



***Special  
Olympics***  
*New Zealand*

# **Rules of Special Olympics**

*(Regional Council Name)*

## **AGREEMENT FOR ACCREDITATION**

1. Special Olympics (Insert Regional Council) has applied for and been granted accreditation with Special Olympics New Zealand.
2. As a condition of accreditation, the Regional Council agrees to be bound by these Regional Council Rules, and by the Constitution of Special Olympics New Zealand as amended by the Board of the Trust from time to time.
3. The Regional Council acknowledges that the Trust is responsible for maintaining the good name and reputation of Special Olympics in New Zealand and as such, agrees not to bring its name or reputation into disrepute, or to do anything which, in the Board of the Trust's reasonable opinion, might harm the image of Special Olympics New Zealand in the eyes of the public.
4. If, in the opinion of the Board of the Trust:
  - (a) The Regional Council is in breach of these Rules and does not remedy that breach; or
  - (b) The Regional Council's actions negatively impact on the good name and reputation of the Trust, or potentially cause the public image of the Trust to be tarnished,the Regional Council acknowledges that the Trust has the power to suspend or terminate the Regional Council's accreditation, or take control of the operation of the Regional Council in accordance with the Regional Council Rules.
5. The Regional Council also acknowledges that it is required to maintain its status as a charitable organisation under the Charities Act 2005. The Regional Council hereby acknowledges its inclusion in Special Olympics New Zealand's group registration with the Charities Commission, and agrees not to act in any way that may compromise the Regional Council's or the Trust's individual or collective charitable status.

**The Regional Council accepts these terms and agrees to be bound by these Regional Council Rules**

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**Regional Council Chair**

**Signed on behalf of Special Olympics [insert Regional Council name]**

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## 1. INTRODUCTION AND BACKGROUND

**1.1 Accreditation:** Special Olympics (Regional Council name) is an accredited member of Special Olympics New Zealand, an approved charitable organisation (The Trust) and an accredited member of Special Olympics, Inc. (SOI)

**1.2 Constitution to prevail:** Where there is inconsistency between these rules and the Constitution of the Trust, the Constitution will prevail.

**1.3 Regional Councils to comply with requirements of SOI:** The Regional Councils will familiarise themselves with the requirements of SOI, and will not conduct themselves in a manner that is inconsistent with the requirements of SOI.

**1.3.1.4 Rules:** The parameters of a Regional Council's operation are outlined within these Rules. Any matters not covered by these Rules shall be decided upon by the Trust.

## 2. INTERPRETATION

**2.1 Definitions:** In these Rules, unless the context otherwise requires, all terms that have been defined in the Constitution of the Trust, will have that meaning or as otherwise prescribed by the Trust.

**2.2** In addition to those definitions outlined in the Constitution:

(a) **Athlete Representative** means an Athlete representing the interests of the Athletes in the Regional Council's Geographic Area, appointed in accordance with clause 6.2(c);

(b) **Club Representative** means a Club's representative on the Regional Council, appointed in accordance with clause 6.2(b);

(c) **Family Representative** means a person representing the interests of the family Members in the Regional Council's Geographic Area, appointed in accordance with clause 6.2(d);

(d) **Geographic Area** means the area the Regional Council is responsible for.

(e) **Non-Sanctioned Sport** means a sport that is not recognised as an approved official Special Olympics New Zealand sport.

(f) **Regional Council Member** means a member appointed to the Regional Council in one of the categories outlined in clause 6.2, whose combined role it is to support the operation of the Regional Council effectively and democratically for the benefit of the Athletes and other members of Special Olympics New Zealand, in line with these Regional Council Rules and the Trust's rules and regulations

(g) **Regional Council** means this Special Olympics (Insert Regional Council) whose role it is to run the programme of the Trust in the Regional Council's Geographic Area;

(h) **Regional Council Chair** means the person elected to this role in accordance with clause 8.1;

- (i) **Sanctioned Sport** means a sport defined in the Accreditation Standards and in the Official Special Olympic Sports Rules as being offered as an official sport by Special Olympics New Zealand.
- (j) **Volunteer** means a person giving their time freely in one of the Volunteer capacities of the Trust;

**2.3 Headings for guidance only:** All headings, numbering and emphasis in these Rules are for guidance purposes only and are not intended to have any effect on the interpretation or meanings given to any part of these Rules.

**2.4 Special Olympics International & Objects:** Except where otherwise defined in these Rules, or in the Constitution of the Trust, capitalised terms defined by SOI General Rules have the same meaning in these Rules.

**2.5 Power of Interpretation:** Subject to clause 2.0, in the event that any issue as to interpretation or definition of a term arises from these Rules, the Chief Executive of Special Olympics New Zealand will have the power to arrive at a definition.

### **3. REGIONAL COUNCIL ACCREDITATION**

**3.1 Application:** The Trust will consider an application for the Regional Council's accreditation. The period of the Regional Council's accreditation is 12 months from 1<sup>st</sup> January to 31<sup>st</sup> December.

**3.2 Documents required for application:** When submitting an application for annual accreditation, the Regional Council must submit the following documentation:

- (a) a copy of the Regional Council's independently audited accounts of the previous year, details of their bank accounts and signatories approved at their Annual General Meeting;
- (b) The Agreement for Accreditation (Page 2) signed by the Regional Council Chair holding office at the time the application for accreditation is made;
- (c) an up to date record of Clubs active in its Geographic Area;
- (d) details of the Regional Council's activities and the events held in the last 12 months; and
- (e) any other information the Trust may specify from time to time.

**3.3 Effect of Accreditation:** Accreditation will entitle the Regional Council to:

- (a) co-ordinate with the Clubs to oversee the smooth operation of the Special Olympics programme in its Geographic Area
- (b) conduct Regional Special Olympics events in its area;
- (c) use the name and logo of Special Olympics New Zealand;
- (d) use the bank account established for the Regional Council; and

- (e) any other rights or privileges as the Trust will determine from time to time.

**3.4 Renewal of Accreditation:** A Regional Council will renew its accreditation on an annual basis, following receipt of the audited annual accounts to 31<sup>st</sup> December of the previous year at National Office. The Trust will be under no obligation to renew accreditation of the Regional Council. If accreditation is not renewed, the Trust will provide the Regional Council concerned with the reasons accreditation was not achieved, and agree on an approach and an appropriate timeframe to remedy these concerns.

**3.5 Effect of non-renewal of Accreditation:** If the Regional Council does not have its accreditation renewed it:

- (a) will cease to be a Regional Council for the purposes of the Constitution and any other governing documents of the Trust;
- (b) must cease to use the name “Special Olympics” and any trademarks associated with the Trust; and
- (c) will transfer power of attorney to the Trust.

#### **4. ROLE OF THE REGIONAL COUNCIL**

**4.1** The Regional Council will be run effectively and democratically for the benefit of the Athletes and other Members of the Trust, in line with the Constitution of the Trust and these Regional Council Rules which may be modified by the Trust from time to time.

**4.2** The role of the Regional Council is:

- (a) **Policies:** To carry out the policies of the Trust.
- (b) **Special Olympics New Zealand Brand:** To be responsible for supporting brand management including promotion and development of the Trust in the Regional Council’s Geographic Area in accordance with a strategic plan and policies agreed with the Chief Executive Officer of the Trust.
- (c) **Liaison with Clubs:** To oversee, guide and support Clubs within the region in administering and coordinating the Special Olympics New Zealand programme in their area.
- (d) **Regional Sports Events:** To oversee the development and implementation of the annual sports calendar for the Regional Council’s Geographic Area. To co-ordinate the planning in conjunction with the Clubs, Regional Sports Coordinator(s), and National Sports & Coaching Director, ensuring there are adequate competition events in all sanctioned sports in its Geographic Area. To review from time to time non-sanctioned sports offered by Clubs in the Geographic Area to ensure the development of sanctioned sports offered by Clubs is not being hindered.
- (e) **Communication:** To support continuous improvement and disseminate information from National Office to Clubs in its Geographic Area in a timely manner.

- (f) **Schools Programme:** To support National Office representatives by providing input on how Clubs in its Geographic Area can link in with the annual schools programme to enable seamless transition from schools to Clubs. To be aware of the annual schools programme and its events.
- (h) **Records:** To ensure all competition results for events held in the Regional Council's Geographic Area are forwarded to National Office in a timely manner for entry in the database (Games Management System and any future databases that may be introduced) and support the maintenance of each Club's local database of members
- (i) **Regional Council to promote the Trust:** To foster and promote the Trust in the Regional Council's Geographic Area, in line with the Trust's Rules, policies and guidelines.
- (j) **Fundraising:** To apply for, fundraise and collect funds to maintain and develop the Trust's programmes in the Regional Council's Geographic Area. To consult with National Office on annual and combined grant applications.
- (k) **Development:** To promote and develop sports, games or recreational activities and other activities as defined in the Annual Plan or in consultation with the CEO, in accordance with the strategic plan agreed with the Chief Executive Officer of the Trust.
- (l) **Volunteers:** To promote and support the co-ordination of regional training programmes for Volunteers in line with the Trust's Rules, policies and guidelines.

## 5. RESPONSIBILITIES OF THE REGIONAL COUNCIL

- 5.1 **Compliance with Rules:** To comply with and ensure that the Regional Council and its Members and the Clubs and their Members comply with the Rules, policies, guidelines and objectives, including the Constitution of the Trust and these Regional Council Rules which may be altered by the Trust from time to time.
- 5.2 **Clubs:** To work co-operatively with the Clubs in their Geographic Area and to act as a link between the Clubs and the National Office and encourage all Clubs in the region to have annual plans and budgets.
- 5.3 **Annual General Meeting:** To hold an Annual General Meeting of the Regional Council
- 5.4 **Finances:** To manage the finances of the Regional Council to ensure its financial viability.
- 5.5 **Minutes:** To keep minutes of all meetings and forward copies to the National Office.
- 5.6 **Reputation:** To ensure the good name and reputation of Special Olympics New Zealand and the Regional Council is maintained.

## 6. REGIONAL COUNCIL TERM AND COMPOSITION

- 6.1 **Term of Regional Council:** The Chair of each Club within the Regional Council's Geographic Area will remain on the Regional Council whilst they remain Club Chair. Those other Regional Council members appointed under clauses 6.2(c), (d) and (f) shall hold office from one Annual

General Meeting until the conclusion of elections at the next Annual General Meeting on which date they shall retire, but may be re-appointed for a further term.

**6.2 Composition of Regional Council:** The Regional Council Membership must be approved by the Board and should consist of:

- (a) One Special Olympics New Zealand Board member who shall be the Club Chair elected under clause 8.2 to be the Regional Council Chairperson The Chair of the Regional Council should be eligible for no more than nine years in that role.
- (b) The Club Chair or their appointed representative of each Club in the Regional Council's Geographic Area.
- (c) One Athlete Representative appointed by the Regional Council from among the elected athlete representatives of each Club in the Regional Council's Geographic Area. Each Club is entitled to nominate **one** of their elected athlete representatives.
- (d) One Family Representative appointed by the Regional Council from the designated family members of all the Clubs in the Regional Council's Geographic Area.
- (e) The National Office Regional Sports Co-ordinator(s) in the Regional Council's Geographic Area in an advisory capacity.
- (f) Up to two people appointed to make up a balance of skills on the Regional Council should there be a need to fill roles such as Secretary, Treasurer, Fundraising, Information Technology or any other specialty area required.

**6.3 Resignation of the Regional Council Chair:** The Chair of the Regional Council may resign from the Regional Council by written notice delivered to the Chief Executive Officer, Special Olympics New Zealand. Such notice will take effect from the date of receipt of the resignation by the Chief Executive Officer, Special Olympics New Zealand.

**6.4 Resignation of a Member of the Regional Council:** Any Regional Council Member may resign from the Regional Council by written notice delivered to the Chair of the Regional Council.

- (a) A Regional Council Member will cease to be a member of the Regional Council if he/she:
  - (i) resigns;
  - (ii) becomes disqualified from being an officer of a Charitable entity in accordance with section 16 of the Charities Act 2005; or
  - (iii) is absent for three consecutive meetings of the Regional Council without reasonable cause or a leave of absence,

**6.5 Vacancy:** If such a vacancy occurs:

- (a) From the Chair during the term of office, the Regional Council will elect a new Chair from among its Members until the next Annual General Meeting where a new appointment will be made in accordance with clauses 8 and 9;



- (b) from a Club Representative, the Regional Council will seek the appointment of another member from that Club;
- (c) from a position filled under clause 6.2(f), the Regional Council will seek the appointment from another person with the relevant skill until the next Annual General Meeting;
- (d) from an Athlete Representative or a Family Representative, the Regional Council will seek the appointment of another Athlete Representative or Family Representative, as appropriate, until the next Annual General Meeting.

**6.6 Removal from Regional Council :** A person will cease being a Regional Council Member in any of the following events:

- (a) by written resignation in accordance with clause 6.3 or 6.4;
- (b) by resolution of the Regional Council;
- (c) If they cease to be the Chair of their Club, in which case the new Club chair will become the Regional Council Member for that Club.
- (d) if they cease to be qualified as an officer of a charitable organisation as determined by section 16 of the Charities Act 2005; or
- (e) by determination of the Trust.

**6.7 Co-opt Regional Council Members:** If a vacancy as contemplated by clause 6.5 occurs, the Regional Council will have the authority to co-opt the approved replacement onto the Council at any meeting of the Regional Council. No person may be co-opted unless they have the approval of the appropriate Club, or have been approved by the Trust. The co-opted party must be a member of the Club Executive Committee.

**6.8 Indemnity of Officers:** Each Regional Council Member (whether past or present) is indemnified by the Regional Council in respect of:

- (a) any costs incurred by him or her in any proceeding that relates to liability for any act or omission by that person in his or her capacity as a Regional Council Member in which judgment is given in his or her favour, or in which he or she is acquitted or which is discontinued; and
- (b) any liability to any person other than the Trust for any act or omission in his or her capacity as a Regional Council Member and costs incurred by him or her in defending or settling any claim or proceeding relating to such liability, not being criminal liability or liability in breach of any fiduciary duty owed by him or her to the Regional Council.

## **7. TIME OF APPOINTMENT**

**7.1 Time of Appointment:** A Regional Council Member will be appointed to the Regional Council when they are elected as the Chair of their Club. If the Chair of the Club is unable to take a place on the Regional Council then an alternate from within the Club Executive Committee shall be nominated by the Club Chair to attend in their place.

## 8. EXECUTIVE OFFICERS

8.1 The Regional Council Members will elect one of their number to each of the Executive Committee positions. Each officer will retire from office at the conclusion of the next Annual General Meeting and will be eligible for re-election.

8.2 The officers are:

- (a) Chair;
- (b) Treasurer\*; and
- (c) Secretary\*.

\*Should the Regional Council Members not be able to elect a suitable person to the position of Secretary or Treasurer then a suitably skilled volunteer member may be co-opted to each of these positions

## 9. ELECTION OF THE REGIONAL COUNCIL EXECUTIVE

9.1 **Time of Election:** Unless clause 6.5 applies Members of the Regional Council Executive shall be elected by the Regional Council Members at the Regional Council's Annual General Meeting.

9.2 **Nominations:** The Regional Council Secretary shall call for nominations for Executive Committee positions at least 30 days before the Council's Annual General Meeting and make the approved nomination forms available.

- (a) Nominations must be received by the Returning Officer no later than 20 days prior to the date of the Annual General Meeting;
- (b) Only fully completed nomination forms received (with Resume attached for Chair nominations) by the due date will be accepted.
- (c) Nominations from the floor on the day of the Annual General Meeting will not be accepted.

9.3 **Returning Officer:** The returning officer for all Regional Council Annual General Meeting nominations will be the Chairperson of Special Olympics New Zealand (or delegated authority).

9.39.4 **Eligibility Criteria:** To be eligible for election to the Regional Council Executive an individual must:

- (a) Be nominated and seconded for a specific Regional Council Executive role by two members of the Regional Council;
- (b) Possess other skills and attributes as the Trust may determine from time to time.

## 10. MEETINGS OF THE REGIONAL COUNCIL

- 10.1 Frequency:** The Regional Council will meet a **minimum** of four times per year including the Annual General Meeting, at intervals to be determined by the Regional Council. It is acknowledged that at times the Regional Council Members may not have the ability to meet in the same location for every meeting due to their geographical spread and so it is acceptable that **one or two** meetings may be conducted by conference call or through electronic means as appropriate.
- 10.2 Chair of meetings:** The Regional Council Chair will preside at all meetings. In his or her absence the Regional Council Members will elect a Chair for the meeting from those present at the meeting, unless there is an appointed Deputy Chair who would preside over the meeting in the absence of the Chair.
- 10.3 Attendance at meetings:** Where a Regional Council Member is unable to attend a meeting of the Regional Council or AGM it is desirable that an alternate from within the Club Executive Committee attends in their place to ensure the Regional Council is updated on activities of the Club and that the Club is fairly represented in any decisions made by the Regional Council.
- 10.4 Quorum:** A quorum of at least half of the total Regional Council Members (or their proxy) will be present before any meeting is called to order.
- 10.5 Decisions to be taken:** A decision will be passed by a majority of Regional Council Members present and entitled to vote.
- 10.6 Major financial decisions:** Notwithstanding clauses 10.4 and 10.5, decisions committing the Regional Council to a financial spend or to enter into a commitment or agreement to spend an amount exceeding \$5000 must be voted on by not less than three quarters of the Regional Council Members. If numbers present at a meeting of the Regional Council amount to less than three quarters of the Regional Council Members, the motion in question must be deferred until a meeting can be called at which three quarters of the Regional Council Members are present. If the Regional Council is unable to call a physical meeting of the Regional Council Executive, then approval through a resolution can be sought and given through a circular resolution through electronic communication. Copies of the resolution and outcome of the resolution should be kept with the approved minutes held by the Regional Council.
- 10.7 Method of voting:** Voting at a meeting of the Regional Council shall be by simple voice, with any Member of the Executive having the right to call for a show of hands or a secret ballot on any issue. Where more than one member of a Club is in attendance only those members who are members of the Regional Council may vote.
- 10.8 Proxies allowed:** If a Regional Council Member is unable to attend a meeting of the Regional Council, the Member may appoint a proxy, being an authorised representative from the relevant Club Executive Committee. The Chair of the Regional Council must receive written notice of the proxy from the Regional Council Member not less than 48 hours before the meeting of the Regional Council. In unforeseen circumstances, the Chair of the Regional Council has the discretion to accept a notice of proxy at any time prior to the commencement of the Regional Council meeting.

**10.9 Agenda:** The Regional Council Secretary will circulate a written agenda to the Regional Council Members at least two days in advance of the meeting. Regional Council Members may submit matters to be included on the meeting agenda to the Secretary, at least seven days prior to the meeting.

**10.10 Contents of agenda:** The agenda should list, in order of priority, each item to be addressed and should include the following:

- (a) an explanation of each item; and
- (b) details of the information Regional Council Members are required to obtain for the meeting and who is responsible for obtaining that information.

**10.11 Business at a meeting:** Matters to be considered/discussed at each meeting of the Regional Council must include the following:

- (a) current balance of outstanding receivables;
- (b) current balance of creditors; and
- (c) any other business that is considered necessary for the governance of the Regional Council.

## **11. GENERAL MEETINGS OF THE REGIONAL COUNCIL**

**Annual General Meetings:** An Annual General Meeting will be held no later than four months after the end of the financial year, but not before the conclusion of the Annual General Meetings of all the Clubs in the Geographic Area. Regional Council Members must advise the Secretary of any business to be moved at least ten days before a meeting. The Secretary will circulate or give notice of the agenda for the meeting to Regional Council Members not less than seven days before the meeting and shall list names of nominations received (and positions nominated for) under clause 9.2.

**11.1 Matters:** The following matters will be presented:

- (a) the confirmation of the minutes of the previous Regional Council Annual General Meeting and matters arising from it;
- (b) written annual reports from the Regional Council Chair and Regional Sports Coordinator(s),
- (c) the annual financial report containing audited Regional Council accounts for the year ended 31<sup>st</sup> December;
- (d) the election of the executive officers;
- (e) the appointment of general executive members;
- (f) the nomination and confirmation of an auditor; and

- (g) the transaction of such other business received in writing by the Secretary from Members.

**11.2 Voting at an Annual General Meeting:** Only the Members of the Regional Council are entitled to vote for the Executive Officers of the Regional Council and approval of the Regional Council's financial accounts. Where more than one member of a Club is in attendance only those members who are members of the Regional Council may vote. Any Member present however is entitled to question any item in the financial accounts or indeed any other matter which arises. As the Members at the Annual General Meeting do not have the power to make any binding changes then it is acceptable for all registered Members present to vote on all matters of business, as any resolution passed can only be by way of a recommendation to either the Regional Council or the Trust.

- (a) Voting at an Annual General Meeting shall be by simple voice, with any member of the Executive having the right to call for a show of hands or a secret ballot on any issue. Where more than one member of a Club is in attendance only that member who is the member of the Regional Council may vote.

**(b) Tie in Votes:**

- (i) Where there is a tie for positions, other than Chairperson, the Regional Council Chair shall have the casting vote.
- (ii) Where there is a tie in votes for the position of Regional Council Chair that cannot otherwise be resolved the matter will be adjourned and each Regional Council Member will have 14 days to consult with their own Club Executive Committee for a resolution on who the Club's vote will be cast for. Notice of the resolution is to be provided to the Regional Council Secretary, who will seek ratification of the results electronically from the Regional Council members. If the process results in a further tie the matter is to be referred to the Board through the CEO, Special Olympics New Zealand.

**11.3 Proxies allowed:** If a Regional Council Member is unable to attend a General Meeting, the Member may appoint a proxy, being an authorised representative from the relevant Club Executive Committee. The Chair of the Regional Council must receive written notice of the proxy from the Regional Council Member not less than 48 hours before a General Meeting of the Regional Council. In unforeseen circumstances, the Chair of the Regional Council has the discretion to accept a notice of proxy at any time prior to the commencement of the Regional Council meeting.

**11.4 Quorum:** A quorum of at least half of the total Regional Council Committee shall be present before an Annual General Meeting is called to order.

**11.4.1.5 Special General Meeting of the Regional Council:** A Special General Meeting may be called by the Regional Council on the receipt of a written request stating the objects of such meeting, signed by not less than one fifth of the Regional Council Members.

- (a) Notice of such meeting specifying the place, date, time and matters for discussion will be circulated to Regional Council Members no later than 14 days before the meeting. Note: there is scope to invite additional guests, both Special Olympics New Zealand members and non-members, however these additional guests will have no voting rights.

- (b) Voting at a Special General Meeting shall be by simple voice, with any member of the Executive having the right to call for a show of hands or a secret ballot on any issue. Where more than one member of a Club is in attendance only that member who is the member of the Regional Council may vote. Where there is a tie the Regional Council Chair shall have the casting vote.

## 12. SUB COMMITTEES

- 12.1 The Regional Council may form sub-committees for the purpose of delivering programmes within their region.
- 12.2 Sub Committees must be comprised of at least one representative of the Regional Council. Other members may be derived from within Clubs in the geographic region based on their skills and expertise.
- 12.3 The Regional Council will set the terms of reference for a Sub Committees operation including its term, reporting requirements and timing or submitting plans and budgets for approval.
- 12.4 The Regional Council may delegate powers to the Sub-Committee but remains responsible for the overall regional programme.
- 12.5 The Sub-Committee may make recommendations to the Regional Council including for expenditure but the Regional Council retains overall financial liability for the Sub-Committees activities.

## 13. SPORTS

- 13.1 **Sanctioned Sports:** The Regional Council must maintain a register of the Clubs that are qualified to offer sanctioned sports in the Regional Council's Geographic Area, and ensure Clubs do not offer sports for which have not been approved by the Trust.
- 13.2 **Non-sanctioned Sports:** The Trusts accepts that from time to time Clubs within a Regional Council's Geographic Area may choose to offer additional sports however in doing so, the sports should not be offered as an alternative to a sanctioned sport. Any training or events in that non-sanctioned sport or any funding or fundraising for that non-sanctioned sport will not run under the Special Olympics brand nor will they be deemed to be part of the competition pathway for the Club athletes within that Regional Council's Geographic Area. A non-sanctioned sport must not hinder the development of any sanctioned sport.
- 13.3 **Regional Council's role if Club not operating to acceptable standard:** If the Regional Council has concerns about the standard to which a particular Club is operating, the Regional Council must notify the Chief Executive Officer, Special Olympics New Zealand of its concerns. If the Trust deems that a Club at any time falls below the standards the Trust considers are required for the operation of a particular sanctioned Special Olympics sport or event, the Trust and the Regional Council will endeavour to help the Club meet the required operating standards for sanctioned sport, event or activity in question.

## 14. ATHLETES

- 14.1 The Regional Council is responsible for ensuring the Clubs in its region admit Athletes in accordance with the procedures outlined in the Club Handbook

## 15. VOLUNTEERS

15.1 The Regional Council will ensure that all volunteers at any Regional Council's events are registered members of a Club, and adhere to and follow the Club Rules.

## 16. FINANCE

16.1 **Money to be applied in promotion of the Trust's aims:** All monies received or collected by and on behalf of the Regional Council and all income of the Regional Council will be applied solely in and towards the promotion of the aims and objects of the Trust:

(a) in the Regional Council's Geographic Area; or

(b) in the support of Special Olympics Athletes who are members of Clubs in the Regional Council's Geographic Area.

16.2 **No pecuniary profit:** Nothing in these Rules shall permit the Regional Council to use its funds, or make its funds available, to be used for the private pecuniary profit of any Member or any person associated with any Member. For the avoidance of doubt, the term "private pecuniary profit" does not include remuneration or payments for services rendered reasonable and relative to that which would be paid in an arms-length transaction being an open market value.

16.3 **Money to be distributed by Regional Council:** All moneys and funds received, raised or collected by or on behalf of the Regional Council will be distributed by the Regional Council in a manner in accordance with Clause 16.1 and having regard to the events and activities the Regional Council undertakes.

16.4 Where money is received through the dissolution of a Club (as per Clause 23 of the Club Rules) the Regional Council will use the funds for the benefit of Special Olympics athletes in the Regional Council's geographic region.

16.5 **Bank accounts:** The Regional Council will have its own bank account correctly named 'Special Olympics [Regional Council name]'. The bank account should be arranged through a registered bank as agreed with the Trust but does not necessarily have to be the same bank as Special Olympics New Zealand.

N.B. While Special Olympics New Zealand recommends that the bank be one of the 5 main trading banks – namely BNZ, ANZ, Westpac, ASB or Kiwibank, it is acknowledged that some Regional Councils may wish to apply to local Community Trusts for funding support and in return may be required to use that banking network. In these cases, it is advised that the Regional Council seek approval from the CEO, Special Olympics New Zealand prior to opening a new bank account if it is not one of the 5 main trading banks mentioned above. The Regional Council's bank account will not have an overdraft facility. The Regional Council will forward account statements to the Trust when requested.

16.6 **Investment:** Any investment of Regional Council funds must be with a registered trading bank, as outlined in 16.3, or Community Trust, as approved under 16.3. Investment may be in the form of term deposit, but must not be an investment in any scheme based on the investment in shares.

**16.7** **Chequebooks:** The signatories of the Council chequebook will be the Regional Council Chair, Regional Council Treasurer and one other nominated by the Council. Every cheque must be signed by the Regional Council Treasurer and one other signatory.

**16.716.8** **Payments by Electronic Transfer:** Where a Regional Council has an online banking facility, this must include dual authorisation by the Regional Council Treasurer and the Regional Council Chair or failing this another member of the Regional Council Executive approved by the Regional Council.

**16.816.9** **Sighting of Invoices:** Whether payment is to be made by cheque or electronic transfer, invoices must be sighted, or an expense claim (with receipts) must be received.

**16.916.10** **Resolution for Payment:** The Regional Council Treasurer must present invoices and/or expense reimbursement claims to Regional Council meetings for approval, prior to the payment being made. Signatories must not approve payments to themselves.

**16.1016.11** **Cheques:** Cheques must not be pre-signed under any circumstances.

**16.1116.12** **Credit Cards:** Credit cards are not to be held in the name of the Regional Council.

**16.1216.13** **Debit Cards:** Prior to any Regional Council obtaining a debit card in the name of the Regional Council, approval must be sought and granted by the Trust.

**16.1316.14** **Trust's approval required:** The Regional Council will not commit to a financial spend of more than \$5000 without first notifying and receiving the written approval of the Trust. This does not apply to grants obtained and specifically tagged for a purpose.

**16.1416.15** **Receipts to be given:** A receipt must be written for all monies received and where possible given to the payer at the time money is received.

**16.1516.16** **Payment of creditors:** It is the responsibility of the Regional Council under direction from the Regional Council Treasurer to ensure that all creditors are paid and all debtors meet their obligations.

**16.1616.17** **Regional Councils NOT to be registered for GST:** As Regional Councils are not legal entities and Special Olympics New Zealand is liable for a Regional Council's financial liabilities, Regional Councils must not apply to the IRD for GST registration. It is recognised that some Regional Councils have historically had GST registration approved by the IRD and these Councils are the only exception.

- (a) Those Councils that have historical GST registration must continue to give Special Olympics New Zealand confidence they are managing their GST compliance in full and on time. Councils must submit their GST returns to IRD by the due date. The Trust through its CEO has the right to review the GST process and financial statements of a Council at its sole discretion.

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## 17. ACCOUNTS

**17.1 Accounting and control:** The Regional Council will implement reliable internal control systems based on the chart of accounts as determined by the Trust from time to time. The Regional Council will have written procedures, to be approved at Regional Council Meetings for protecting and accounting for all cash and other assets of the Regional Council.

**17.2 Application of funds:** All money received by or on behalf of the Regional Council will be paid to the credit of the Regional Council into the Regional Council's cheque account to provide an audit trail and ensure the proper reconciliation of the Regional Council's funds.

**17.3 Recording of accounts:** The Regional Council will maintain up to date financial records including up to date cashbook, bank statements, invoices and receipts. Bank accounts will be reconciled and balanced prior to each meeting of the Regional Council.

**17.4 Annual Financial Reporting:** Regional Councils are required to meet the financial reporting standards for registered Charities, adopted by Charities Services (as set by the External Reporting Board) based on the applicable Tier for the financial year being reported. Regional Councils must furnish a full set of these financial statements (including a service performance report if required) to the Trust within the timeframe advised by it in each reporting cycle. Regional Councils must meet the requirements of the applicable Trust to remain a remain Charity.

**17.5 Incomplete Financial Reports:** The financial statements will be presented at the Annual General Meeting. A copy of the financial statements at the close of the financial year must be submitted to the Trust. If the financial reporting results are not sufficient the Board may suspend the Regional Council's accreditation in accordance with clause 23.1 or take control of the Regional Council in accordance with clause 23.4.

**17.6 Charities Commission Requirements:** The Regional Council acknowledges that it is a member of the Trust's Group Registration with the Charities Commission, and will fulfil all accounting and financial requirements of the Charities Commission.

**17.7 Properly incurred expenses not affected:** Nothing herein contained will be deemed to preclude the payment out of the Regional Council's funds of all expenses properly incurred in collecting such moneys and in otherwise administering the Regional Council.

## 18. FUNDRAISING AND SPONSORSHIP

**18.1 Regional Council may fundraise:** The Regional Council is permitted to fundraise in its Geographic Area. The Regional Council may not fundraise outside its Geographic Area without the Trust's approval of the fundraising in advance. All funds collected will be applied solely in and towards the promotion of the aims and objects of the Trust in the Regional Council's Geographic Area.

**18.2 Funds to be deposited into Regional Council's Bank account:** All funds collected in the course of the Regional Council's fundraising must be delivered as soon as possible to the Regional Council Treasurer for deposit into the Regional Council's bank account.

**18.3 Funds to be accounted for:** The Regional Council Treasurer must record the amounts raised by Regional Council fundraising activities in the Regional Council's financial accounts.

**18.4 Regional Council will not enter into contracts using the name of Special Olympics.** The Regional Council will not enter into contracts using the name of Special Olympics without the prior approval of the Trust.

## **19. NOTICES**

**19.1 Manner of Notice:** A notice under these Rules must be in writing and may be delivered personally, by post, by facsimile or by email.

**19.2 Receipt of Notice:** A notice will be deemed to have been received;

- (a) If personally delivered, when received;
- (b) If sent by post, three days after it was sent;
- (c) If sent by facsimile, on receipt by the sender of a transmission report indicating that the facsimile was sent in its entirety to the recipient's facsimile number; and
- (d) If sent by email, on the day it is sent, provided that no error message was received by the information used by the sender.

Provided that if a notice is received after 5.00pm, it will be deemed to have been received on the next day.

The means of notice shall be at the discretion of the Regional Council and shall be based on the contact details held by the Regional Council at the time.

## **20. COMPLAINTS**

**20.1** Any complaints received by the Regional Council Chair in respect of the behaviour of a Club athlete or volunteer must be dealt with by following the Special Olympics New Zealand Complaints, Member Discipline and Appeals Policy.

## **21. AMENDMENT TO THE RULES**

**21.1 Amendment by Trust:** These Rules may be altered from time to time as the Trust may determine.

**21.2 Provision of Updated Rules:** Upon amendment, a copy of the new Rules will be provided to the Regional Council.

## **22. PROVISION FOR THE TRUST TO ASSUME MANAGEMENT OF THE REGIONAL COUNCIL**

**22.1** The Trust may assume management of the Regional Council from the Regional Council Members as the Trust sees fit.

**22.2** The Trust will consider any matter it deems relevant in determining whether it will assume management of a Regional Council. The length of time the Regional Council will be under management of the Trust will be at the Trust's sole discretion.

~~22.222.3~~ Where a Regional Council is under management and an Executive Committee is established by the Trust, The Executive Committee will maintain the bank accounts of the Council. Where the Trust is unable to establish an Executive Committee or resolves to manage the Council directly, the bank accounts will be managed by the Trust.

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**22.4** The Trust will determine the timing and process of review in considering if/when a Regional Council will return to self-management and any conditions required to be met.

**22.5** Any decision taken by the Trust under this clause shall be at the Trust's sole discretion and shall be final.

## **23. SUSPENSION AND TERMINATION OF REGIONAL COUNCIL ACCREDITATION**

**23.1 Suspension of accreditation:** If the Trust so determines, after giving the Regional Council one written warning, it may at any time suspend the accreditation of the Regional Council. Upon suspension, the Regional Council's Executive Officers will meet with representatives of the Trust to determine the reasons for the suspension of accreditation. Following this meeting, the Trust will provide the Regional Council with a letter detailing the outcome of this meeting and specifying key indicators the Trust has determined the Regional Council must meet for accreditation to be reinstated.

**23.2 Assessment of compliance:** Representatives of the Trust will meet with the Regional Council's Executive Officers three months after the Regional Council's accreditation was suspended to determine if the Regional Council has met the key indicators specified in the letter.

**23.3 Termination of accreditation:** If, following the meeting between the representatives of the Trust and the Regional Council's Executive Officers, it is determined that the Regional Council has not complied with the key indicators, the Trust will have the discretion to terminate the Regional Council's accreditation.

**23.4 Effect of termination of accreditation:** If a Regional Council's accreditation is terminated, it will cease being a Regional Council for the purposes of Special Olympics New Zealand. In this event, the surplus assets, after payment of liabilities and expenses will be paid to Special Olympics New Zealand, National Office, to be held in trust for future Special Olympics movements or events in the former Regional Council's Geographic Area.

**23.5 Trust to be attorney:** If the Regional Council's accreditation is terminated, the Regional Council will give full power of attorney to the Trust.

## **24. DISSOLUTION**

**24.1** The Trust may resolve to dissolve a Regional Council as an outcome of considerations under Clause 21 or 22.

**24.2** If Regional Council Members resolve that the Regional Council should be dissolved, the Secretary will immediately convene a Special Meeting of the Regional Council to be held not less than one month thereafter to discuss and vote on the resolution. The Secretary will inform the Trust of the resolution.

**24.3**—If the resolution is carried by at least two thirds of the members present at the meeting, the members of the Regional Council will then discharge all debts and liabilities of the Regional Council. After this has been completed, the surplus assets will be paid to Special Olympics New Zealand, National Office, to be held in trust for future Special Olympics movements or events in the former Regional Council’s Geographic Area.

**24.424.3**