Powers of Technical Committees

7.1 In accordance with Rule 15.15q of the Constitution, each TC shall have such powers and authority as is expressly delegated to it by the Board, or on its behalf by the Chief Executive.

7.2 Without limiting clause 7.1 of this Regulation, each TC shall have the power and responsibility to act:

- a. As agreed with the Chief Executive, the TC may establish a sub-committee or sub-committees to provide recommendations to the TC, and to delegate any of its powers and responsibilities as part of the agreement. The Chairperson of the TC or their nominee shall have the right to attend any meeting of any sub-committee.
- b. As agreed with the Chief Executive, the Chair of the TC may co-opt individual/s on to the TC as necessary within the following parameters:
 - i. No more than two co-opted members may exist on the same TC at any one time;
 - ii. The term for a co-opted member may be no longer than 12 continuous months unless agreed with the CEO;
 - iii. The appointment must be for an agreed and clearly defined specific purpose;
 - iv. Where a TC Chair calls for a formal vote, co-opted members shall not be permitted to vote.

- c. If discretionary funding is allocated or available to the TC, the TC will work with GNZ to determine the most effective use of said funds.
- d. Fill any casual vacancy on the TC as specified in this Regulation.
- e. Review its own processes and effectiveness annually.

8. Responsibilities of Technical Committees

8.1 Each TC will be responsible for providing advice, guidance and action on its Gymnastic Code throughout New Zealand, maintaining professional relationships with Gymnastics NZ, advisory groups and the Community at all times in the following areas:

- a. providing expert advice, guidance and action to Gymnastics NZ, and the Chief Executive on the strategies and actions required to build the capability of coaches, judges and volunteers within gymnastics in New Zealand;
- b. action the tasks as defined in the individual TC role descriptors identified in the Terms of Reference (5. Roles Within The Committee);
- c. provide advice to Gymnastics NZ, and take action and decisions where required, on regulations, rules and international amendments or innovations in relation to its Gymnastic Code, and ensuring its Gymnastic Code is aligned with such regulations, rules, amendments and innovations as provided by the Federation of International Gymnastics (FIG);
- d. produce an Annual Work Plan to the Chief Executive specific to its Gymnastic Code including, when relevant, available discretionary funding. The Work Plan and expenditure proposal to be submitted to Gymnastics NZ by 31st October of the previous year for approval;
- e. setting qualifying results/scores for the NZ Gymnastics Championships for its Gymnastic Code, which will be made available on the Gymnastics NZ website prior to the event;

- f. determining the technical rules for its Gymnastic Code for the NZ Gymnastics Championships Qualifying Competitions, including any variations to the FIG rules;
 - g. Work in conjunction with Gymnastics NZ and the High Performance Advisory Group to identify and approve a programme of events and tours for competitive participation each calendar year. This programme of events and tours should develop both technical and athlete talent against agreed criteria.
- 8.2 Each TC shall use such marks, logos and other collateral of Gymnastics NZ as determined by, and in the manner directed by, the Chief Executive.
- 8.3 Each TC shall report to the Board, through the Chief Executive as requested and in accordance with any procedure for reporting.
- 8.4 The Chairperson of each TC shall attend such meetings (including the Annual General Meeting) as are reasonably required by the Board and/or the Chief Executive to discuss matters affecting the TC and gymnastics programmes, events and activities in its Gymnastic Code. Reasonable notice will be given for such meetings except in cases of urgency.
- 8.5 Complaints referred to the TC or advice sought must be handled fairly, within a reasonable timeframe and in line with Gymnastics NZ complaints procedures.
- 8.6 Any protocols and procedures for SDCs, and their Members, which are issued by the Board shall be deemed to be incorporated into these Regulations. To the extent of any inconsistency between any such protocols or procedures and these Regulations, these Regulations will prevail.
- 8.7 **Disputes:** If in the process of carrying out its responsibilities, the TC finds itself in a position of dispute, this should be resolved using the following escalation steps:
- a. Discussion and consideration among TC members to an agreed resolution, failing this;

- b. Chairperson consideration and provision of an agreed resolution, failing this;
- c. Gymnastics NZ CEO consideration and provision of an agreed resolution, failing this;
- d. Gymnastics NZ Board consideration and provision of an agreed resolution, failing this;
- e. Agreed referral to the Sports Tribunal for adjudication.

9. Procedures of Technical Committees

- 9.1 **Meetings:** TC meetings shall be called by the Chairperson of the TC as outlined in the Chairpersons role descriptor or at the request of a TC Member or CEO as required. Except to the extent specified in this Regulation the TC shall regulate its own procedure ensuring the meeting is minuted. Minutes are to be posted to the GNZ website and/or the member portal, with the removal of where appropriate, confidential or sensitive information. Any interests must be declared at each meeting. The Chair has the power to withhold voting rights and/or request the member to leave the meeting where the Chair believes the interest is a conflict will prejudice discussion or invalidate the decision of the Committee.
- 9.2 **Notice:** The Chairperson of the TC shall ensure that reasonable written notice is given to each TC Member, the Chief Executive, of the dates, times and venues that TC meetings are to be held.
- 9.3 **Attendees:** The Chairperson of the Board and the Chief Executive may attend any meeting of any TC but shall not be regarded as Members of the TC and shall have no voting rights. In addition, any person employed by Gymnastics NZ with responsibilities for a Gymnastic Code, may attend a meeting of the TC, but shall not be regarded as Members of the TC and shall have no voting rights.
- 9.4 **Quorum:** The quorum for a TC meeting shall be three (3) TC Members.

- 9.5 **Voting:** Each TC Member shall have one vote at TC meetings. In the event of a deadlock, the Chairperson of the TC shall have the casting vote. Voting shall be by voices, or upon request of any TC Member, by a show of hands or by a ballot. Proxy and postal voting is not permitted.
- 9.6 **Resolutions:** A resolution in writing signed or consented to by e-mail, or other forms of visible or other electronic communication by a majority of the TC shall be valid as if it had been passed at a meeting of the TC. Any such resolution may consist of several documents in the same form each signed by one or more Members of the TC.
- 9.7 **Meetings using Technology:** Any TC Member may participate in any meeting of the TC and vote on any proposed resolution at a meeting of the TC without being physically present. This may only occur at meetings by telephone, through video conferencing facilities or by other means of electronic communication provided that prior notice of the meeting is given to all TC Members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by a TC Member in this manner at a meeting shall constitute the presence of that TC Member at that meeting.
- 9.8 **Expenses:** TC Members shall be reimbursed by Gymnastics NZ for their actual and reasonable expenses incurred in the conduct of Gymnastics NZ's business. Such reimbursement shall be by agreement.
- 9.9 **Matters Not Provided For:** If any situation arises that, in the opinion of the TC, is not provided for in the Constitution, the Regulations, policies or procedures of Gymnastics NZ, the matter must be referred to the Chief Executive Officer.

10. Consultation by Chief Executive with Technical Committees

- 10.1 The Chief Executive will consult with each of the TCs regarding any proposed national strategy, programme, or initiative arising out of the Gymnastics NZ responsibilities as set out in Rule 3.2 of the Constitution.

11. Breach of Regulation

11.1 Any breach of this Regulation shall be dealt with in accordance with the Constitution and any relevant protocols or procedures for TCs.