

GymSports NZ Incorporated

Sport Development Committee Regulation

Commencement Date
24 June 2011

Issued 22 September 2009
Revised 17 June 2011
Issued 24 June 2011

GymSports New Zealand Incorporated Sports Development Committee Regulation

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to set out the composition, powers, role and function of the Sport Development Committees (“SDCs”) established under Rule 15.16r of the Constitution.
- 1.2 This Regulation was adopted by the Board on 17 June 2011 in accordance with Rule 25 of the Constitution.

2. Commencement Date

- 2.1 This Regulation shall take effect and come into force on 24 June 2011. This Regulation replaces the GymSports New Zealand Incorporated (“GymSports NZ”) Terms of Reference for each Gymnastic Discipline and from the Commencement Date those Terms of Reference are therefore revoked.

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 SDC, specific to its Gymnastic Discipline, of goals, tasks, and targets to be achieved in the period 1 January to 31 December, which aligns to the GymSport NZ three (3) year strategic plan.

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

“Competitive Participation Gymnasts” means any gymnast who is **not** a member of a New Zealand High Performance, Performance, or Talent Development squad (as defined in the Selection Regulation) who participates in any Gymsports events and tours in New Zealand or internationally.

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

“National Championships” means the national Gymsports Championship held annually for each Gymnastic Discipline but does not include the National Secondary Schools Gymsports Championships or the National Intermediate Schools Gymsports Championships.

“SDC Member” means any person who is a member of a Sport Development Committee.

4. Application of Regulation and Amendment

- 4.1 **Application:** This Regulation applies to all Members of GymSports NZ as defined in Rule 4 of the Constitution, GymSports NZ staff and Members of each SDC.
- 4.2 **Amendment:** This Regulation may be amended by the Board in accordance with Rule 25 of the Constitution provided such amendments are not inconsistent with the Constitution.

5. Composition of Sport Development Committees

- 5.1 There will be one SDC for each of the Gymnastics Disciplines, unless the Board decides otherwise, in accordance with Rule 15.16r of the Constitution. If there are insufficient applications or the Board decides there is no suitable applicant(s) to constitute a SDC, the Board may appoint a temporary person(s) to comprise a SDC. Such a temporary person(s) could be an employee of GymSports NZ or a Member of the Board.
- 5.2 Each SDC shall comprise of seven (7) Members, as follows:
- a. a Chairperson appointed by the Board on the recommendation of the Chief Executive; and
 - b. six (6) persons appointed by the Board on the recommendation of the Chief Executive and the Chairperson of the SDC, as determined by the Board.
- 5.3 **Appointed Sport Development Committee Members:** In determining the appointed SDC Members, the Board shall appoint 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 Gymsports;
 - b. their knowledge of, and experience, in the sport of Gymsports and/or sport in New Zealand generally;
 - c. their occupational skills, abilities and experience, in coaching, judging, volunteering, management, planning, programme development and/or project co-ordination;
 - d. the need for conflicts of interest to be minimised; and
 - e. the need for a wide range of skills and experience on the SDCs.
- 5.4 **Process for Appointing Sport Development Committee Members:** Subject to clause 5.10 (vacancies), by no later than 1 October each year, or such other date as determined by the Board, the Chief Executive and the Chairperson of the SDC shall call for applications for any SDC positions that

are to be vacated due to the expiry of their term of office. The call for applications shall be made publicly and as widely as possible (and be included on the GymSports NZ website). In addition, the Chief Executive and the Chairperson of the SDC may on behalf of the Board invite applications for the position/s at any time prior to or during the appointment process. Applications shall close by 30 October each year, or such other date as determined by the Board.

- 5.5 Upon the receipt of any application/s, the Chief Executive and the Chairperson of the SDC shall consider them and make recommendations to the Board who will then determine any appointments. The Board is not required to appoint a person as a Member of the SDC if it considers there are no suitable applicants. The Board shall make their decisions regarding the appointment or otherwise of a member of a SDC by no later than 30 November each year, or such other date as determined by the Board. At the same time, the Chief Executive shall notify all the Members of GymSports NZ of any persons who have been appointed as Members of a SDC.
- 5.6 **Eligibility to be a Sport Development Committee Member:** No person who is a GymSports NZ Board Member or an employee of GymSports NZ is eligible to seek appointment as a Member of a SDC.
- 5.7 Any person who wishes to apply to be a Member of a SDC shall be a Member of GymSports NZ.
- 5.8 Any person who wishes to apply to be a Member of a SDC shall be permanently residing in New Zealand.
- 5.9 No person shall be eligible for appointment, or to remain in office as a member of a SDC 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 SDC shall be two (2) years commencing on 1 January in the year following which they are appointed and ending at the conclusion of the second 31 December after their appointment, provided that the SDC shall by agreement amongst its

Members reduce or extend the term of office of such Members as it thinks appropriate to ensure a rotation of Members.

5.11 Vacancies of Sport Development Committee Members: If there is a casual vacancy (as defined in clause 5.11 of this Regulation) of any position of a SDC Member shall be filled by the Board in accordance with clauses 5.4 and 5.5, with any necessary modifications as to timing as it thinks fit. If the casual vacancy is the Chairperson of the SDC, that position shall be filled by the Board in accordance with 5.2a, with any necessary modification as to timing as it thinks fit.

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

- a. a Member of a SDC resigns from office prior to the expiry of their term of office;
- b. a Member of a SDC dies;
- c. a Member of a SDC is removed under clause 5.12 of this Regulation;
- d. a Member of a SDC is absent from more than two successive meetings without reasonable excuse unless leave of absence is granted by the Chairperson of the SDC;
- e. A Member of a SDC moves to reside permanently outside of New Zealand (i.e. away for more than 6 months);
- f. any of the circumstances referred to in clause 5.8 of this Regulation apply to a Member of a SDC; or
- g. a position on the SDC is not filled by the Board either because there were insufficient applications or the Board decided in its discretion that there were no suitable applicants.

5.13 Removal of Sport Development Committee Member: The Board may remove any Member of a SDC before the expiration of their term of office for any of the following reasons:

- a. the SDC Member has failed, neglected or breached any one or more of their duties as a SDC Member; and/or
- b. the SDC Member has brought the GymSports NZ Board, any employee of GymSports NZ, any other SDC Member or SDC, or any other GymSports NZ official or GymSports NZ generally into disrepute.

Before removing any SDC Member from office, the Board shall inform the SDC Member and the SDC in writing of its proposal to remove the SDC Member and give them both a reasonable opportunity to make a submission to the Board on the proposed removal.

6. Duties of Sport Development Committee Members

6.1 The duties of each SDC Member are to:

- a. act in good faith and in the best interests of GymSports NZ at all times;
- b. exercise the powers of the SDC for proper purposes;
- c. act, and ensure the SDC acts, in accordance with this Regulation, including any protocols and procedures made pursuant to it, and the Constitution;
- d. not to agree, nor cause to allow, the activities of GymSports NZ to be carried on in a manner likely to create a substantial risk of serious loss to GymSports NZ's creditors;
- e. not to agree to GymSports NZ incurring any obligations unless it is within the budget approved by the Board upon recommendation of the Chief Executive or has otherwise been approved by the Board;
- f. exercise the care, diligence and skill that a reasonable SDC Member would exercise in the same circumstances taking into account, but without limitation, the nature of GymSports NZ, the nature of the decision and the position of the SDC Member and the nature of the responsibilities undertaken by the SDC Member;

- g. if the SDC Member has an interest, whether financial or personal, in a transaction or proposed transaction of GymSports NZ, disclose to the Chief Executive and Chairperson of the SDC (or in the case of the Chairperson of the SDC having such interest to disclose to the Chairperson of the Board), the nature and extent of such interest as soon as the SDC Member becomes aware of the fact that he or she has such interest;
- h. take such other steps as determined by the Chief Executive and Chairperson of the SDC (or in the case of the Chairperson of the SDC having such interest to disclose to the Chairperson of the Board) in respect of any interest specified in clause 6.1g of this Regulation, which may include, without limitation, abstaining from deliberations and/or any vote regarding such interest;
- i. not disclose information that the SDC Member would not otherwise have available to him or her other than in their capacity as SDC Member, to any person, or make use of or act on the information except;
 - i. if it is agreed to by the SDC, or in urgent situations by the Chairperson of the SDC;
 - ii. as required by law; or
 - iii. the information is in the public domain, other than as a result of a breach of this clause by the SDC Member or another SDC Member.
- j. regularly attend SDC meetings in accordance with this Regulation and any protocols and procedures made pursuant to it, and the Constitution; and
- k. use their best efforts to consult widely with the Members and others in the GymSports community to keep abreast of the issues facing them provided that this rule shall not waive the duty of confidentiality in

respect of information disclosed to them as SDC Members under clause 6.1i.

7. Powers of Sport Development Committees

- 7.1 In accordance with Rule 15.16r of the Constitution, each SDC 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 SDC shall have the power and responsibility to:
- a. Adopt and regularly review a strategic plan for its Gymnastic Discipline. This strategic plan must align with the GymSports NZ strategic plan, and include goals and objectives for the SDC and measures for short and long term success. This plan, including any amendments to it, must be approved by the Chief Executive.
 - b. Establish a sub-committee or sub-committees to provide recommendations to the SDC, and to delegate any of its powers and responsibilities as it considers appropriate. The Chairperson of the SDC or their nominee shall have the right to attend any meeting of any sub-committee.
 - c. Control expenditure in accordance with the budget determined by the Chief Executive.
 - d. Fill any casual vacancy on the SDC as specified in this Regulation.
 - e. Review its own processes and effectiveness.

8. Responsibilities, Obligations and Functions of Sport Development Committees

- 8.1 Each SDC will be responsible for providing advice on developing its Gymnastic Discipline throughout New Zealand and in particular for:

- a. providing expert advice to GymSports NZ, and the Chief Executive on the strategies and actions required to build the capability of coaches, judges and volunteers within Gymsports in New Zealand;
- b. providing advice to GymSports NZ on regulations, rules and international amendments or innovations in relation to its Gymnastic Discipline, and ensuring its Gymnastic Discipline is aligned with such regulations, rules, amendments and innovations;
- c. supporting GymSports NZ in the delivery of membership services;
- d. ensuring alignment of the Gymnastic Disciplines to improve the overall quality, access to and enjoyment of all Gymsports;
- e. consulting with Regional Boards and other SDCs;
- f. producing an Annual Work Plan to the Chief Executive specific to its Gymnastic Discipline;
- g. providing advice to the relevant GymSports NZ employee/s, as notified by the Chief Executive, on amendments, updates, innovations or ideas to improve the manuals, resources, courses and training forums for coaches, judges and officials in relation to its Gymnastic Discipline;
- h. providing advice to the relevant GymSport NZ employee/s, as notified by the Chief Executive, on the publication of the annual education and training programme to develop the capability of coaches, officials and volunteers;
- i. preparing an annual budget to be submitted to GymSports NZ annually by 31 October;
- j. annually identifying and approving, a programme of events and tours for Competitive Participation Gymnasts for each calendar year;
- k. selecting a Member Club to host a National Championships Qualifying Competition;

- l. setting qualifying results/scores for the National Championships for its Gymnastic Discipline, which will be made available on the GymSports NZ website prior to the National Championships;
 - m. determining the technical rules for its Gymnastic Discipline for National Championships Qualifying Competitions, including any variations to the FIG rules.
- 8.2 Each SDC shall use such marks, logos and other livery of GymSports NZ as determined by, and in the manner directed by, the Chief Executive.
- 8.3 Each SDC 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 SDC shall attend such meetings as are reasonably required by the Board and/or the Chief Executive to discuss matters affecting the SDC and GymSports programmes, events and activities in its Gymnastic Discipline. Reasonable notice will be given for such meetings except in cases of urgency.
- 8.5 Each SDC shall work in cooperation with GymSports NZ staff members.
- 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.

9. Procedures of Sport Development Committees

- 9.1 **Meetings:** SDC meetings may be called at any time by the Chairperson of the SDC, any three (3) SDC Members, or the CEO, but generally each SDC shall meet at regular intervals agreed by the SDC, but no less than four (4) times per annum. Except to the extent specified in this Regulation the SDC shall regulate its own procedure.
- 9.2 **Notice:** The Chairperson of the SDC shall ensure that reasonable written notice is given to each SDC Member, the Chief Executive, the Chairperson

of the Board and the Member Clubs of the dates, times and venues that SDC meetings are to be held. In the event a meeting is called urgently, notice shall not be required to be given to the Member Clubs but the remaining persons described in this clause must be notified.

- 9.3 **Attendees:** The Chairperson of the Board and the Chief Executive may attend any meeting of any SDC but shall not be regarded as Members of the SDC and shall have no voting rights. In addition any person employed by GymSports NZ with responsibilities for a Gymnastic Discipline, may attend a meeting of the SDC, but shall not be regarded as Members of the SDC and shall have no voting rights.
- 9.4 **Quorum:** The quorum for a SDC meeting shall be four (4) SDC Members.
- 9.5 **Voting:** Each SDC Member shall have one vote at SDC meetings. In the event of a deadlock, the Chairperson of the SDC shall have an additional casting vote. Voting shall be by voices, or upon request of any SDC 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, facsimile, or other forms of visible or other electronic communication by a majority of the SDC shall be valid as if it had been passed at a meeting of the SDC. Any such resolution may consist of several documents in the same form each signed by one or more Members of the SDC.
- 9.7 **Meetings using Technology:** Any SDC Member may participate in any meeting of the SDC and vote on any proposed resolution at a meeting of the SDC 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 SDC Members and all persons participating in the meeting are able to hear each other effectively and simultaneously. Participation by a SDC Member in this manner at a meeting shall constitute the presence of that SDC Member at that meeting.

9.8 **Expenses:** SDC Members shall be reimbursed by GymSports NZ for their actual and reasonable expenses incurred in the conduct of GymSports NZ's business. Such reimbursement shall be in accordance with the GymSports NZ Board's policy on the reimbursement of any such expenses.

9.9 **Matters Not Provided For:** If any situation arises that, in the opinion of the SDC, is not provided for in the Constitution, the Regulations, policies or procedures of GymSports NZ, the matter must be referred to the Board.

10. Other Meetings

10.1 SDC Members shall attend such other meetings, in addition to SDC meetings, as reasonably requested by the Board and/or the Chief Executive.

11. Consultation by Chief Executive with Sport Development Committees

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

12. Breach of Regulation

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