

**CONSTITUTION OF THE
NEW ZEALAND POWER
LIFTING FEDERATION
INCORPORATED**

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1. Interpretation

1.1 In this Constitution unless the context requires otherwise:

Affiliated Organisation means an incorporated body that is approved as a member under Rule 4.

AGM means the Annual General Meeting referred to at Rule 13.

Chairperson means the current President of the Federation or in the absence of the President such other person elected by a majority of the persons present and entitled to vote at a meeting of the NEC or General Meeting of the Federation.

General Meeting means either an AGM or an extraordinary general meeting convened in accordance with clause 13.5

The Act means the Incorporated Societies Act 1908;

NEC means the National Executive Council;

IPF means the International Powerlifting Federation;

1.2 **Colours and Uniform of the Federation:** The colours of the Federation shall be black and silver or black and white. The Federation's colours shall only be worn by competitors while actually representing New Zealand in competitions.

2. Name and Office

2.1 The name of the Federation is The New Zealand Power Lifting Federation Incorporated (**Federation**).

2.2 The registered office of the Federation will be such address as may be determined by the NEC.

3. Objects and Powers

3.1 The objects of the Federation are:

- a. To develop, promote and advance the sport of amateur powerlifting in New Zealand.
- b. To supervise, control and regulate powerlifters and powerlifting competitions within New Zealand.
- c. To establish uniformity in all aspects of competitive powerlifting;
- d. To increase the general awareness and recognition of the Federation's members and the sport of powerlifting;
- e. To maintain membership of the relevant international federation including the IPF.

3.2 The Federation will have the power:

- a. To purchase, lease, hire or otherwise acquire and hold real and personal property rights and privileges;
- b. To control and raise money, including to borrow, invest, loan or advance monies and to secure the payment of such money by way of mortgage, or charge over all or part of any of its real and personal property;
- c. To sell, lease, mortgage, charge or otherwise dispose of any property of the Federation and to grant such rights and privileges over such property as it considers appropriate;
- d. To determine, raise and receive money by subscriptions, donations, fees, levies, gate charges, sponsorship, government funding or otherwise;
- e. To make, alter, rescind and enforce by-laws, regulations, policies and procedures for the governance, management and operation of the Federation;
- f. To enter into contracts with employees, sponsors, members and any other persons, agencies and organisations;
- g. To make and enforce rules of competition;
- h. To produce, develop, create, license and otherwise exploit, use and protect the intellectual property of the Federation;
- i. To determine who are its members;
- j. To withdraw, suspend or terminate membership;
- k. To determine, implement and enforce disciplinary, disputes and appeal procedures (including drug testing and other policies), conduct hearings and impose sanctions and penalties;
- l. To consider and settle disputes between members;
- m. To do any other acts or things which are incidental or conducive to the attainment of the objects of the Federation, provided that the above powers shall not limit the rights and powers of the Federation as an incorporated society under the Act.

4. Membership

- 4.1 All applications for membership must be made in writing in such form and contain such information as may be required by the NEC from time to time. The NEC will, in its absolute discretion, determine whether an application for membership is successful.
- 4.2 The members of the Federation will comprise:
 - a. **Affiliated Organisations:**
 - i. Every member Affiliated Organisation must provide to the secretary within 14 days of the annual general meeting of the Affiliated Organisation:
 - (1) The names and addresses of its executive;

- (2) The name and address of the person to be the Affiliated Organisation's delegate to the NEC;
 - (3) A copy of its annual report and accounts;
 - (4) The date of the Affiliated Organisations annual general meeting;
 - (5) A report on any incident relating to misconduct of any member or official of the Affiliated Organisation together with details of any decision and sanction;
 - (6) A true and valid copy of the Affiliated Organisation's constitution;
 - (7) Such other information that may be required by the NEC from time to time.
 - ii. The Affiliated Organisation will be responsible to the Federation for the payment of all fees and levies due to the Federation by members of the Affiliated Organisation.
 - iii. If there is any conflict between the rules, regulations, by-laws and policies of the Federation and those of the Affiliated Organisation, the rules, regulations, by-laws and policies of the Federation will prevail.
- b. **Ordinary members:** Ordinary membership is open to the following persons:
 - i. Individual powerlifting competitors who are members of Affiliated Organisations;
 - ii. Officers of the Federation and members of the NEC.

In the case of prospective members from a country other than New Zealand, a certificate from their previous governing body confirming their membership and status will be required.
- c. **Life members:**
 - i. The Federation may grant life membership of the Federation to any person who has rendered exceptional service to the sport of powerlifting;
 - ii. Any proposal to confer life membership will require approval by a two thirds majority of those present and entitled to vote at an AGM. Written notice of intention to move a resolution conferring life membership must be given not less than 90 days before the AGM;
 - iii. Life membership will carry with it all rights and obligations of ordinary membership including attendance at all meetings of the Federation together with the right to cast a vote. A life member will also be entitled to free admission to all championships organised by the Federation.
- d. **Associate members:**
 - i. Associate membership will be open to persons who do not compete in powerlifting competitions nor referee any powerlifting competition.
 - ii. Any associate member may attend General Meetings of the Federation but will not have any right to vote.

- iii. If an associate member wishes to travel overseas to an international powerlifting event as part of a team for example as a manager, they must complete a code of conduct form.
- iv. If an associate member wishes to compete in a powerlifting competition or become a referee or become an officer of the Federation or hold any official position in the Federation they must become an ordinary member.

All members will be bound by these rules and the regulations, by-laws and policies of the Federation and must, where applicable, ensure that their own members agree to be bound by these rules.

4.3 Membership may be suspended or terminated following a resolution passed by a two thirds majority of votes at a meeting of the NEC if a member:

- a. Is convicted of an indictable offence;
- b. Acts in a manner considered to be injurious or prejudicial to the character or interests of the Federation;
- c. Breaches any provisions of this Constitution which is not remedied within 14 days after receiving notice from the NEC requiring the breach to be remedied;

4.4 Any member may resign from membership of the Federation by giving the NEC not less than 30 days notice of such resignation. Resignation will not release a member from any monetary or other obligation due to the Federation at the time of the members resignation.

5. Subscriptions

5.1 The following subscriptions shall be paid to the Federation:

- a. An application fee shall be payable by all organisations who wish to become Affiliated Organisations. Such fee shall be paid with the application to become an Affiliated Organisation, but shall be refunded should affiliation not be granted;
- b. An annual subscription fee shall be paid to the Federation by each Affiliated Organisation on behalf of each member for the time being of that Affiliated Organisation and by ordinary and associate members;
- c. A foundation membership fee shall be payable upon each new member joining the Federation. Such fee shall be payable at the same time as the first annual subscription fee and, in the case of ordinary members, shall be paid to his or her Affiliated Organisation which will remit the fee to the Federation on his or her behalf;

5.2 All fees and levies shall be at such rate set from time to time by the Federation in General Meeting. Annual subscription fees shall be payable in advance and shall become due and payable on the first day of January in each year.

5.3 All subscription fees must be paid before a member may participate in any competition or attend and vote at any meeting at which the member has voting rights including, without limitation, the AGM.

5.4 Any member whose subscription fee or any other fee or levy shall be in arrears for three months from their due date shall forfeit his or her membership of the Federation and be barred from taking part in any

of the activities of the Federation and its Affiliated Organisations including competitions and attending and voting at meetings at which the member has voting rights including, without limitation, any General Meeting.

6. Officers

6.1 The following officers of the Federation are to be elected at the AGM:

- a. Patron, which is an honorary position not involving any management or other responsibilities;
- b. President;
- c. Two vice presidents;
- d. Secretary;
- e. Treasurer;
- f. Auditor.

The office of secretary and treasurer may be combined but the person holding such combined office shall have only one vote.

6.2 Nominations for officers of the Federation may be made by any member and shall be forwarded to the secretary in writing not less than 20 days before the ensuing AGM and then notified to all current officers and members of the Federation not less than 14 days before the relevant AGM. A person cannot be an officer of the Federation unless they are a member.

6.3 If no valid nomination for any of the officers listed in rule 6.1 are received by the secretary in accordance with rule 6.2, nominations for the position or positions, as the case may be, may be made orally at the AGM provided that the approval of the nominee has been obtained. Should there be only one nomination for an available office, the Chairperson of the meeting shall declare the nominee elected. Should there be more than one nominee for an available office a secret ballot shall be taken amongst those members entitled to vote for the officers.

7. Election

7.1 If an election is necessary for any one of the officers listed in rule 6.1 above then a secret ballot shall be taken in accordance with this rule 7.

7.2 Each Affiliated Organisation shall, through its delegate, have one vote for each officer, Ordinary, Associate and Life members will not be entitled to vote for officers.

7.3 The vote may be exercised by a show of hands or by voice unless a secret ballot is required. An Affiliated Organisation may vote by proxy appointed in writing by the Affiliated Organisation. Such a proxy is to be signed by the president and secretary of the Affiliated Organisation and tabled at the AGM prior to the election of officers.

7.4 Where there are two nominations for any office the secret ballot shall be decided by simple majority of votes.

- 7.5 Where there are three or more nominations for any office that position shall be filled by any candidate receiving at least a two thirds majority of the votes. Should no candidate receive a two thirds majority then a further secret ballot shall again be held for that office with the candidate receiving the lowest number of votes being removed as a candidate. This procedure will continue until a candidate has received a two thirds majority or a simple majority in the case of there being only two candidates.

8. Duties of the Secretary

- 8.1 The secretary shall:
- a. attend all meetings of the NEC;
 - b. keep a true and proper record of the affairs of the Federation and shall keep the minutes of all meetings of the Federation;
 - c. conduct all general correspondence and keep copies of such correspondence and generally perform all the clerical work of the Federation;
 - d. maintain a role of all members of the Federation, their names and addresses;
 - e. give notice of all meetings and send out to all Affiliated Organisations within one month of NEC meetings copies of the minutes thereof.

9. Duties of the Treasurer

- 9.1 The Treasurer must receive all subscriptions and other money payable to or receivable by the Federation.
- 9.2 The Treasurer shall keep the books and accounts of the Federation and pay all accounts approved by the Federation or NEC and render such financial statements as the Federation or NEC may require.
- 9.3 The Treasurer must invest all funds of the Federation as directed by the NEC.

10. Management

- 10.1 The management of the Federation is vested in the NEC and, except for those matters especially reserved to the Federation in General Meeting, shall exercise all powers of the Federation.
- 10.2 The NEC may delegate any one or more of its powers to a committee, to a member of the NEC, to an employee of the Federation or to any other person.
- 10.3 The NEC may appoint such employees as it considers necessary to carry out its powers and duties and determine the remuneration and terms of employment of any such employees.

11. National Executive Council

- 11.1 The NEC shall comprise the following persons:
- a. The president who will be the chairperson of the NEC;
 - b. The two vice presidents;

- c. The secretary;
- d. The treasurer;
- e. One delegate from each Affiliated Organisation whose appointment shall be confirmed in writing by the president of the relevant Affiliated Organisation.

12. National Executive Council Meetings

- 12.1 A meeting of the NEC may be held:
- a. by a number of NEC members who constitute a quorum, being assembled at the same time and place; or
 - b. by means of audio or audio visual communication by which all NEC members participating and constituting a quorum can hear each other throughout the meeting.
- 12.2 A meeting of the NEC must be held at least every two months but the chairperson may convene a NEC meeting at any time and must, at the request of either two NEC members elected as officers under rules 6 and 7 or 50% of the delegates, convene an NEC meeting. Notice of an NEC meeting must be given to every NEC member who is in New Zealand or to the NEC members alternate. Where possible at least 7 days prior notice of a NEC meeting will be given.
- 12.3 A quorum for an NEC meeting will be not less than 50% of the delegates plus not less than two elected members of the NEC elected as officers under rules 6 and 7.
- 12.4 Every NEC member has one vote. In the case of an equality of votes the chairperson will have a casting vote in addition to his or her deliberative vote. A delegate of an Affiliated Organisation may vote by proxy appointed in writing by the Affiliated Organisation. Such proxy is to be signed by the president and secretary of the Affiliated Organisation and handed to the Chairperson at the commencement of the meeting.
- 12.5 Except as set out in this constitution, the NEC may regulate its own procedure.

13. AGM and General Meetings

- 13.1 An AGM will be held each year:
- a. to elect officers of the Federation in accordance with Rules 6 and 7;
 - b. to receive reports on the previous year's activities, including the Chairperson's report, a financial report and auditors report;
 - c. to consider any notices of motion and remits;
 - d. to transact any other business that may properly be conducted at an AGM.
- 13.2 An AGM shall be held in the month of August in each year on the same weekend as the New Zealand Powerlifting Federation Championships at a time and place to be fixed by the secretary.
- 13.3 Written notice of each AGM will be forwarded to all members at least 14 days prior to the meeting, such notice to include the agenda of business to be conducted at the meeting.

- 13.4 Notices or motions containing changes to this Constitution and all other remits and nominations must be received by the secretary at least 30 days prior to the meeting.
- 13.5 The secretary may convene an extraordinary general meeting at any time and must convene an extraordinary general meeting on receipt of a written request signed by at least 50% of the delegates stating the business to be transacted. At an extraordinary general meeting only the business mentioned in the notice calling the meeting may be transacted. Otherwise the procedure to convene an extraordinary general meeting will be as close as possible to that of the AGM.
- 13.6 Ordinary and life members shall have one vote at a General Meeting. An Affiliated Organisation shall only be entitled to vote for the election of officers in accordance with rule 7.2
- 13.7 Voting will be by a show of hands, unless the Chairperson calls for a secret ballot and except for the voting for officers which is to be undertaken in accordance with rules 6 and 7.
- 13.8 In the case of an equality of votes cast at a General Meeting the Chairperson of the meeting will have a casting vote in addition to his or her deliberate vote but if the equality of votes relates to an office for which the Chairperson is still a candidate, the casting vote shall be exercised by one of the vice presidents (as determined by lot between them).
- 13.9 The quorum for all General Meetings shall consist of 15 members present and entitled to vote. The meeting will be adjourned if a quorum is not available within 30 minutes and the NEC will arrange a new meeting within a reasonable time.
- 13.10 Voting will be carried on the basis of a simple majority unless specified otherwise in these rules.
- 13.11 Except as provided in Rule 7.3 and 12.4 no proxy or postal votes shall be permitted at any General Meeting.
- 13.12 Any irregularity, error or omission in notices, agendas and relevant papers for General Meetings or the omission to give notice within the required timeframe or the omission to give notice to the members and any other error in the organisation of a General Meeting shall not invalidate the meeting nor prevent the meeting from considering the business, provided that:
- a. The Chairperson, in his or her discretion, determines that it is still appropriate for the General Meeting to proceed despite the irregularity, error or omission; and
 - b. A motion to proceed is put to the General Meeting and two thirds of votes cast is obtained in favour of the motion to proceed.

14. **Disciplinary Powers**

- 14.1 Subject to Rules 15 and 16, the disciplinary powers of the Federation in respect of its members are exercised by the NEC. The NEC will decide disciplinary matters by a majority vote. The Chairperson will not have a casting vote in relation to disciplinary matters.
- 14.2 The NEC will have power to deal with any allegation that a member has:
- a. contravened the rules, regulations, bylaws or policies of the Federation;
 - b. brought the Federation and/or the sport of powerlifting into disrepute;

c. been guilty of conduct unbecoming a member of the Federation;

14.3 The NEC may impose any one or more of the following penalties:

a. reprimand;

b. suspension;

c. termination of membership;

d. fine;

e. such other penalty thought to be appropriate by the NEC.

14.4 If the NEC receives a complaint or allegation that a member has breached Rule 14.2 the NEC must hold a hearing to determine the complaint or allegation. The NEC must give the member against whom the allegation or complaint has been made not less than 10 days notice of the complaint and of the hearing.

14.5 A member may answer the complaint or allegation in writing and/or appear before the NEC. If the member wishes to appear before the NEC, he or she must not less than 3 days before the hearing give written notice of his or her intention to do so together with details of the matters in issue and an indication of any evidence in support of the members case.

14.6 Any party to the hearing may be represented by counsel or agent but the proceedings must be conducted informally and as directed by the NEC so as to give each party a fair opportunity to be heard.

14.7 The NEC may receive and consider a complaint or allegation upon such information, evidence and submissions as it thinks fit and will not be bound by the rules of evidence.

14.8 The hearing may be adjourned as the NEC thinks fit.

14.9 Neither the Federation or the NEC is liable to any member or employee, agent or other representative of a member or to any witness for travelling or other expenses relating to the hearing and attendance at the hearing.

14.10 The decision of the NEC must (even if announced at the hearing) be recorded in writing and delivered to the member within ten (10) working days of the hearing.

14.11 The NEC may, in its discretion, notify members of its decision including such particulars of names, complaints, allegations, finding and penalties or orders if it thinks fit.

15. **Right of Appeal**

15.1 Any party to a disciplinary hearing heard under Rule 14 aggrieved by decision of the NEC may appeal the NEC decision to the Sports Disputes Tribunal of New Zealand. An appeal under this Rule 15.1 may only be made on one or more of the following grounds:

a. that natural justice was denied;

b. that the NEC acted outside of its powers and/or jurisdiction (i.e. acted ultra vires);

c. that substantially new evidence has become available after the decision which has been appealed was made;

- d. in respect of a decision relating to misconduct involving the appellant, that the penalty was either excessive or inappropriate.

15.2 Any appeal to the Sports Disputes Tribunal of New Zealand shall be filed within 10 working days from the date the appellant was notified in writing of the decision of the NEC and in all other respects shall be in accordance with the rules of the Sports Disputes Tribunal of New Zealand (copies of which are available from the Federation).

16. Doping

16.1 All matters relating to doping, including an allegation that a doping offence has been committed, will be dealt with in accordance with the World Anti-Doping Code in the modified form as attached as Schedule A and shall incorporate any future amendments made to the Code by WADA.

16.2 The prohibited list in force at any particular time is the list which is available on WADA's website at www.wada-ama.org which comes into effect on the 1st of January each year."

17. Competition Rules of Powerlifting

17.1 The Federation shall follow the rules of the sport of powerlifting as adopted by the IPF and ratified by the NEC.

17.2 No member of the Federation shall be permitted without the written permission of the NEC or a member's Affiliated Organisation to compete against a non-member or to perform at displays, including powerlifting, held and organised by bodies not affiliated to the Federation. No official of the Federation shall be permitted to adjudicate at clubs or organisations not affiliated to the Federation.

17.3 The NEC or an Affiliated Organisation may, in its absolute discretion, decide whether or not to grant the permission required under Rule 17.2.

18. Finances

18.1 The funds of the Federation shall be devoted to the furtherance of the objects of the Federation.

18.2 All monies received shall be banked in the name of the Federation in the appropriate account at the bank of the Federation.

18.3 All payments shall be made by cheque duly signed and approved for payment by the NEC or by such other means of payment as approved by the NEC. All cheques must be signed by any two of the president, treasurer or one member of the NEC duly appointed for that purpose.

18.4 An imprest petty cash account of an amount authorised by the NEC shall be available to the secretary.

18.5 The NEC shall have the power to open special accounts.

18.6 The financial year of the Federation shall be from the 1st day of July to the 30th day of June the following year.

18.7 The honorarium (if any) of any officers of the Federation shall be fixed at the AGM of the Federation.

18.8 As soon as practicable, following the end of each financial year, the NEC will cause to be prepared a statement containing the particulars of:

- a. the income and expenditure for that financial year; and
- b. the assets and liabilities of the Federation as at the end of the financial year.

18.9 The NEC will cause the statements referred to in Rule 18.8 above to be examined by a suitably qualified auditor, who is not associated with a member. The auditor may request the production of any books, papers, accounts and documents relating to the affairs of the Federation and will present a report to the NEC prior to the AGM following the relevant financial year.

19. **Dual Representation**

19.1 No member of the Federation who is a member of an Affiliated Organisation shall be permitted, without the prior consent of the NEC, to become a member of any other Affiliated Organisation during the currency of his or her membership of the Affiliated Organisation to which they currently belong.

20. **Alterations to Constitution**

20.1 Alterations, deletions or additions to this constitution may be adopted only at a General Meeting of the Federation. Any proposed alterations, deletions or additions must be set out in full in the notice calling a General Meeting. Such alterations, deletions or additions will be approved only if supported by two thirds majority of the members present and entitled to vote at the General Meeting.

20.2 No alteration, deletion or addition shall be approved if it affects the non-profit objects, personal benefit prohibition or dissolution rules of the Federation. This rule 20.2 must not be removed from these rules and must be included in any alteration, addition to or revision of these rules

20.3 Notice of any proposed alterations, deletions or additions to this constitution must be given to the secretary not less than 21 days before the relevant General Meeting and then notified to all current officers and members of the Federation not less than 14 days before the relevant General Meeting.

21. **Validation**

21.1 No action taken by the NEC or any committee or persons acting under the powers delegated to them by the Federation or NEC shall be deemed to be invalidated by reason only of an inadvertent irregularity provided that such action is ratified at the first meeting of the Federation or NEC subsequent to the discovery of the irregularity.

22. **Matters not provided for**

22.1 If any matter shall arise which in the opinion of the NEC is not provided for in this constitution then the same may be determined by the NEC in such manner as it deems fit, and every such determination shall be binding upon members unless and until set aside by a resolution of a General Meeting.

23. Indemnity

- 23.1 The NEC and other officers and servants (whether voluntary or paid) of the Federation shall be indemnified by the Federation against all losses and expenses incurred in relation to the discharge of those duties unless such loss or expense incurred as a result of their own dishonesty, wilful act or omission or negligence.

24. Dissolution

- 24.1 The Federation shall not be dissolved unless a motion to that effect has been passed by a two thirds majority of the members present and entitled to vote at any General Meeting convened for that purpose and in accordance with the provisions of the Incorporated Societies Act 1908 and its amendments.
- 24.2 On dissolution the assets of the Federation remaining after payment of all the Federation's liabilities will be disposed of in such manner as passed by resolution at the General Meeting convened for the purposes of dissolving the Federation provided however the assets shall not be paid to or distributed among the members of the Federation but shall be given or transferred to some other organisation or body having objects similar to the objects of the Federation, or to some other charitable organisation or purpose within New Zealand.

25. Prohibition on Personal Benefits

- 25.1 No member or person associated with a member may participate in or materially influence any decision by the Federation in respect of payment to or on behalf of that member or associated person, of any income, benefit or advantage.
- 25.2 Any such income paid or benefit or advantage conferred must be reasonable and relative to that which would be received in an arm's length transaction (being the open market value). This rule and its effect must not be removed from the rules of the Federation and must be included in any alteration, addition to or revision of these rules.

26. Common Seal

- 26.1 The Federation shall maintain a common seal which shall be kept in the custody of the secretary and shall be affixed to any document only by the authority of the NEC and in the presence of the President and one other member of the NEC. In the absence of the President a second member of the NEC shall be a valid signatory to the common seal.