

**Minutes of the Swimming New Zealand
2012 Special General Meeting
held at Brentwood Hotel, 16 Kemp Street, Kilbirnie,
Wellington on Saturday 28th July 2012**

PRESENT

Board

Ross Butler (Chairperson and President), Ron Clarke, Mark Berge, Jane Wrightson, Suzanne Speer, Neville Sutton

Life Members

John Mace, Ian McPhee

Regional voting delegates

Kim McCahon (Northland), Teresa Stanley (Auckland), Jeannie Sibun (Counties Manukau), Jenny Lornie (Waikato), Bronwen Radford (Bay of Plenty), Mark Dingle (Taranaki), Keith Bone (Hawke's Bay Poverty Bay), Stephen Ross (Wanganui), Dianne Farmer (Manawatu), Jeanette Pope (Wairarapa), Greg Forsythe (Wellington), Brent Cheyne (Nelson/Marlborough), Wayne Rollinson (Canterbury/West Coast), Carl Gordon (Eastern Districts), Mandy Grainger (Otago), Geoff Finnerty (Southland), Susan Hardgreaves (NZSTCA)

Regional delegates

Henrietta Latham, Maryann Corrigan, Andrew Wood, Brian Palmer

Guests

Pam Edwards, Hamish Neill, Lynette Sadler, Fiona Pampalone, Michael Smythe, Dave Adams, Nigel Stirling, Hamish Kynaston, Stu Wood

Steering & Working Group

Chris Moller, Peter Fitzimmons, Jim Swanson, Clive Power

SNZ Staff

Mark O'Connor (Acting Chief Executive), Marge Hocken, Kent Stead, Rebekah Erkens, Lisa Conroy, Martyn Newman-Hall, Philippa Chinn

1. WELCOME BY PRESIDENT

Ross Butler opened the Special General meeting and noted best wishes to the NZ Olympic team. He then commented that no media attendance would be allowed during the meeting.

The Chair completed a roll call and ensured all voting delegates were confirmed for each region. It was noted the meeting would be run in accordance with the current constitution and that no proxy votes have been provided. A quorum of 60% was present and therefore the meeting could continue.

2. APOLOGIES

Apologies for being absent were received from

Sally & Neville Kean, Humphrey Pullon, Alison Fitch, Enid Wordsworth, Belinda Galley, Philip Rush, Chris Morgan, Simon Perry, Lucy Anastaciadou-Hobbs, Don Stanley, Noel Smith, Colin Kennedy

*Moved by **Jeannie Sibun (Counties Manukau)**, seconded by **Teresa Stanley (Auckland)** that Apologies be accepted.*

All in favour, Carried

3. RESOLUTION FOR SGM

The Chair noted that this motion will be put without amendment and then moved the motion which was read and also shown visually on the projector.

That Swimming New Zealand Incorporated accepts and adopts in full the report of the Independent Working Group for the Review of Swimming New Zealand dated June 2012, including the recommendations in it numbered 1-21 inclusive, Swimming New Zealand Incorporated repeals its existing constitution and adopts the attached new constitution dated July 2012.

The Chair then introduced Chris Moller to speak to the motion.

Mr Moller introduced the final report with recommendations and thanked all involved with its development and research. He explained the purpose of the road-show was to get the new regime in place as soon as possible and highlighted the reasons behind the speed of the SGM by Swimming New Zealand at the Working Group's recommendation. He encouraged all to vote for this change and urged everyone to vote.

Mr Moller addressed Recommendation 14 as well as the unintentional error on the dissolution of a region in the new constitution. He noted that this can be rectified by an email SGM under the new constitution and it should be done that way.

The Chair then read the feedback submitted by Don Stanley.



The Chair proposed to table Don's query for resolving after the SGM if the Resolution is accepted.

The Chair then read out the letter written by Lucy Anastaciadou-Hobbs who also could not be at the SGM.

The motion was then opened for discussion/comments to the voting delegates.

Teresa Stanley (Auckland) asked for voting clarification

Ross re-iterated that 29 votes are needed to pass the motion

Brent Cheyne (Nelson/Marlborough) read a statement from their Board stating they will support the decision made by the regions at this SGM but note that Nelson/Marlborough are not comfortable with the new Constitution process and creation, therefore will abstain from voting.

Brent Cheyne then sought to have Jim Swanson clarify his view on the Steering Groups Terms of Reference and its involvement in the process.

Chris Moller answered to clarify that the Steering Group role which was only to establish the Terms of Reference and the appoint the Working Group, then to review the Final Recommendations to ensure that it did meet the original Terms of Reference.

Teresa Stanley (Auckland) explained the Auckland Clubs and Swimming Auckland fully support the work in this review but legal advice sought says they are not able to vote and will abstain. In principle they support this.

Hamish Kynaston, The Working Group legal advisor, advised that Auckland's legal advice was wrong according to many lawyers, including Barry Paterson a former High Court Judge, and current Chair of the NZ Sports Tribunal. Mr Kynaston has checked a number of constitutions, including that of Swimming Auckland and stated that Swimming Auckland has received some seriously incorrect legal advice.

Chris Moller advised that Ian Hunt, a long standing sports lawyer, concurs with Hamish.

Mark Dingle (Taranaki) said they fully support this review.

Greg Forsythe (Wellington) said they fully support this review and have had legal advice. He wants all regions to go forward unanimously.

Stephen Ross (Wanganui) said he is a lawyer and all regions need to vote for these changes.

Bronwen Radford (Bay of Plenty) said they also got legal advice. The new regional constitution and issues in the new constitution need to be reconsidered under Recommendation 8 of the Working Group's report. She wanted in writing that the new board will adhere to working with the regions for these changes.



Chris Moller stated he was happy to put into writing that he recommends the new Board will engage with the Regions in writing the new Regional Constitution.

Chris stated he would put via email his recommendation that this is adhered to by the new Board.

The Chair then opened the floor for comment.

Ian McPhee asked where does the Awards Committee fit into the new system as it is no longer in the Constitution and he also noted he wasn't happy the Learn to Swim section was being removed from Swimming New Zealand.

John Mace said that rule 13.4 was for the Awards and at the AGM they dealt with them there. He mentioned that the 'oldies' were sad at the internal politics which had got us here. He also recommended that the regions were given time to consider their votes before the final voting was done.

Mr Moller answered Messer's McPhie and Mace by mentioning that the Awards Committee was seen as a policy and not a Constitutional article, therefore that would be addressed by the new Board but they foresee nothing required changing except for making it an internal policy.

The Chair then put to the regions if they would like a break and a 5 minute breather was requested.

Meeting re-commenced at 12.25pm.

The Chair opened the floor for final comments from the voting delegates.

Brent Cheyne - stated Nelson/Marlborough would still abstain from voting but reiterated that they are totally supportive of the decision made by the regions.

Teresa Stanley - requested a secret ballot vote and stated that, with due respect, they would still follow their legal advice but look forward to a new Swimming New Zealand. They will abstain from voting.

The Chair explained that a secret ballot vote was not possible as the constitution said the vote would be put by voice, then, if challenged, it will be put by open ballot (not secret).



Voting then occurred as follows:

SGM Resolution votes				
Region	Votes	For	Against	Abstained
Northland	2	Yes		
Auckland	12			Yes
Counties Manukau	2	Yes		
Waikato	4	Yes		
Bay of Plenty	4	Yes		
Taranaki	3	Yes		
Hawke's Bay Poverty Bay	1	Yes		
Wanganui	1	Yes		
Manawatu	1	Yes		
Wairarapa	1	Yes		
Wellington	5	Yes		
Nelson Marlborough	1			Yes
Canterbury West Coast	3	Yes		
Eastern Districts	1	Yes		
Otago	3	Yes		
Southland	3	Yes		
NZSCTA	1	Yes		
	48	35	0	13
Resolution requires 60% (29 votes) to pass		72.9%		

72.9% For - Motion carried



4. CLOSE OF MEETING

Ross then thanked all attendees/delegates and commented on the way forward from here. All details are highlighted on page 96 of the report

The Board will step down effective from the close of the SGM.

Sue Suckling will be the Governance Administrator until the new Board is appointed.

Chris Moller will be Chair of the Inaugural Appointments Panel.

Chris Moller then addressed the Meeting

He congratulated those able to see the future of the sport.

He called for the Auckland Board and its Chief Executive to stand down, as they had requested Swimming New Zealand to do.

Chris paid tribute to the current Board and their work for the swimming community.

He also mentioned that Sir John Anderson had accepted an invitation to join the appointment panel and that today was one of mixed emotions for him.

The Chair then gave the final address.

His goal had been to provide steady governance, the best environment for prepping swimmers in London, and a solid framework around the review.

The Board's work is done.

He thanked the Board and to the Regions that have treated them with respect.

He also thanked Mark O'Connor, the management team and also the staff at Swimming New Zealand.

He said good luck to the Working and Steering Groups and then finally to all - best wishes for the future of swimmers.

The Chair then declared the Special General Meeting closed at 12.44pm.

Signed as a true and correct record:

Date:

