

Diving New Zealand Constitution

19 October 2024

TABLE OF CONTENTS

1	INTERPRETATION AND DETAILS OF DNZ	4
2	PURPOSE	5
3	FUNCTIONS AND POWERS	6
4	COLOURS	7
5	FINANCIAL YEAR	7
6	WINDING UP	7
7	MEMBERSHIP	7
8	MEMBER CLUBS	8
9	INDIVIDUAL MEMBERS	9
10	HONORARY LIFE MEMBERS, MERIT, HONOURS AND SERVICE AWARDS	10
11	MEMBERS RIGHTS AND OBLIGATIONS	11
12	REGISTER OF MEMBERS	11
13	RESIGNATION, SUSPENSION AND TERMINATION OF MEMBERSHIP	13
14	FEES	16
15	ARREARS OF FEES	16
16	THE BOARD	16
17	FUNCTIONS, OPERATIONS AND POWERS OF THE BOARD	20
18	MEETINGS OF THE BOARD	21
19	GENERAL MEETINGS	22
20	ALTERATION OF CONSTITUTION	25
21	GOVERNANCE	25
22	FINANCIAL ADMINISTRATION	25
23	DISCIPLINE	26
24	DISPUTES	27

25	DNZ JUDICIAL COMMITTEE	28
26	APPEALS	29
27	SPORTS TRIBUNAL OF NEW ZEALAND AND SPORT INTEGRITY UNIT	29
28	DOPING	30
29	PECUNIARY PROFIT	30
30	COMMON SEAL	31

DIVING NEW ZEALAND CONSTITUTION

1 INTERPRETATION AND DETAILS OF DNZ

1.1 Interpretation

In this constitution, the following expressions have the following meanings:

the Act means the Incorporated Societies Act 2022;

AGM or annual general meeting means a meeting of the Members of DNZ held once a year convened under this constitution;

the Board means the governing body of DNZ;

Board Member means a member of the Board;

Club means a group of individuals with an interest in diving that meets the requirements for membership set out in clause 8.1;

this constitution means this constitution as it may be altered from time to time in accordance with the Act;

Contact Person means a person holding the position of contact person for DNZ, being the person the Registrar of Incorporated Societies can contact when needed;

Delegate means a Club representative to a meeting of DNZ;

DNZ means Diving New Zealand;

Doping Offence means either the commission by a member of DNZ of a doping offence (as defined in the World Aquatics Doping Control Rules), or where the relevant DNZ member has been found by the Sport Integrity Unit under the Sports Anti-Doping Act 2006 to have committed an anti-doping rule violation;

Officer means a Board Member and any natural person occupying a position in DNZ that allows the person to exercise significant influence over the management or administration of DNZ.

ordinary resolution means a resolution approved by a simple majority of the votes cast;

Purpose means the purposes of DNZ as set out in clause 2;

Rules and Regulations means the DNZ Rules and Regulations as published from time to time by DNZ and which apply to all members;

Working Day means a day other than a Saturday, Sunday or public holiday in any region in New Zealand;

World Aquatics means the world governing body to which DNZ is affiliated, through Aquatics New Zealand Incorporated, as the member for New Zealand for the discipline of diving;

written or in writing in relation to words, figures and symbols includes all modes of presenting or reproducing those words, figures and symbols in a tangible and visible form.

1.2 **Construction**

- (a) Subject to clause 1.1, expressions which are defined in the Act (whether generally, or for the purposes of one or more particular provisions) have the meanings given to them by the Act. Where an expression is defined in the Act more than once and in different contexts, its meaning will be governed by the context in which it appears in this constitution.
- (b) Headings appear as a matter of convenience and do not affect the interpretation of this constitution;
- (c) The singular includes the plural and vice versa, and words importing one gender include the other genders;
- (d) A reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;
- (e) The Schedules form part of this constitution.

1.3 **Name**

The name of the society is Diving New Zealand Incorporated.

1.4 **Charitable status**

DNZ is registered as a charitable entity under the Charities Act 2005, with Charities Registration Number CC42843.

1.5 **Contact Person**

At its first meeting following an annual general meeting each year, the Board must appoint, or reappoint, at least one and a maximum of three persons to be the Contact Person, subject to those persons meeting the eligibility criteria set out in the Act. The Board must advise the Registrar of Incorporated Societies of any change in the Contact Person or that person's email address and telephone number. The Contact Person will in the absence of any other nominee be the CEO for the time being for Diving New Zealand

2 **PURPOSE**

The purposes of DNZ shall be to promote, foster, encourage and manage springboard and platform diving in all its forms and to promote competition at all levels, and to:

- (a) affiliate with World Aquatics, which DNZ recognises as the world governing body of the sport, through Aquatics New Zealand Incorporated;

- (b) provide administrative and financial management services to its members, Aquatics New Zealand Incorporated and associated sports as appropriate and as requested;
- (c) provide coaching and technical advice and education services to its members and associated sports as appropriate and as requested;
- (d) set standards of behaviour conducive to good conduct, fair play and equity;
- (e) ensure the uniformity of the Rules and Regulations for the control and administration of DNZ and its members;
- (f) adjudicate on all matters of dispute referred by a member or member of a member; and
- (g) take such actions or activities as are incidental to or conducive to the attainment of the above objects.

3 **FUNCTIONS AND POWERS**

The Board shall have the following functions and powers:

- (a) To prescribe, make and adopt such rules, regulations and resolutions and to do all such acts as may be necessary or desirable to carry out the objects or to conduct business including all lawful acts incidental or conducive to the attainment of the objectives. Prior to any alterations and/or additions to the Rules and Regulations being agreed, the Board shall undertake consultation in good faith with DNZ members. Such consultation shall take place for a period of not less than 30 days.
- (b) To prescribe any fees or charges to be paid by members including those paid by members being admitted to membership.
- (c) To purchase, take on lease, exchange or otherwise acquire any lands, buildings, easements or any real or personal property and to sell, convey, transfer, assign, mortgage, give exchange or otherwise dispose of the same and to design and/or construct buildings and to let contracts for such design and/or construction.
- (d) To hire agents, employ and/or engage executive officers, secretaries, managers, or any other type of employee and to pay them and other persons in return for services to DNZ such salary, wages, gratuities, fees or pensions as the Board may from time to time determine.
- (e) To subscribe to or become a member of, or affiliate with, any association, society or organisation whose objects are similar either wholly or in part to the objects or which may further the objects in any way.
- (f) To sanction by warning, fine, suspension or expulsion any member(s).
- (g) To delegate such of its powers as it may from time to time deem fit.
- (h) To employ and deal with the funds of DNZ in such manner as it deems fit in the interests of DNZ.

- (i) To join, contract, engage or make arrangements with any person, discipline or organisation as it deems fit in the interests of DNZ.
- (j) To enter into any arrangement with any Government or authority, international, municipal, local or otherwise that may seem conducive to DNZ's objectives and to obtain from any such Government or authority, any rights privileges and concessions which DNZ thinks desirable and to carry out, exercise and to comply with any such arrangements, rights, privileges and concessions.
- (k) To undertake or promote any action required to attain the objects of DNZ.
- (l) To provide for a registered office within New Zealand.

4 **COLOURS**

The colours of DNZ shall be Black and Silver/White.

5 **FINANCIAL YEAR**

Until otherwise determined by ordinary resolution passed at an annual general meeting or at a special general meeting called for that purpose, DNZ's financial year shall be from the 1st day of January to the 31st day of December.

6 **WINDING UP**

- (a) DNZ may be wound up at either an annual general meeting or a special general meeting if a resolution to so wind up is passed by a majority of at least 75% of those Delegates present and entitled to vote.
- (b) If, in the event of DNZ being wound up or dissolved, there remains after the satisfaction and discharge of all debts, liabilities and obligations, any property or assets, the same shall be transferred to a charitable trust to be administered by a representative from each of the Clubs in existence at the time of winding up, such trust to share similar purposes to DNZ.

7 **MEMBERSHIP**

7.1 **Categories of members**

The categories of membership of DNZ, shall be:

- (a) Clubs: as described in clause 8 of this constitution. A Club consents to become a member by making an application in accordance with clause 8.3.
- (b) Individual Members: as described in clause 9 of this Constitution. An Individual Member consents to becoming a member in accordance with clause 9.
- (c) Honorary Life Members: as described in clause 10 of this Constitution. Honorary Life Members consent to becoming a member in accordance with clause 10.

- (d) Other categories: being any other category or categories of membership of DNZ as determined by the Board, from time to time.

7.2 **Recognised and Associated Organisations**

In addition to its members, DNZ may recognise certain organisations which have an interest in, or association with, platform and springboard diving, and/or DNZ as described in clause 11 of this Constitution.

8 **MEMBER CLUBS**

8.1 **Minimum requirements**

A club must have at least 15 members, liable under the rules of the club for the payment of regular club/member subscriptions to DNZ, unless DNZ agrees otherwise (each a *Club*). All Clubs are bound by the terms of this constitution and the Rules and Regulations.

8.2 **Obligations of a Club**

In addition to the obligations of a Club as a Member under clause 11, each Club shall:

- (a) administer, promote and develop the sport of diving at its club in accordance with the Purpose;
- (b) be an incorporated society under the Act, unless the written agreement of the Board is obtained to remain an unincorporated association until a specified date;
- (c) have as its members individual members and any other members it considers appropriate provided that such membership is consistent with this constitution;
- (d) adopt the objects of DNZ and adopt a constitution which is consistent with this constitution. For this purpose, the Board may issue a 'model constitution' from time to time for the guidance of Clubs drawing up or amending their constitutions and subject to this constitution for its own administration as it thinks fit;
- (e) apply its resources in pursuit of the Purpose and the objectives of the Club;
- (f) do all that is reasonably necessary to enable the Purpose and the objectives of the Club to be achieved;
- (g) act in good faith and integrity with respect to DNZ to ensure the maintenance and enhancement of DNZ, and the sport of diving, and its reputation, and to do so for the collective and mutual benefit of the members and the sport of diving;
- (h) operate with, and promote, mutual trust and confidence between DNZ and the members;
- (i) at all times act in the interests of the members and the sport of diving;

- (j) notify and consult with the Board prior to merging or amalgamating with another Club;
- (k) provide DNZ a copy of its constitution and all amendments to its constitution upon such amendments being made. The Board may require a Club to amend its constitution if it or any rule within it, is inconsistent or in conflict with this constitution or the Rules and Regulations.

8.3 **Application for Club status**

Any club which embodies a clearly defined and autonomous section organised for the provision of the sport of diving and desiring to be a Club member of DNZ shall make application to DNZ confirming the Club meets the requirements of this constitution and that the Club has adopted a constitution consistent with this constitution and approved by at least 75% of its club members.

8.4 **Clearance certificate**

No Club shall admit to membership any person who is or has been a member of another Club unless a clearance certificate from their existing Club is produced. Such certificate shall be in the form prescribed by DNZ confirming that the member is a financial member of that Club with no outstanding obligations.

9 **INDIVIDUAL MEMBERS**

An individual member of DNZ is:

- (a) a person who is a member of a Club and:
 - (i) dives;
 - (ii) coaches;
 - (iii) officiates;
 - (iv) a national representative; or
 - (v) appointed to coach or manage any DNZ team competing in any diving competition or event held by or under the auspices of DNZ, or a Club,and that person consents to becoming a member of DNZ by paying fees to their Club or otherwise consenting to membership of that Club;
- (b) a member of the Board of DNZ, who consents to becoming a member of DNZ by consenting to becoming a board member of DNZ;
- (c) a person who is an officer or any other appointed personnel of a Club and/or DNZ who consents to becoming a member of DNZ by consenting to their appointment; or
- (d) a supporter who has submitted an application to DNZ to become a member and, through that application, consents to becoming a member of DNZ.

10 HONORARY LIFE MEMBERS, MERIT, HONOURS AND SERVICE AWARDS

10.1 Honorary life members

- (a) DNZ may grant honorary life-membership of DNZ to any person who has rendered exceptional service to the sport of diving and/or whose standing within and service to the diving community shall entitle that person to such distinction.
- (b) An honorary life member shall be entitled at that person's own expense to attend all general meetings of DNZ and take part in the debate, but shall not be entitled to vote in that capacity.
- (c) An honorary life member is not required to complete a DNZ membership form, but by accepting their appointment:
 - (i) consents to becoming a member of DNZ; and
 - (ii) acknowledges and agrees to the obligations of a member under clause 11 of this constitution.

10.2 Awards committee

- (a) There shall be an awards committee whose objective is to make recommendations to the Board on nominations received for any DNZ awards; Life Membership, Merit Award, Honours Award, Service Award, or such other Award deemed appropriate by the Awards Committee and DNZ. (*DNZ Awards*). The awards committee shall:
 - (i) receive and consider all nominations for DNZ awards;
 - (ii) consider a person for award on its own nomination;
 - (iii) keep confidential all nominations received for DNZ awards and any representations in support of those nominations;
 - (iv) make recommendations to the Board for the granting of any DNZ Awards;
 - (v) announce any DNZ Awards approved by the Board at the AGM.
- (b) Members of the awards committee shall be elected at each annual general meeting of DNZ and shall consist of three members who each hold at least one of the following:
 - (i) current life award; or
 - (ii) honours award; or
 - (iii) service award.
- (c) The longest serving member on the awards committee shall retire annually, but will be eligible for re-election.

- (d) If there are no nominations for a vacant position(s) on the awards committee, then such a vacancy may be filled by the appointment of a nominee(s) of the Board.
- (e) All nominations for DNZ awards must be lodged with the Chairperson of the awards committee no later than 31 January in each year.
- (f) Nominations may be made by the Board, a Club or a member.

11 MEMBERS RIGHTS AND OBLIGATIONS

Members acknowledge and agree that:

- (a) they are bound by this Constitution and the Rules and Regulations;
- (b) they shall comply with and observe this Constitution and the Rules and Regulations and any determination, resolution or policy which may be made or passed by the Board;
- (c) this Constitution and Rules and Regulations are necessary and reasonable for promoting the objectives of DNZ;
- (d) this Constitution and Rules and Regulations are made in the pursuit of a common object, namely the mutual and collective benefit of DNZ, its members and the sport of diving;
- (e) they are entitled to all benefits, advantages, privileges and services of membership as conferred by this Constitution.

12 REGISTER OF MEMBERS

12.1 Member register

The Board will ensure an up-to-date member register is kept and the register will include:

- (a) each member's name;
- (b) each member's contact details (email address and phone number); and
- (c) the date each person became a member,

and a member must provide notice to DNZ of any change to their contact details (members who are members through Clubs may rely on the Club to update the register in accordance with this constitution). The Board will ensure the register is updated as soon as reasonably practicable after the Board becomes aware of changes to the information recorded in the member register.

12.2 Membership Return

Clubs shall file a quarterly return of members for the purposes of:

- (a) complying with the Act;

- (b) determining the exact number and categories of members of DNZ;
- (c) determining the exact number of annual levies payable by each club;
- (d) enabling DNZ to meet any contractual obligations it may have to sponsors, including the provision of membership lists containing the names and addresses of individual members (subject to complying with its obligations under the Privacy Act); and
- (e) compiling the DNZ register of members (which includes the Clubs register of members).

12.3 Filing Returns

The Club's quarterly return in the prescribed form shall be sent to DNZ no later than the last day of:

- (a) February;
- (b) May;
- (c) August; and
- (d) November.

12.4 Failure to File Returns

Should any Club fail to forward full and accurate returns of all members in the required format by the due date, then the Club may have its membership to DNZ suspended and as such its members may be prohibited from entering into any DNZ sanctioned competition or event until such time as a completed return is filed in accordance with this constitution. In addition, all other rights and privileges of membership of the defaulting Club may be suspended pending the completion of the return.

12.5 Privacy Act 2020

- (a) When complying with this clause 12 Clubs will be required to disclose personal information of their members, and DNZ is entitled to use that personal information for the purposes specified in this constitution.
- (b) All Clubs shall, for the purposes of compliance with the Privacy Act 2020, ensure that all members and prospective new members are notified that their personal information will be collected and provided to DNZ for, among other things, maintaining a register of members, enforce the Rules and Regulations.

12.6 Exemptions

Notwithstanding the provisions of clause 12.5:

- (a) should any member object for good reason to the disclosure of personal information in the manner prescribed then such person may make an application to the DNZ Privacy Officer for exemption in whole or in part from the requirement for their personal information to form part of the register and

the Privacy Officer, having regard to the privacy principles contained in the Privacy Act 2020, may in his/her absolute discretion grant or refuse to grant such application. Any application to the Privacy Officer for exemption under this provision shall fully state the grounds upon which the applicant relies.

- (b) Any person dissatisfied with the decision of the Privacy Officer may have the matter referred to the Board for final determination. Notwithstanding any other provision in this constitution, the decision of the Board shall be final.
- (c) A Club shall not be required to include in its return of members the particulars of any member who has applied for exemption under this rule until such time as the application has been finally determined.

12.7 Inspection of Register

Any entry on the Registrar of Members shall, in respect of a member, be available for inspection by that member, upon reasonable request and in compliance with the Privacy Act 2020.

13 RESIGNATION, SUSPENSION AND TERMINATION OF MEMBERSHIP

13.1 Resignation of Membership

No Club shall resign as a member of DNZ without giving the Board, not less than three (3) months' written notice of its intention to do so. No resignation shall release the Club from any monetary or other obligation to DNZ, incurred during its membership. Upon such resignation, DNZ shall amend the Register of Members accordingly.

13.2 Suspension and Termination of Membership

- (a) For the purpose of this clause the term 'suspension' means the action of suspending a member from membership of their Club, and DNZ for a defined period of time. The term 'expulsion' or 'termination' means the action of expelling the member and terminating their membership of their Club and DNZ indefinitely.
- (b) A member which or who is:
 - (i) a Club; or
 - (ii) a New Zealand Representative appointed by DNZ; or
 - (iii) a Life Member; or
 - (iv) an Officer or an Appointed Personnel of DNZ,may have its or their membership of DNZ suspended or terminated if:
 - (v) the Club defaults in the payment of its fees to DNZ;
 - (vi) the Judiciary Committee recommends such action under clause 24 and the Board resolves to adopt such recommendation;

- (vii) the Board, or any sub-committee of the Board, after reasonable enquiry, considers that the member did not or is unable to comply with a reasonable Board decision, this constitution, the Rules and Regulations, or any policies or reasonable directions of the Board; or
 - (viii) in the case of a Club, the Board, after reasonable enquiry concludes that a Club has ceased to exist, or has suspended operations or ceased to function as a Club.
- (c) Before any decision on suspension or termination is made:
- (i) the member concerned shall be given fourteen (14) days written notice by the Board of the intended action, and
 - (ii) the member has the right to be present, make submissions and be heard at the Board meeting.
- (d) An Individual Member may have their membership of a Club (and therefore of DNZ) suspended or terminated if the Club, (including any disciplinary committee or other committee on its behalf) considers the member:
- (i) has engaged in any conduct prohibited by the constitution of the Club;
 - (ii) has defaulted in payment of any fee due and owing to the Club in accordance with the constitution of the Club; or
 - (iii) did not or is unable to comply with a reasonable decision of the Club or their constitution, by-laws, or any policies or reasonable directions of the executive of the Club.

13.3 Notification of Decision

Upon the decision by the Club to suspend, expel or terminate a member under clause 13.2(d), the Club shall within fourteen days (14) inform DNZ of the decision. DNZ shall then amend the Register of Members accordingly.

13.4 Appeal of DNZ Decision

Any member whose membership is suspended or terminated under clause 13.2 by the Board may appeal the decision to a special general meeting of DNZ called for that purpose. The appeal shall be allowed if two-thirds majority of Delegates at the special general meeting do so in favour of such an appeal. Where a member appeals a decision of the Board under this clause, then that decision shall be final, and the appeals process in clause 26 shall not apply.

13.5 Appeals of Club Decision

Any member whose membership is suspended or terminated under clause 13.2 by a Club may appeal the decision in accordance with the constitution of the Club.

13.6 Effect of Suspension/Termination

- (a) A member which or who is suspended, expelled or terminated from membership of a Club or DNZ shall also automatically have their membership

of DNZ, and all other Clubs suspended, expelled or terminated, unless the terms of the suspension, expulsion, or termination specifies otherwise. The effect of such suspension, expulsion, or termination, (unless the terms of the suspension, expulsion, or termination specifies otherwise) is that the member (and if a Club, their Individual Members) shall:

- (i) not be entitled to any rights or privileges of membership set out in this Constitution, the Rules and Regulations or the constitutions and regulations of the applicable Club, including the right to nominate, elect or appoint officers, or the right to vote;
 - (ii) not be entitled to participate in any capacity in any competition, event or activity of DNZ or the applicable Club;
 - (iii) not be entitled to apply for, or granted membership of any other Club, and if such membership rights are granted such membership and rights will be invalid and in breach of this constitution.
 - (iv) for the period of the suspension, or in the case of expulsion or termination, indefinitely (unless membership is reinstated under the terms of this constitution).
- (b) A member which is or who ceases to be a member of DNZ shall forfeit all rights in and claims upon DNZ and its property, and shall not use any property of DNZ, including any DNZ intellectual property, nor associate themselves with DNZ.

13.7 Reinstatement by DNZ

A member who has been suspended, expelled or terminated by DNZ under this constitution, may be reinstated at the discretion of a majority of the Delegates at a subsequent general meeting.

13.8 Reinstatement by Club

A member who has been suspended, expelled or terminated by a Club under this Constitution, may be reinstated, if there is provision to do so, in accordance with the constitution of the relevant Club. If a member is reinstated under this clause 13.8, the Club shall notify DNZ of such reinstatement within seven (7) days of the decision to do so, to enable it to amend the Register of Members accordingly.

13.9 Ceasing to be a member

A member ceases to be a member of DNZ:

- (a) if the member is an individual, on death or if a body corporate, on liquidation or winding up;
- (b) by giving written notice to the Board of their resignation (and if a Club, that notice must be in accordance with clause 13.1);
- (c) if the member has been expelled from a Club or DNZ, or their membership of a Club or DNZ has been terminated, in each case in accordance with this constitution;

- (d) In the case of a member of the Board of DNZ, upon termination of appointment

13.10 **Effect of ceasing to be a member**

On ceasing to be a member (and in addition to clause 13.6), the member:

- (a) remains responsible to pay all outstanding fees or other amounts due and payable to DNZ;
- (b) must return all property of DNZ if requested; and
- (c) ceases to be entitled to any rights of a member, but continues to be bound by the obligations of a member under this constitution, if required by the Board.

14 **FEEES**

- (a) Each Club shall pay such affiliation fees as shall be set by DNZ from time to time.
- (b) Every member of a Club shall pay an affiliation fee on a basis or category as decided at the DNZ annual general meeting in the year preceding the application of such fee.
- (c) For the purposes of membership and payment of affiliation fee the membership year shall be recognised as ending on 31 December in each year.
- (d) The affiliation fees and any applicable fees or levies set by DNZ shall be paid to DNZ at the time of filing each quarterly return.
- (e) For new clubs wishing to affiliate with DNZ, DNZ affiliation fees shall be discounted by 50% in the first year as long as at least 60% of the new Club's members have not been affiliated with other clubs the previous financial year.

15 **ARREARS OF FEES**

- (a) If any club fails to pay membership fees collected from members, DNZ or DNZ member's fees, the Board may suspend the club until such fees are paid and/or impose any penalty as determined by the Board for such non-payment.
- (b) Cost incurred in the recovery of any outstanding fees may be required to be paid by the outstanding debtor.
- (c) A late payment fee of 10% on outstanding accounts may be charged.

16 **THE BOARD**

16.1 **Composition of the Board**

- (a) The Board of DNZ shall comprise of six (6) people who shall be confirmed, elected or appointed as provided in this constitution.
- (b) Four (4) Board Members shall be appointed under clause 16.4.

- (c) The two (2) remaining Board Members shall be elected under clause 16.5.
- (d) As required by the Act, a majority of the Board Members, whether elected or appointed, must be members of DNZ.

Every Board Member must, in writing:

- (e) consent to be a Board Member; and
- (f) certify that they are not disqualified from being elected, appointed or holding office as a Board Member by this constitution, under section 47 of the Act or under the Charities Act 2005.

16.2 **The Board Selection Panel**

- (a) There shall be a Selection Panel established whose function shall be to consider candidates for appointment to the Board.
- (b) The Board Selection Panel shall consist of three (3) persons comprising:
 - (i) two (2) people who shall be elected or appointed by the Delegates at a General Meeting; and
 - (ii) one (1) person who shall be appointed by the Board.
- (c) In establishing the Board Selection Panel, the Delegates, and the Board shall have regard to gender, geographic location and suitability factors.
- (d) No person nominated for a position as a Delegate on the Board shall in the same year be eligible to be a member of the Board Selection Panel.
- (e) The Delegates may also appoint a deputy who shall stand in for the Delegate appointee should the appointee for any reason not be available.

16.3 **Applications for the Board**

- (a) The Board shall, not later than the 1st day of October in each year, call for applications for the required number of Board Members. Applications for candidates seeking appointment as a Board Member shall be made in writing and received by the Board no later than the 1st day of December. The Board shall then forward all applications together with a copy of any curriculum vitae supplied by a candidate to the Selection Panel.
- (b) The Selection Panel shall recommend to the Delegates at the annual general meeting the best candidate for the available positions on the Board based on merit. At the same time the Selection Panel shall supply a synopsis summarising the attributes it considers each candidate so recommended has for the position. The number of candidates to be recommended shall total the number of appointed Board Members retiring (by rotation or otherwise) or a lesser number if there are insufficient suitable candidates.
- (c) In the event of there being insufficient applications, the Selection Panel may on its own initiative recommend a person or persons who it considers meets the required criteria. The Selection Panel's recommendations shall be

conveyed to the Board in time to enable the Board to give the notice required under clause 16.3(d).

- (d) Not later than thirty (30) days prior to the date of the annual general meeting, the Board shall advise all Clubs and Delegates of the candidates recommended and make available the candidate synopses.

16.4 Appointment of Board Member

- (a) The Delegates at the annual general meeting shall appoint as Board Members those candidates recommended by the Selection Panel unless a candidate is disqualified from holding office as a Board Member. A person shall be so disqualified if he/she is an undischarged bankrupt or a person who is prohibited from being a director or promoter of a company under the provisions of the Companies Act 1993, a person prohibited from holding office under section 47 of the Act, or under the Charities Act.
- (b) In the event that a recommended candidate is found to be disqualified from holding office as a Board Member then the Selection Panel shall reconvene as soon as practicable after the annual general meeting and shall, having regard to the criteria set out in this clause 16, select a person who it considers meets the required criteria and the name of the person so selected shall be circulated by the Board to all Delegates for endorsement by the majority of Delegates. The candidate shall thereupon be deemed to have been duly appointed as a Board Member.

16.5 Election of Board Members

- (a) Applications by candidates seeking election as a Board Member shall be made in writing and received by the Board no later than the 1st day of December. The Board shall then forward all applications together with a copy of any curriculum vitae to all Clubs for their consideration.
- (b) The Delegates at the annual general meeting shall elect the required number of Board Members by way of secret ballot. The candidate or candidates, as the case may be, receiving the highest number of votes shall be elected as a Board Member.

16.6 Term of Office of Board Members

- (a) Every Board Member appointed or elected at an annual general meeting of DNZ shall assume office from the conclusion of that annual general meeting.
- (b) Subject to the provisions of this Rule, Board appointments and elections shall be for a period of two (2) years.
- (c) At each annual general meeting two (2) of the existing appointed Board Members, and one (1) of the existing elected Board Members (together with any replacement Board Member) shall retire by rotation, but shall be eligible for reappointment or re-election.

16.7 **Chairperson of the Board**

- (a) The Chairperson of the Board shall be appointed or elected annually by the Board from amongst its number at the first Board meeting after the annual general meeting.
- (b) If there is only one (1) nomination for the position of Chairperson the person nominated shall be duly appointed.
- (c) If more than one (1) person is nominated for the position of Chairperson then an election shall be held by ballot.
- (d) Where there is an equality of votes between candidates then a second ballot shall be held, and in the event of an equality of votes after the second ballot then the Chairperson shall be determined by lot.
- (e) The Chairperson shall hold office until the first meeting of the Board after the next annual general meeting unless the Board chooses to replace the Chairperson between annual general meetings.
- (f) Unless otherwise determined by the Board, the Chairperson shall represent DNZ on the Board of Aquatics New Zealand Incorporated.

16.8 **Vacancies**

- (a) A person ceases to be a Board Member and their office as a Board Member shall become vacant if the Board Member:
 - (i) dies; or
 - (ii) becomes ineligible to continue to hold office by reason of disqualification or suspension; or
 - (iii) becomes bankrupt; or
 - (iv) commits a criminal offence punishable by a term of imprisonment; or
 - (v) resigns in writing; or
 - (vi) is absent, unless leave of absence is granted by the Board, from more than two successive meetings.
- (b) If the position of Chairperson becomes vacant then the Board shall appoint one of its members to that position.
- (c) Whenever any casual vacancy occurs on the Board, the Board may appoint a person which it considers has the necessary skills and attributes to fill the vacant position.
- (d) Every person appointed pursuant to this clause 16.8 shall hold office for the balance of the term which the vacating Board Member would have been entitled to serve or the conclusion of the next annual general meeting (whichever occurs first) but shall be eligible for reappointment.

17 **FUNCTIONS, OPERATIONS AND POWERS OF THE BOARD**

Without limiting any other provision of this constitution, the Board shall have the following general powers and duties:

- (a) the Board shall meet as and when required by the Chairperson or at any time, when necessary, at the request of at least 3 members of the Board;
- (b) the Board may delegate all or any of its powers to a committee;
- (c) the Chairperson shall be an ex officio member of all committees;
- (d) the Chairperson or in the absence of the Chairperson, the vice-chairman shall preside at all Board Meetings. If both are absent, the Board shall elect a Chairperson for that meeting;
- (e) any Board Member unable to attend a Board meeting may appoint a proxy that shall be accepted by the Board;
- (f) to adopt and regularly review a strategic plan for DNZ which shall include goals and objectives for diving and measurement of short-term and long-term success. Any strategic plan for DNZ shall be circulated to all Clubs for comment not less than thirty (30) Working Days prior to the meeting of the Board at which it is to be considered for adoption;
- (g) to adopt an annual plan and budget for financial performance and to monitor results against the annual plan and budget;
- (h) to make, repeal and amend Rules and Regulations prescribing a code of conduct for the management of divers and management representing DNZ in New Zealand and overseas;
- (i) to establish, implement and enforce Rules and Regulations prescribing a drug policy, the objectives of the World Aquatics Doping Control Rules and Sport Integrity Unit and the New Zealand Sports Drug Agency Act 1994 and the regulations in force under that Act, to discourage and eliminate the use of illicit substances by persons under the jurisdiction of DNZ in New Zealand and overseas and to provide for appropriate testing procedures and penalties;
- (j) to determine the processes to apply to the regulation and control of any competition or event under the jurisdiction of DNZ;
- (k) to determine the processes to apply in respect of the appointment of selectors, managers and teams representing DNZ;
- (l) to ensure that DNZ has in place all the necessary internal reporting systems and controls in respect of members of all diving squads together with the means of monitoring training, performance and results;
- (m) to regularly review and agree performance indicators and standards within teams and management representing DNZ nationally and/or internationally;
- (n) to carry out the aims and objects of DNZ and to deal with any matters not provided for in this constitution;

- (o) to review its own effectiveness and processes;
- (p) to fill any vacancy on the Board which may arise under clause 16;
- (q) to appoint a Privacy Officer to ensure compliance by DNZ and Clubs with their general obligations arising under the Privacy Act 2020;
- (r) to nominate representatives for service upon World Aquatics and/or any other body as appropriate;
- (s) the Board may from time to time, sanction any member subject to the rules relating to sanctions;
- (t) the Board shall have the power to interpret any DNZ rules or any definition contained therein and such decision shall be final;
- (u) such other powers as are specifically or by implication provided for in this Constitution.
- (v) grant Leave of absence to a sitting Board member for an agreed period of time.

18 MEETINGS OF THE BOARD

18.1 Number of Meetings

The Board shall meet a minimum of four (4) times each year at the most convenient time and place. Other business requiring immediate consideration of the Board may be conducted by written correspondence or conference calls.

18.2 Convening of Meetings

Notwithstanding clause 18.1, a meeting of the Board shall be held at such venue and time as decided by the Chairperson, or if requisitioned for the consideration of urgent business by not less than three (3) Board Members. Such requisition shall be in writing addressed to the Board and shall state full details of the urgent business to be discussed.

18.3 Notice of Meetings

Unless for some good reason circumstances do not permit, the Board shall provide to each Board Member not less than one months' written notice of any Board meeting convened under clause 18.1 and not less than fourteen (14) days' written notice of any Board meeting convened under clause 18.2.

18.4 Voting Papers

Each Board Member present at any Board meeting shall exercise one (1) vote including for the purposes of written correspondence under clause 18.1 above. The Chairperson shall have a deliberative vote, and in the event of an equality of votes the Chairperson shall not have a casting vote.

18.5 **Minutes**

The Chairperson of the Board shall ensure the proceedings of each Board meeting are properly recorded as soon as possible after the conclusion of each meeting. A copy of such minutes shall then be forwarded to each Board Member and to each of the Honorary Life Members and Clubs. The minutes of the previous meeting shall be confirmed at the next meeting of the Board.

18.6 **Quorum**

- (a) The quorum for meetings of the Board shall be four (4) Board Members.
- (b) No business shall be transacted at any Board meeting unless a quorum shall be present, except that those present may fix a date and venue for the reconvening of the meeting. Notice of such date and venue of any reconvened meeting shall be given forthwith to each Board Member.

18.7 **Conference Calls**

A meeting of the Board may be held by telephone or other means of communication of the Board Members and in such event the procedural requirements of this clause 18 in relation to meetings of the Board shall apply with any necessary modifications.

19 **GENERAL MEETINGS**

19.1 **Annual general meeting**

- (a) DNZ shall hold the annual general meeting not later than 30th of April in each year, and no more than 15 months after the previous annual general meeting, at a venue and time to be determined by the Board. The Board shall give notice of the date of the annual general meeting, by posting such notice on its website, no later than three (3) months prior to the annual general meeting.
- (b) The business of the annual general meeting shall be:
 - (i) to receive the Annual Report and Financial Statements for the year ended 31 December. The Financial Statements shall be compiled by an Independent Chartered Accountant, or, in the event that the Financial Statements are compiled by a person not independent of DNZ, then the Financial Statements, once compiled are to be reviewed by an Independent Chartered Accountant. The Financial Statements are to be signed by the Chairperson of DNZ.
 - (ii) to approve the budget;
 - (iii) to approve the affiliation fees and/or levies of the members;
 - (iv) to appoint Board Members;
 - (v) the appointment of members (if necessary) to the Board Selection Panel including a deputy;
 - (vi) considering and dealing with notices of motion of which due and proper notice has been given;

- (vii) the appointment of members of the Awards Committee;
- (viii) receive report from the Awards Committee and confirm any member recommended for Life Membership or any other award of DNZ; and
- (ix) transacting other business as the Annual General Meeting deems appropriate.

19.2 Notices of Motion

- (a) A notice of motion may be submitted by the Board or any Delegate and must be received by the Board no less than 42 days prior to an annual general meeting in order to be considered at that meeting.
- (b) Any notice of motion from a Delegate must be signed by the Chairperson of the relevant Club.
- (c) Any matter of an urgent or extraordinary nature which normally would be required to be the subject of a notice of motion may, if prior written notice is given to the Board, be brought before such meeting and determined by it, but only if the majority of Delegates being not less than 60% of those present and voting at the meeting, vote in favour of the motion being tabled without the requisite notice.

19.3 Special General Meeting

- (a) The Board may convene a special general meeting:
 - (b) at its discretion;
 - (c) on receiving a requisition setting forth the objectives of such meeting signed by either four (4) or more members of the Board of DNZ or by not less than 75% of the number of affiliated Clubs; or
 - (d) where required to do so under section 64(3) of the Act.
- (e) At least two (2) weeks' notice shall be given of such meeting, which if so called shall be held within four (4) weeks of receipt of the requisition or of the notice of meeting.
- (f) If a quorum is not achieved at the convening of the meeting, the meeting shall be recalled within one week and those present at that recalled meeting attending and eligible to vote shall constitute a quorum.
- (g) In any case where the Board deems it appropriate, a special general meeting may be held by telephone or other such means of communication and in so far as the circumstances so permit the procedural requirements in this constitution relating to annual general meetings shall apply with any necessary modification.

19.4 Chairperson

The Chairperson of an annual general meeting or a special general meeting shall be the Chairperson of the Board. In the event of the Chairperson being unavailable, the

meeting shall appoint a person from amongst its number to chair the meeting in the Chairperson's absence.

19.5 Delegates and Observers

- (a) Each approved Club shall be entitled to one (1) Delegate. Such a Delegate must be duly appointed by the Club being represented and shall be a financial member of that Club.
- (b) Each Club shall notify the Board not less than 42 days prior to an annual general meeting, the name and contact details of its representative delegate.
- (c) Board Members cannot act as Delegates at a general meeting.
- (d) Each Delegate shall represent and vote on behalf of their Club in accordance with clause 19.6.
- (e) If a Delegate is unable to attend a general meeting due to sickness or other good reasons then the Club may nominate a substitute Delegate to attend the meeting and any adjournment thereof and advise the Board accordingly.
- (f) In addition to the Delegates, all members except Honorary Life Members are entitled to attend general meetings as observers. All members (except Honorary Life Members) who attend shall not be entitled to speak or vote. Honorary Life Members are entitled to attend and speak at general meetings, but shall have no right to vote, unless the Honorary Life Member is a Delegate in which case he/she has the rights to vote as a Delegate.

19.6 Voting

- (a) Each Delegate shall exercise one vote.
- (b) Except as otherwise expressly set out in this constitution, all motions shall be decided by ballot unless a majority of Delegates determines otherwise. The Chairperson shall not be entitled to vote at a General Meeting. No names of Delegates shall be recorded as voting for or against a motion, unless specifically requested by any Delegate, and then in the case of that Delegate only. Where a show of hands or ballot is taken, the total votes for and against the motion or amendment shall be recorded.
- (c) A Delegate may vote in person or through a substitute Delegate appointed pursuant to clause 19.5(e). Voting by electronic means is permitted. Except to the extent set out in this constitution, there shall be no proxy votes.
- (d) Unless specified otherwise in the Act or this constitution, an ordinary resolution of Delegates is sufficient to pass a resolution at a general meeting.

19.7 Copies of Annual Report, Financial Information and Agenda

Clubs, all Board members and Honorary Life Members shall receive copies of the annual report and balance sheet and agenda for the annual general meeting at least 14 days prior to such meeting.

19.8 Meeting Procedure, including quorum

- (a) The quorum for a general meeting is 75% of the Delegates entitled to attend, including Delegates present by casting votes by electronic means. Delegates may attend by audio-visual link, audio link or other electronic communication. A quorum must always be present for general meetings. If there is not a quorum the annual general meeting shall stand adjourned to the same time, same place in 14 days as decided by the Board. The Board shall, without delay, notify all entitled to attend the adjourned meeting. Those present at the subsequent meeting shall constitute a quorum.
- (b) On all questions of order, the decision of Chairperson shall be final unless dissented from by a majority of Delegates present.
- (c) Minutes will be kept of all general meetings

19.9 Copy of Annual Reports to Registrar of Incorporated Societies

A copy of the annual report and balance sheet shall be forwarded to the Registrar of Incorporated Societies in compliance with the Act, within one (1) week of the annual general meeting.

20 ALTERATION OF CONSTITUTION

- (a) This constitution may not be repealed or altered without the concurrence of not less than 60% of Delegates present at the annual general meeting or at a special general meeting called for that purpose.
- (b) No addition to, deletion from or alteration of this constitution may be made which would allow personal pecuniary profits to any individuals.
- (c) Where calling of a special meeting is deemed undesirable because of time or expense, other than that called at the request of not less than 50% of Clubs. The Board may conduct an electronic ballot in order to obtain a decision. Any such decision reached affecting a change of rules must be presented for confirmation by the following annual general meeting.
- (d) Voting rights for an electronic ballot shall be as defined in clause 19.6.
- (e) At least 28 days' notice shall be given before the electronic ballot closes.

21 GOVERNANCE

The affairs of DNZ shall be conducted and governed by the Board.

22 FINANCIAL ADMINISTRATION

- (a) The Board shall be responsible for the control and investment of funds and all other property of DNZ, and shall take appropriate financial advice on matters of financial management.
- (b) The Finance Committee shall be responsible for the preparation of the budget for submission to the Board no later than 1st March in each year.

- (c) All monies due to DNZ shall be paid to the credit of DNZ in such a manner as decided by the Board.
- (d) The Board shall have power from time to time to impose a levy for special purposes. Any such levy shall only be imposed at the annual general meeting, or by special electronic ballot of members called for that purpose. No levy shall be imposed unless the affirmative votes shall be not less than 60% of the Delegates present. Any member, or Club failing to pay such levy shall be liable to suspension under clause 13.2.
- (e) The Chairperson shall ensure a set of accounts is tabled at each Board meeting.

23 **DISCIPLINE**

23.1 **Disciplinary Process**

The disciplinary process for misconduct shall be as follows:

- (a) Club Member: where a member of a Club engages in misconduct the Club's judicial committee of equivalent body shall take such disciplinary action as is set out in its constitution and/or regulations.

- (b) Club/Member of DNZ: where:

- (i) a Club; or
- (ii) a New Zealand Representative appointed by DNZ; or
- (iii) a Life Member; or
- (iv) an Officer or any other appointed personnel of DNZ,

engages in misconduct the DNZ Judicial Committee may take disciplinary action as is set out in this constitution.

23.2 **Misconduct Defined**

The following are examples of behaviours which may constitute misconduct. This list does not limit the definition of misconduct:

- (a) the use of any profane, indecent or improper language;
- (b) the use of offensive or insulting behaviour;
- (c) breaches of any provision of:
 - (i) this constitution, or the constitution of any Club;
 - (ii) the Rules and Regulations, by-laws or other rules (however described) of DNZ or of any Club;
 - (iii) any policies of DNZ, or a Club;

- (iv) any reasonable direction of DNZ or a Club (or a person authorised on their behalf);
- (v) any decision of a general meeting, the Board or the Judicial Committee or any decision of any equivalent bodies at any Club;
- (d) acting in a manner which brings, or could bring, DNZ or any Club into disrepute;
- (e) acting in a manner unbecoming of a member, and/or which is prejudicial to the Purpose of DNZ;
- (f) failing or refusing, for a period of one (1) calendar month to pay any fine or monetary penalty imposed by DNZ and /or a Club or any authority under the jurisdiction of DNZ, or a Club; or
- (g) aiding or abetting any of the conduct specified in clause 23.2(a) – 23.2(f) above.

23.3 **Club Defined**

For the purposes of this clause 23, a "Club" has the meaning defined in this constitution and also has an extended meaning to include the executive committee or equivalent body of the Club, any sub-committee of the Club, and any team representative of the Club.

23.4 **Procedure for Misconduct**

DNZ or the Club (as applicable) shall take action for any alleged misconduct upon receiving details of the allegation in writing from any person or organisation and as otherwise set out in the applicable regulations, whether or not that person or organisation is a member.

24 **DISPUTES**

24.1 **Process**

In the event of a sports related dispute arising between any member or Club involving a matter which does not involve suspension, expulsion or the imposition of a penalty, the parties shall:

- (a) endeavour to negotiate a resolution of the dispute by themselves or with the assistance of professional advisors, and failing that;
- (b) endeavour to agree on a resolution of the dispute by attending mediation; and failing that;
- (c) either party may refer the dispute to the Sports Tribunal of New Zealand or the Sport Integrity Unit for determination by it, in accordance with its rules.

24.2 **Dispute Defined**

For the purpose of this constitution, the definition of "Dispute" shall include situations where a Club, or any other member of DNZ, as the case may be, has a

grievance about the meaning or effect of this constitution, the Rules and Regulations, any provision, decision, policy, practise, right, privilege or direction determined by a Club, DNZ or a member of a Club.

24.3 **Disputes Exclude**

A Dispute shall not include:

- (a) a matter which involves an allegation of misconduct, or
- (b) a matter which is or has been appealed to the Sports Tribunal of New Zealand or the Sport Integrity Unit.

24.4 **Procedure for Dispute**

DNZ or the Club (as applicable) shall resolve the Dispute upon receiving details of the Dispute in writing from the aggrieved member or body.

25 **DNZ JUDICIAL COMMITTEE**

25.1 **Composition**

The Judicial Committee of DNZ shall comprise of not less than three (3) persons appointed from time to time by the Board. The members of the Judicial Committee should comprise:

- (a) a person with legal experience, preferably a lawyer;
- (b) a person with significant experience in disciplinary tribunals, preferably in relation to sport; and
- (c) a person with extensive knowledge of the sport of diving.

The Board shall appoint a Chairperson on each occasion when the Judicial Committee is to be convened from one of the members appointed to the Judicial Committee. No Board Member, employee or person who has an interest in the matter before the Judicial Committee, is eligible to sit on the Judiciary Committee. In an emergency situation any two members of the Judicial Committee may constitute a quorum.

25.2 **Functions**

The functions of the Judicial Committee shall be to:

- (a) hear and determine any allegation of misconduct properly made to it under this constitution;
- (b) hear and determine any dispute properly made to it under this constitution;
- (c) hear and determine any appeals properly made to it under this constitution;
- (d) peruse, comment on and where necessary amend notices of motion submitted for consideration at a general meeting; and

- (e) if delegated by the Board, undertake any inquiry or investigation, on behalf of DNZ.

25.3 **Procedure**

In performing its functions, the Judicial Committee shall follow the procedures set out in the Rules and Regulations.

25.4 **Decisions**

Subject to the right of appeal under clause 26, all decisions of the Judicial Committee shall be final and binding on all members. The failure to adhere to a decision of the Judicial Committee may result in the affected member being suspended or expelled from DNZ, and/or such other steps being taken as set out in this constitution or the constitution of the relevant Club.

26 **APPEALS**

26.1 **Appeal Process**

Appeals of decisions involving misconduct or a dispute shall be as follows:

- (a) right of appeal to a Club - where a Club has made a decision involving misconduct or a dispute, any party covered by that decision may appeal such decision to the DNZ Judicial Committee.
- (b) right of appeal to DNZ - where DNZ has made a decision involving misconduct or a dispute, any party affected by that decision may appeal such decision to the DNZ Judicial Committee in accordance with this constitution;
- (c) where the DNZ Judicial Committee has made a decision involving Misconduct that is disputed any party affected by that decision may appeal such decision to the sport Disputes Tribunal of New Zealand or the Sport Integrity Unit. The procedure for the appeal shall be as set out in the rules of the Tribunal and Sport Integrity Unit.

26.2 **Procedure**

In determining any appeal, the DNZ Judicial Committee shall follow the procedures set out in the Rules and Regulations.

26.3 **Stay of Execution**

Pending the determination of an appeal before it, the DNZ Judicial Committee or the Sports Tribunal of New Zealand or the Sport Integrity Unit, as the case may be, may grant a stay of execution of that decision which is being appealed.

27 **SPORTS TRIBUNAL OF NEW ZEALAND AND SPORT INTEGRITY UNIT**

- (a) DNZ recognises the Sports Tribunal of New Zealand established under the Sports Anti-Doping Act 2006 as the appropriate forum to resolve certain sports related matters set out in the rules of that Tribunal.

- (b) Subject to clause 27(c), any member of DNZ who or which wishes to appeal a decision of DNZ or the Board regarding any sports related matter where s/he/it has exhausted their rights of appeal within this constitution and the Rules and Regulations of DNZ may appeal to the Sports Tribunal of New Zealand or the Sport Integrity Unit. The rules of that Tribunal or the Sport Integrity Unit shall apply to any such appeal.
- (c) Any member who or which has a sports related dispute with DNZ may refer such dispute to the Sports Tribunal of New Zealand or the Sport Integrity Unit with the written agreement of the Board and the other party/s to the dispute, in accordance with the rules of the Tribunal or the Sport Integrity Unit.
- (d) The Board may provide for additional rights of appeal to the Sports Tribunal of New Zealand or the Sport Integrity Unit, and the referral of other sports related disputes to the Tribunal or the Sport Integrity Unit, in any Rules and Regulations made under this constitution.
- (e) Where not specifically provided for in this constitution, the Rules and Regulations of DNZ, the Board may agree to refer certain sports related disputes to the Sports Tribunal of New Zealand or Sport Integrity Unit as set out in the rules of that Tribunal or Sport Integrity Unit.

28 **DOPING**

- (a) Subject to clause 28(b), the rules of DNZ for anti-doping shall be the Sports Anti-Doping Rules made by the Sport Integrity Unit, and as amended from time to time.
- (b) Nothing in clause 28(a) is intended to replace or supersede any applicable rule of World Aquatics which may apply with respect to anti-doping matters provided the applicable rule of the international federation is consistent in all respects with the World Anti-Doping Code.
- (c) To the extent of any inconsistency between the Sports Anti-Doping Rules and this constitution, the Rules and Regulations of DNZ or any policy, regulation, or by-law of DNZ, the Sport Integrity Unit's Anti-Doping Rules shall apply.
- (d) The commission by a member of a doping offence is strictly forbidden and upon such notification to DNZ, DNZ shall suspend the member pending a hearing before the Sport Integrity Unit.
- (e) Under the rules of the Sports Tribunal of New Zealand and Sport Integrity Unit, allegations of doping offences are to be heard by the Sport Integrity Unit in the first instance and not by DNZ as the applicable national sports organisation.

29 **PECUNIARY PROFIT**

No member or person associated with a member of DNZ, shall derive any income, benefit or advantage from DNZ where they can materially influence the payment of income, benefit or advantage except where that income, benefit or advantage is derived from professional services to DNZ rendered in the course of business charged at no greater than current market rates or interest on money lent at no greater rates than current market rates.

30 **COMMON SEAL**

- (a) The common seal of DNZ shall be adopted by the Board who shall be responsible for the safe custody and control of it.
- (b) Whenever the common seal of DNZ is required to be affixed to any document, deed or other instrument, the seal shall be affixed pursuant to a resolution of the Board and the document shall be signed by any two members of the Board, or by one such member and the Administrator appointed by the Board.
- (c) The DNZ Administrator will normally have custody of the Common Seal