

GymSports NZ Incorporated

General Regulation

**Commencement Date
18th August 2016**

Issued 18th August 2016

GymSports New Zealand Incorporated General Regulation

1. Purpose and Status of Regulation

1.1 This Regulation sets out the processes for various matters referred to in the Constitution that are not otherwise provided for in other Regulations, including the procedures for:

- Applying for, and being approved as, a new Member of GymSports NZ
- Appointment of Life Members and Honorary Members
- Conducting postal voting for General Meetings; and
- Granting awards.

1.2 This Regulation was adopted by the Board on [date] 2009 in accordance with Rule 25 of the Constitution.

2. Commencement Date

2.1 This Regulation, as updated, shall take effect and come into force on 11 September 2009.

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 The following words and phrases used in this Regulation shall mean as follows:

“Administrative Member” means a person who is deemed to be a member in accordance with Rule 9.2 of the Constitution.

“Associate Member” means an organisation, other than a Member Club, that has been accepted as an Associate Member of GymSports NZ in accordance with this Regulation and Rule 7 of the Constitution.

“Awards” includes all annual awards (such as Gymnast of the Year) and service awards granted to Gymsports participants, volunteers, coaches and officials by the Honours Committee in accordance with this Regulation.

“Delegate” means a person elected or appointed to represent a Member Club or an Associate Member as specified under Rule 18.14 of the Constitution.

“Honorary Member” means an individual who has been granted honorary membership of GymSports NZ in accordance with this Regulation and Rule 6.2 of the Constitution.

“Life Member” means an individual who has been granted life membership of GymSports NZ in accordance with this Regulation and Rule 6.1 of the Constitution.

“Member” has the meaning set out in Rule 4.1 of the Constitution. It includes, Member Clubs, Life Members, Honorary Members, Associate Members, Club Members, Technical Members, Administrative Members, and any other category of membership as determined by the Board.

“Member Club” means a club that is a member of GymSports NZ as defined in Rule 5 of the Constitution.

“Region” means a geographical area of New Zealand in which a Regional Board has certain powers and authority as specified in the Constitution.

“Regional Board” means the board of a Region.

“Technical Member” means a person who is a judge, coach or other official that is accepted as a member of GymSports NZ in accordance with Rule 9.1 of the Constitution.

4. Scope of Regulation and Amendment

- 4.1 **Scope:** This Regulation applies to all Members of GymSports NZ as defined in Rule 4 of the Constitution and all GymSports NZ staff, contractors or other relevant persons noted within this Regulation.
- 4.2 **Amendment:** This Regulation may be amended by the GymSports NZ Board in accordance with Rule 25 of the Constitution provided such amendments are not inconsistent with the Constitution.

5. New Member Clubs / Satellites

- 5.1 **Process:** Any organisation(s) or group of individuals that wishes to form or become a new Member Club / Satellite in accordance with Rule 5.2 of the Constitution, shall apply to the GymSports NZ Board with an accompanying letter from the Regional Relationship Manager in its region expressing its support or otherwise, for the application. Where the application is not supported, reasons shall be given and/or recommendations made as to what may be required before such support would be forthcoming. All applications to become a Member Club / Satellite will be considered by the GymSports NZ Board in accordance with this Regulation.
- 5.2 **Application:** An application under clause 5.1 must be made in writing and include:
- a. The proposed name and address of the Club / Satellite;
 - b. A list of the its principal officers and their contact details;
 - c. The proposed or existing constitution and any rules/by-laws, which comply with the Constitution;
 - d. The certificate of incorporation as an incorporated society or a company;
 - e. A list of names and addresses of each proposed or existing member of the Club / Satellite signed by each proposed or existing member;
 - f. A statement addressing each of the factors specified in clause 5.3;
 - g. A two-year business plan;
 - h. A statement of its financial status including a budget for the next 2 years and any loans or securities entered into and a list of its assets;

- i. Any letters of support from any other relevant third parties; and
- j. Payment of the membership fee due based on the number of members as at the date of application.
- k. Proposed club / satellite colours and associated branding.

5.3 **Relevant Factors:** When considering an application to establish a new Member Club / Satellite the GymSports NZ Board shall have regard to:

- a. The number of proposed members of the Club / Satellite;
- b. The range of GymSports on offer and the proposed programmes, activities and initiatives of the Club / Satellite;
- c. The number and views of Member Clubs / Satellites already in the Region;
- d. The ability of the applicant to comply with the obligations of Member Clubs / Satellites in Rule 5.5 of the Constitution; and
- e. The Club's / Satellite's plans and its existing and forecasted financial position.
- f. The proposed club colours and associated branding, in relation to potential conflicts with existing Member Clubs / Satellites.

5.4 **Determination:** Having considered the application and the matters referred to in paragraphs 5.2 and 5.3 of this Regulation, the GymSports NZ Board must then determine whether it will accept or decline the application. The Board may seek further information from the applicant. No application will be approved unless the Club / Satellite is incorporated (in accordance with rule 5.5b of the Constitution), or if it is not incorporated, an approval must be conditional upon such incorporation being registered. In addition, in accepting an application for a new Member Club / Satellite the Board may impose any other conditions on acceptance as it considers appropriate. The Board may, accept or decline an application in its complete discretion, and is not required to provide reasons for such decision, but may do so if it wishes.

6. Associate Members

6.1 **Procedure:** Under rule 7.1 of the Constitution, any organisation, other than a Member Club, that promotes or represents a national or regional interest in Gymsports in New Zealand or any region in New Zealand, but does not include any organisation that delivers any one or more Gymsports competitions, programmes or activities, may apply to the Board become an Associate Member of GymSports NZ shall apply to the GymSports NZ Board. All applications will be considered by the Board in accordance with this Regulation.

6.2 **Application:** An application under clause 6.1 must be made in writing and include:

- a. The name and address of the organisation;
- b. A list of the its principal officers and their contact details;
- c. The constitution and any rules/by-laws, which comply with the Constitution;
- d. The certificate of incorporation as an incorporated society or a company;
- e. A statement addressing each of the factors specified in clause 6.3;
- f. A statement of its financial status including a 2 year budget and details of any loans or securities entered into and a list of its assets;
- g. Letters of support from any other relevant third parties; and
- h. Payment of any membership fee due to GymSports NZ.

6.3 **Relevant Factors:** When considering applications for new Associate Members the Board shall have regard to:

- a. The nature and extent to which the organisation promotes or represents a national or regional interest in Gymsports in New Zealand or any region in New Zealand.
- b. Any conflict with the programmes, and activities of any existing Associate Members of Member Clubs;
- c. The nature and number of members of the organisation;
- d. The ability of the applicant to comply with the obligations of Associate Members in Rule 7.4 of the Constitution.

6.4 **Determination:** Having considered the application and the matters referred to in paragraphs 6.2 and 6.3 of this Regulation, the GymSports NZ Board must then determine whether it will accept or decline the application. The Board may seek further information from the applicant. No application will be approved unless the Club is a body corporate (in accordance with rule 7.4b of the Constitution), or if it is not incorporated, an approval must be conditional upon such incorporation being registered. In addition, in accepting an application for a new Associate Member the Board may impose any other conditions on acceptance as it considers appropriate. The Board may, accept or decline an application in its complete discretion, and is not required to provide reasons for such decision, but may do so if it wishes.

7. Authority Members

7.1 **Definition:** Any organisation, other than a Member Club, that promotes or represents a national or regional interest in Gymsports in New Zealand or any region in New Zealand, but is not an incorporated society or does not hold a certificate of incorporation, may upon application to the Board become an Authority Member of GymSports NZ.

7.2 **Duration of Membership:** Subject to Rule 12 (Termination of Membership), the duration of membership for an Authority Member is annual from 1 January to 31 December.

7.3 **Process for Application:** An organisation that wishes to be an Authority Member shall apply to the Board. The application shall be determined by the Board in accordance with the applicable Regulations.

7.4 **Obligations:** In addition to their entitlements and obligations as Members as set out in Rule 11, each Authority Member shall:

- a. Administer, promote and develop one or more Gymsports in the organisation in accordance with the objects of the organisation and the objects of GymSports NZ to the extent they are not inconsistent with the objects of the member organisation;
- b. Support and promote the objects of GymSports NZ;

- c. Have as its members, gymnasts, officials and any other members it considers appropriate provided that such membership is consistent with this Constitution and the Regulations;
- d. Be a Territorial Authority or Crown entity;
- e. Enter into, and comply with, a written agreement with GymSports NZ (including any fees payable) that sets out the rights and obligations of the Authority Member, which agreement shall not derogate from the rights and benefits of the Member Clubs as set out in this Constitution;
- f. Act in good faith and loyalty with GymSports NZ, the Member Clubs, and their respective members and participants to ensure the maintenance and enhancement of Gymsports for the collective and mutual benefit of the Authority Member, GymSports NZ, the Member Clubs, and their respective members;
- g. Use its best endeavours to use and protect the Intellectual Property of GymSports NZ;
- h. Promote mutual trust and confidence among the Authority Members, GymSports NZ, the Member Clubs, and their respective members and at all times act on behalf of, and in the interests of, its members;
- i. Use its best efforts to enable the objects of the Authority Member, GymSports NZ, and the Member Clubs to be achieved;
- j. Not do or permit to be done any act or thing that might adversely affect or derogate from the standards, quality and reputation of Gymsports in New Zealand;
- k. Not acquire a private advantage at the expense of GymSports NZ or other Member Clubs, unless otherwise agreed; and
- l. Operate with mutual trust and confidence among GymSports NZ, the Member Clubs, the other Authority Members and their respective members.
- m. Operate in accordance with relevant regulatory requirements, including, but not restricted to the 'Vulnerable Children Act, 2014'; 'Children, Young Persons, and Their Families Act, 1989' and the 'Health and Safety at Work Act, 2015.'

- 7.5 **Procedure:** Under rule 10.1 of the Constitution, any organisation, other than a Member Club, that promotes or represents a national or regional interest in Gymsports in New Zealand or any region in New Zealand, but is not an incorporated society or does not hold a certificate of incorporation, may upon application to the Board become an Authority Member of GymSports NZ.
- 7.6 **Application:** An application under clause 7.5 must be made in writing and include:
- a. The name and address of the organisation;
 - b. A list of the its principal officers and their contact details;
 - c. The charter and any rules/by-laws, which comply with the Constitution;
 - d. A statement addressing each of the factors specified in clause 7.7;
 - e. A statement of its financial status including a 2-year budget and details of any loans or securities entered into and a list of its assets;
 - f. Letters of support from any other relevant third parties; and
 - g. Payment of any membership fee due to GymSports NZ.
- 7.7 **Relevant Factors:** When considering applications for new Authority Members the Board shall have regard to:
- a. The nature and extent to which the organisation promotes or represents a national or regional interest in Gymsports in New Zealand or any region in New Zealand.
 - b. Any conflict with the programmes, and activities of any existing Member Clubs, Associate Members or Authority Members;
 - c. The number and views of Member Clubs already in the Region;
 - d. The nature and number of members of the organisation;
 - e. The ability of the applicant to comply with the obligations of Authority Members as outlined in clause 7.4.
- 7.8 **Determination:** Having considered the application and the matters referred to in paragraphs 7.6 and 7.7 of this Regulation, the GymSports NZ Board must then determine whether it will accept or decline the application. The Board may seek further information from the applicant. No applicant

will be approved unless they are a Territorial Authority or a Crown Entity. In addition, in accepting an application for a new Authority Member, the Board may impose any other conditions on acceptance as it considers appropriate. The Board may, accept or decline an application in its complete discretion, and is not required to provide reasons for such decision, but may do so if it wishes.

7.9 Membership Fee: The Board shall determine the membership fees for Authority Members (and their 'Club Members') each year, and are outlined in clauses 7.9 (a, b, c & d). This is payable annually by the due date, or upon acceptance of an application to be a member of GymSports NZ.

- a. The Authority membership fee shall be \$500.00 + GST per annum - up to maximum of 4 operating venues including the host Authority Member. (Applications from the same host Authority for additional venues will attract the same fee for up to a maximum of 4 venues per application).
- b. Upon application, or renewal, the host Authority Member must notify GymSports NZ of the name and location of any additional operating venues which form part of the membership.
- c. Additional service fees + GST (as agreed), for the provision of any services provided by GymSports NZ to the Alternative Member, will be payable by the due date.
- d. The membership fee associated with any person who participates in a gymsports related activity as a result of the Authorities membership to GymSports NZ.

8. Honours Committee

8.1 Functions: The GymSports NZ Board shall from time to time and as required establish an Honours Committee to:

- a. Consider any nominations for Life Members and Honorary Members of Gymsports NZ that have been proposed by Member Clubs or the Board;
- b. Recommending for election to the Delegates at General Meetings, Life Members and Honorary Members;

- c. Call for nominations for the Awards;
 - d. Keep a record of any criteria used in connection with an Award and ensure such criteria are made available to the Members; and
 - e. Provide any relevant information necessary to support the presentation of any Awards.
- 8.2 **Composition:** The Honours Committee shall comprise of four Life Members appointed by the Board, a member of the GSNZ staff delegated by the CEO (non-voting) and any other individuals invited by the Committee with the express approval from the Board (non voting). The Chairperson shall be elected by the appointed Members of the Committee.
- 8.3 **Term of Office:** The term of office for members of the Honours Committee shall be one or two years, as determined by the Board. There is no maximum number of terms for which a member can be appointed.
- 8.4 **Vacancies:** In the event of a resignation or retirement by any member of the Honours Committee, the Board shall appoint a replacement member.
- 8.5 **Meetings:** The Honours Committee shall meet as and when required to undertake its functions upon reasonable notice by the Chairperson. Meetings may be held in person, by telephone and resolutions may be agreed by email, facsimile or other written medium. A quorum of 3 is required.
- 8.6 **Voting:** Each appointed member of the Honours Committee shall be entitled to one vote each. The Chairperson shall have a deliberative and, in the case of an equality of votes, a casting vote.
- 8.7 **Confidentiality:** The deliberations of the Honours Committee shall be kept strictly confidential. However this requirement shall not prevent the Committee from making such enquiries as it thinks fit in considering nominations for life membership, honorary membership or any awards.

9. Life Members

- 9.1 Under rule 6.1 of the Constitution, life membership may be granted to individuals who are members of GymSports NZ in recognition and appreciation of selfless, distinguished and/or innovative service to GymSports NZ for the benefit of Gymsports in New Zealand.

- 9.2 Only the Board, Member Club or Associate Member may nominate a GymSports NZ Member for life membership. Nominations shall be made to the Chief Executive not less than thirty (30) days before the date set for a General Meeting.
- 9.3 Nominations must be made in writing and must be accompanied by a curriculum vitae detailing the long term service to GymSports NZ for the benefit of Gymsports in New Zealand. The nomination shall also be supported by two referees.
- 9.4 The Chief Executive shall refer any nominations to the Honours Committee, which shall consider the nominations, and apply the criteria set out in the Constitution to determine if Life Membership should be recommended to the Delegates at a General Meeting.
- 9.5 If the Honours Committee considers a nominee or nominees should be recommended to a General Meeting, it shall notify the Chief Executive by no later than ten days (10) days before the General Meeting.
- 9.6 The chairperson of the Honours Committee shall recommend to the Delegates at the General Meeting the nominees, if any, for Life Membership and the Delegates must vote in favour of such recommendation by Special Resolution for it to be granted.
- 9.7 A Life Member shall be entitled to wear the official emblem of GymSport NZ with the words "Life Member" below and shall be entitled to all other rights and privileges set out in the Constitution and Regulations.

10. Honorary Members

- 10.1 Under rule 6.2 of the Constitution, an individual who is not a Member of GymSports NZ may be granted honorary membership in recognition and appreciation of outstanding contributions to the development of Gymsports in New Zealand.
- 10.2 Except to the extent set out in this Regulation, the same process as specified in this Regulation for nominations, consideration and election of life members, shall apply to the granting of Honorary Membership.
- 10.3 An Honorary Member shall be entitled to wear the official emblem of GymSports NZ with the words "Honorary Member" below, and shall be

entitled to all other rights and privileges set out in the Constitution and Regulations.

11. Awards

11.1 Service Awards:

- a. Member Clubs may submit for consideration by the Board nominations for Service Awards to coaches, judges, officials including administrators who have given at least 5 years service to GymSports or any Gym Sport at any level. Awards will also be available for years of service in multiples of 5 years and generally up to 20 years service. The Board may, in its discretion, authorise Service Awards for 20 plus years of service to be considered by the Honours Committee. Service need not be continuous. These awards will not be available to active gymnasts.
- b. Applications for Service Awards may be made by Member Clubs to the Chief Executive on the official form provided.
- c. Quality or level of service shall not be a criterion for the award but the nominating club must be satisfied that the service is appropriate and for the required length of time.
- d. The Board may either approve or reject the nomination received or may refer to the Honours Committee any service nominations received for assessment and decision, and in the consideration of any such nominations the Board and the Honours Committee shall act autonomously.
- e. Payment for the award shall be met by the nominating club.
- f. The award shall be conferred by the Member Club, CEO or Regional Board at a suitable occasion.

11.2 National Service Awards:

- a. National Service Awards shall be awarded by an Ordinary Resolution of the AGM on the recommendation of the Honours Committee to persons who have given service to the sport of GymSports or any Gym Sport or national volunteer service above and beyond the criteria of a Service Award.

- b. Applications for recognition:
 - i. May be submitted to the CEO by Member Club's, the Board or any Regional Board;
 - ii. Must be accompanied by a curriculum vitae and with the support of at least two referees or two written references;
 - iii. May be submitted at any time but must be received by the CEO at least thirty (30) days prior to the AGM if they are to be considered in the current year.
- c. The award shall be conferred by the Chairman or Chairman's nominee at the AGM or at the earliest public occasion.
- d. The holder of a National Service Award shall receive a certificate and an award.

11.3 **Meritorious Awards:**

- a. Meritorious Awards shall be awarded by an Ordinary Resolution of the AGM on the recommendation of the Honours Committee to persons who have given service to GymSport's, which warrants recognition beyond that provided for in Service Awards.
- b. Applications for recognition:
 - i. May be submitted to the CEO by Member Clubs, the Board or any Regional Board;
 - ii. Must be accompanied by a curriculum vitae and by at least two references;
 - iii. May be submitted at any time but must be received by the CEO at least thirty (30) days prior to the AGM if they are to be considered in the current year.
- c. The award shall be conferred by the Chairman or the Chairman's nominee at the AGM or at the earliest public occasion.
- d. The holder of a Meritorious Award shall be entitled to wear the official emblem of GymSports NZ with the words "Meritorious Award" below.

11.4 **Gymnast/Athlete of the Year Awards:**

- a. The Gymnast of the Year Awards shall be made in each competitive Gymsport discipline.

- b. The principal criteria for the award shall be:
 - i. Gymsports performance at international elite level, and
 - ii. Demonstrated attributes of positive sporting behaviour and attitude.
- c. Applications with supporting information:
 - i. May be submitted to the CEO by Member Clubs or Regional Boards at any time;
 - ii. Must be received by the CEO no later than the closing date for entries to the National Championships of the Gymsports discipline in which the nomination is made for the nomination is to be considered in the current year.
- d. The Honours Committee shall consider the nominations received and advise the CEO in writing of the outcome of their deliberations no later than the penultimate day of the relevant Gymsports discipline's National Championships. The decision of the Honour s Committee is final.
- e. The recipients shall be entitled to retain the Gymnast of the Year award until the next respective National Championships. The award shall remain the property of GymSports NZ. A plaque commemorating the award shall be presented to each recipient and shall remain the property of the recipient.

12. Postal Voting

- 12.1 Postal voting may only be used in accordance with Rule 18.17m of the Constitution and must be conducted in accordance with this Regulation.
- 12.2 Where postal voting is authorised:
 - a. The notice of meeting shall clearly set out by number the separate resolutions in respect of which postal votes may be cast.
 - b. Such notice shall include a suitable voting form for completion and signature by the Member through their Delegate(s). Only the authorised voting form may be used to cast postal votes.

- c. Any Delegate of a Member wishing to cast a postal vote shall clearly indicate on the voting form whether the vote is in favour of or against each separate resolution. If there is no indication at all, or no clear indication one way or the other, the vote as to the particular resolution shall be invalid, but shall not invalidate any clear indications in respect of any other resolutions.
- d. All postal votes must be delivered or transmitted so as to reach the Chief Executive of GymSports NZ not later than 72 hours before the scheduled time for commencement of the General Meeting as specified in the Notice of Meeting (in the case of an SGM) or the Agenda (in the case of an AGM) sent out prior to the meeting. Votes received after that time shall be invalid.
- e. The Chief Executive shall sign and hand to the Chair of the General meeting a certificate of the number of valid postal votes in favour of each resolution and the number of valid postal votes against each resolution.
- f. Postal votes for and against each resolution shall be included in the count at the General Meeting on any vote by show of hands or on a poll.
- g. Postal voting is intended for use by members unable to attend a General Meeting. In any case where a Member casts a postal vote and is also represented at the General Meeting, the postal vote shall prevail and the Delegate shall not be entitled to vote on any of the resolutions the subject of postal voting (but may vote on any other matters at the General Meeting).

13. Breach of Regulation

- 13.1 Any breach of this Regulation shall be dealt with in accordance with the Constitution and relevant Regulations of GymSports NZ, and/or the applicable constitution or regulations of the applicable Member Club or Associate Member.