

## Registration decision: Waikato Rowing Performance Centre Incorporated (THE41712)

### The facts

1. The Waikato Rowing Performing Centre Incorporated ("the Applicant") was incorporated under the *Incorporated Societies Act 1908* on 27 February 2006.
2. The Applicant applied to the Charities Commission ("the Commission") for registration as a charitable entity on 17 June 2011.
3. Clause 3 of the Applicant's rules document sets out the purposes of the society as:

*(a) To facilitate a high performance rowing programme in accordance with the recommendations of RNZ.*

*(b) To promote and encourage the achievement of international excellence in the sport of rowing in New Zealand.*

*(c) To identify individuals who excel in their particular rowing disciplines with the intent of providing the necessary infrastructure to enable them to reach the highest international standards.*

*(d) To be represented at and participate in domestic and international rowing events as Waikato RPC.*

*(e) To provide a pathway for chosen athletes from school and club rowing into elite competition.*

*(f) To foster and promote the ideals of the sport of rowing.*

*(g) To do all things as are incidental and conducive to the attainment of the above objects.*

4. Clauses 12.1 and 12.2 state:

*12.1 Athletic Membership of the Waikato RPC is limited to a maximum of Eighty (80) persons at any one time.*

*12.2 To qualify for membership, prospective Athletic Members must:*

*(a) Attain a standard of excellence in their particular rowing discipline as determined by the RPC Head Coach from time to time; and*

*(b) Hold a valid RNZ licence; and*

*(c) Meet the rowing or coxing performance criteria determined by the RPC Head Coach; and*

*(d) Not be a member of any other rowing regional performance centre or other organisation affiliated to RNZ running a high performance programme under the direction of RNZ.*

5. The application was analysed and on 19 October 2011, the Commission sent the Applicant a notice that may lead to a decline on the basis that the beneficiaries of the Applicant are limited to elite rowing athletes and therefore the Applicant does not provide sufficient public benefit.
6. On 21 January 2012, the Applicant responded to the notice that may lead to a decline. The Applicant stated:

*In addition to the activities already stated in our application the Waikato Rowing Performance Centre also run rowing camps for school age rowers throughout the year, there are no qualifications the athletes require only a willingness to participate.*

*At these camps rowing coaches attend from the Waikato and Bay of Plenty area and the knowledge obtained from the Rowing Performance coaches is passed down to these coaches and in turn onto other coaches and rowers within the clubs and schools of the region.*

*During the course of the year Rowing Performance coaches and manager also provide mentoring to both male and female athletes and other coaches within the region to assist the athletes with both sporting and life challenges.*

7. The Applicant's website states:

*After 3 weeks of Regional Performance Centre Trials (Erg testing, on water racing and strength testing) Rowing New Zealand has selected the athletes for the Performance Centres. The Waikato has the largest number of athletes with 37 being selected. See [www.rowingnz.com](http://www.rowingnz.com) for the full team list.*

*Squad training for the WRPC starts on Monday 26th September with the goal of gaining success in the U21 age group at the National Championships in February at Lake Karapiro.<sup>1</sup>*

***What is a Regional Performance Centre?***

*The Regional Performance Centres (RPC's) are a Rowing New Zealand initiative. RPC's are part of the RNZ High Performance Program. With the goal of selecting and developing the pre elite talent for Rowing NZ. There are four RPC's in New Zealand; Auckland, Waikato, Central and Southern.*

***Regional Performance Centre Objectives***

*The key objectives for these centres are as follows:*

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<sup>1</sup> <http://wrpc.squarespace.com/>

- *To develop pre-elite talent and especially the athletes expected to represent NZ at the 2016 Olympics and beyond*
- *To provide a 12month, year on year individual athlete development program*
- *To provide a clear pathway for aspiring Rowers and Coaches*
- *To assist local associations within the RPC catchment area with regional development of coaches and athletes*
- *To link tertiary institutions into the sport of rowing to enable facilitation of education/career pathways AND to enable proactive monitoring/support of key athletes within institutions<sup>2</sup>*

## The issues

8. The issue the Commission must consider is whether the Applicant meets all of the essential requirements for registration under the *Charities Act 2005* ("the Act"). In this case, the key issue for consideration is whether the Applicant is a society or institution established and maintained exclusively for charitable purposes and not carried on for the private pecuniary profit of any individual, as required by section 13(1)(b) of the Act. In particular, the issues are:
- (a) whether the Applicant's purposes fall within the definition of charitable purposes in section 5(1) of the Act; and
  - (b) whether the Applicant provides a public benefit.

## The law on charitable purposes

9. Under section 13(1)(b) of the Act a society or institution must be established and maintained exclusively for charitable purposes and not carried on for the private pecuniary profit of any individual.
10. Section 5(1) of the Act states:
- ...charitable purpose includes every charitable purpose, whether it relates to the relief of poverty, the advancement of education or religion, or any other matter beneficial to the community.*
11. In addition to being within one of the categories of charitable purpose, to be charitable at law, a purpose must also be for the public benefit.<sup>3</sup> This means that the purpose must be directed to benefit the public or a sufficient section of the public.

<sup>2</sup> <http://wrpc.squarespace.com/about-wrpc/>

<sup>3</sup> Accepted as common ground in *Latimer v Commissioner of Inland Revenue* [2002] 3 NZLR 195, para [32].

12. Section 5(3) of the Act provides that the inclusion of a non-charitable purpose will not prevent qualification for registration if it is merely ancillary to a charitable purpose.
13. In considering an application, section 18(3)(a) of the Act requires the Commission to have regard to:
- i) *the activities of the entity at the time at which the application was made; and*
  - ii) *the proposed activities of the entity; and*
  - iii) *any other information that it considers is relevant.*
14. Courts have also held that the activities of an entity must be considered in relation to its purposes in order to conclude whether it is, in fact, established and maintained for exclusively charitable purposes.<sup>4</sup>

### **The New Zealand Charities Commission's approach to sport and recreation bodies**

15. Clause 5(2A) of the Act states:

*The promotion of amateur sport may be a charitable purpose if it is the means by which a charitable purpose referred to in subsection (1) is pursued.*

16. In *Travis Trust v Charities Commission*, Joseph Williams J stated:

*In the area of sport and leisure, the general principle appears to be that sport, leisure and entertainment for its own sake is not charitable but that where these purposes are expressed to be and are in fact the means by which other valid charitable purposes will be achieved, they will be held to be charitable. The deeper purpose of the gift or trust can include not just any of the three original Pemsel heads but also any other purpose held by subsequent cases or in accordance with sound principle to be within the spirit and intendment of the Statute of Elizabeth.<sup>5</sup>*

17. The above show that sporting entities can be charitable if they are advancing another charitable purpose. Examples of other charitable purposes that sporting entities may advance include:
- Providing community recreational facilities "in the interests of social welfare";
  - Relieving poverty;
  - Advancing education; or
  - Providing a purpose otherwise beneficial to the community, such as promoting health by providing opportunity for participation in

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<sup>4</sup> See *Attorney-General v Ross* [1986] 1 WLR 252 at 263; *Vancouver Society of Immigrant and Visible Minority Women v MNR*, [1999] 1 SCR 10 at para 194; *Federal Commissioner of Taxation v Word Investments Ltd* (2008) 236 CLR 204 at 175; *Canterbury Development Corporation v Charities Commission* HC WN CIV 2009-485-2133 [18 March 2010] at para 29.

<sup>5</sup> (2009) 24 NZTC 23,273, 23,281.

amateur sports that involve the pursuit of physical fitness.

18. In addition, in order to be charitable, a sporting entity must provide a public benefit. Factors that may count against this include where:
- there are unreasonable or unjustifiable restrictions placed on who may benefit from the activity;
  - prohibitive costs associated with the activity (including fees and equipment) will exclude the less well off;
  - there is an unreasonable risk of injury or harm associated with the activity which will outweigh any benefit to the public;
  - providing amusement, entertainment, or social activities for members is a primary purpose.

### **Charities Commission's analysis**

19. The Commission has analysed the purposes set out in clause 3 of the Applicant's rules document, information available on the internet and the information supplied by the Applicant.
20. The Commission does not consider that the Applicant's purposes and the activities it undertakes indicate an intention to relieve poverty, advance education or advance religion. Accordingly, they have been assessed under "any other matter beneficial to the community".

### Other matters beneficial to the community

21. In order for a purpose to qualify as "any other matter beneficial to the community", the purpose must be beneficial to the community and must be within the spirit and intendment of the purposes set out in the Preamble to the *Charitable Uses Act 1601* (the Statute of Elizabeth):<sup>6</sup>
- relief of aged, impotent, and poor people
  - maintenance of sick and maimed soldiers and mariners
  - schools of learning
  - free schools and scholars in universities
  - repair of bridges, ports, havens, causeways, churches, sea banks, and highways
  - education and preferment of orphans
  - relief, stock or maintenance of houses of correction
  - marriage of poor maids
  - supportation, aid and help of young tradesmen, handicraftsmen, and persons decayed
  - relief or redemption of prisoners or captives and

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<sup>6</sup> *Re Jones* [1907] SALR 190, 201; *Williams Trustees v Inland Revenue Commissioners* [1947] AC 447, 455; *Scottish Burial Reform and Cremation Society v Glasgow Corporation* [1968] AC 138, 146-48; *Incorporated Council of Law Reporting (QLD) v Federal Commissioner of Taxation* (1971) 125 CLR 659, 667, 669; *Royal National Agricultural and Industrial Association v Chester* (1974) 48 ALJR 304, 305; *New Zealand Society of Accountants v Commissioner of Inland Revenue* [1986] 1 NZLR 147, 157; *Re Tennant* [1996] 2 NZLR 633, 638.

- aid or ease of any poor inhabitants concerning payment of fifteens, setting out of soldiers and other taxes.<sup>7</sup>
22. Not all organisations that have purposes that benefit the community will be charitable. The purposes must benefit the community in a way that the law regards as charitable. According to *Charity Law in Australia and New Zealand*:
- . . . it is not all objects of public utility that are charitable, 'for many things of public utility may be strictly matters of private right, although the public may indirectly receive a benefit from them.' Nor are essentially economic or commercial objects within the spirit of the Preamble.<sup>8</sup>
23. Over the years, the courts have recognised many new charitable purposes that are substantially similar to those listed in the Statute of Elizabeth, acknowledging that what is accepted as a charitable purpose must change to reflect current social and economic circumstances. In particular, courts have found the promotion of public health to be charitable under this head where the benefit is available to a sufficient section of the public.<sup>9</sup>

#### Public benefit

24. In order to be charitable, the benefits from an Applicant's purposes must be available to a sufficient section of the community. Any private benefits arising from the Applicant's purposes must only be a means of achieving an ultimate public benefit and therefore be ancillary or incidental to it. It will not be a public benefit if the private benefits are an end in themselves.<sup>10</sup> In addition, proof that public benefit will necessarily flow from each of the stated purposes is required, not merely a belief that it will or may occur.<sup>11</sup>
25. There are two aspects to the public benefit test, that is:
- there must be an identifiable benefit, assessed in the light of modern conditions and
  - the benefit must be to the general public or to a sufficient section of the public.<sup>12</sup>
26. In relation to the first aspect, the Commission considers that some benefits will result from the Applicant's purposes.
27. In relation to the second aspect, in *Travis Trust v Charities Commission*, Joseph Williams J stated:

<sup>7</sup> *Charitable Uses Act 1601* 43 Elizabeth I c. 4.

<sup>8</sup> Gino Dal Pont, 2000, Oxford University Press, p 178; citing *Nightingale v Goulburn* (1847) 5 Hare 484, 490 and *Re Davis (deceased)* [1965] WAR 25, 28.

<sup>9</sup> *McGregor v Commissioner of Stamp Duties* [1942] NZLR 164; *Re Laidlaw Foundation* (1984) 13 DLR (4th) 491.

<sup>10</sup> *Commissioners of Inland Revenue v Oldham Training and Enterprise Council* (1996) STC 1218; *Travel Just v Canada (Revenue Agency)* 2006 FCA 343, [2007] 1 CTC 294.

<sup>11</sup> *Gilmour v Coats* [1949] AC 426; *Re Blyth* [1997] 2 Qd R 567, 582; *D V Bryant Trust Board v Hamilton City Council* [1997] 3 NZLR 342, 350.

<sup>12</sup> See Tudor on Charities, 9<sup>th</sup> edition, London, Sweet & Maxwell, 2003, at 7.

An excellent exposition on the nature of community or public benefit can, with respect, be found in the decision of Bleby J in the South Australian Supreme Court case of *Strathalbyn Show Jumping Club Inc. v Mayes*.<sup>13</sup> In that case, the question was whether the members of two separate polo clubs and a polo grounds association were a sufficient section of the public.

...  
[I]n the *Strathalbyn* case, Bleby J found that the rules of admission in each of the three polo clubs rendered them essentially private. He said:

Although the membership rule of each of the three clubs are quite different, they have a common feature, namely, that admission to membership and exclusion from membership is vested in the relatively small Board of Directors or committee of management. It is not open to any member of the public who wishes to join. Such provisions are not surprising. They are common to great many sporting and other associations of persons who have a common interest. ... **It indicates, however, that those who may benefit from the provisions of the first limb of Trust Deed constitute a highly restricted class ... It is not a class which is open to members of the public or any significant section of it. The class of persons on whom the benefit is conferred is a group or groups of individuals who have a common interest in the playing of polo and who have been admitted to membership by the controlling body of the organisation.** Even if there were less stringent restrictions on or qualifications for membership, I doubt whether the class or beneficiaries would meet the necessary public interest test.<sup>14</sup>  
[Emphasis added]

28. Hubert Picarda, in *The Law and Practice Relating to Charities*, states:

*There is, as Viscount Simonds pointed out in IRC v Baddeley, a distinction*

*'between a form of relief extended to the whole community yet, by its very nature, advantageous only to the few, and a form of relief accorded to a selected few out of a larger number equally willing and able to take advantage of it'.<sup>15</sup>* [Emphasis added]

29. Picarda also opines:

*A bridge which is available for all the public may undoubtedly be a charity and it is indifferent how many people use it. But confine its use to a selected number of persons, however numerous and important, it is then clearly not a charity.<sup>16</sup>*

30. Later he states:

<sup>13</sup> (2001) SASC 73.

<sup>14</sup> (2009) 24 NZTC 23,282, 23,281-2.

<sup>15</sup> Hubert Picarda, *The Law and Practice Relating to Charities*, 3<sup>rd</sup> Ed., London, Butterworths, 1999 at 21.

<sup>16</sup> *Ibid* at 24.

*If membership is open to all persons (other than disorderly or other self-disqualifying persons) there should be held to be a sufficient public benefit.*<sup>17</sup>

31. In line with the references cited above, the Commission will consider whether there are unreasonable or unjustifiable restrictions placed on who may benefit from the activity in determining whether sport and recreation bodies provide a public benefit.

32. The Applicant's website states:

*After 3 weeks of Regional Performance Centre Trials (Erg testing, on water racing and strength testing) Rowing New Zealand has selected the athletes for the Performance Centres. The Waikato has the largest number of athletes with 37 being selected.*<sup>18</sup>

33. The website goes on to state that the goal of the Society is to develop "the athletes expected to represent NZ at the 2016 Olympics and beyond"<sup>19</sup>.

34. The Commission considers that the provision of coaching, equipment and logistical support to rowers in the Waikato who have the potential to represent New Zealand will provide benefits to only a limited group of elite athletes. The Commission also notes the stringent restrictions on admission of "Athletic Members" in clause 12.1 and 12.2 of the rules. The Commission concludes that participation in such a squad is restricted to a limited number of people based on their skill or ability and it will not be open to anyone who wishes to participate. Accordingly, the Commission does not consider that the benefits from the Applicant's purposes will not be available to a significant section of the public.

35. In line with the above case law, the Commission considers that the benefits resulting from the Applicant's purposes and activities will accrue to a limited number of private individuals. Any benefits conferred on the community at large are too remote to give the purposes a charitable nature.

#### Applicant's submissions

36. In its letter of 21 January 2012, the applicant states that the entity runs camps for school age participants which 'require only a willingness to participate'; and that Rowing Performance coaches are able to pass on their knowledge to other coaches within the region and 'provide mentoring to both male and female athletes during the course of the year.'

37. The Commission notes that although these activities may be considered to provide a benefit to young rowers and arguably the wider coaching community, this is not the primary purpose of the entity as outlined in its

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<sup>17</sup> Ibid, at 134.

<sup>18</sup> <http://wrpc.squarespace.com/>

<sup>19</sup> <http://wrpc.squarespace.com/about-wrpc/>



rules document, and the Applicant has not provided any further evidence of a wider public benefit. The activities directed at school age participants also need to be viewed in light of clause 3.1(e) – to 'provide a pathway for chosen athletes from school and club rowing into elite competition.'

38. For the reasons set out above, the Commission does not consider that providing assistance to a limited number of elite performers in one particular sport can amount to the promotion of public health and therefore this is not a charitable purpose under "other matters beneficial to the community".

### Conclusion

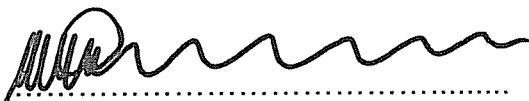
39. The Commission concludes that the Applicant's purposes set out in clause 3 of its rules and its activities are non-charitable for the reasons stated above.

### **Charities Commission's determination**

40. The finding of the Commission is that the Applicant has failed to meet an essential requirement for registration as a charitable entity in that it is not established and maintained **exclusively** for charitable purposes, as required by section 13(1)(b) of the Act.

**For the above reasons, the Commission declines the Applicant's application for registration as a charitable entity.**

Signed for and on behalf of the Charities Commission



Trevor Garrett  
Chief Executive

Date 5/4/12



**The Rules Of  
Waikato Rowing Regional Performance Centre Incorporated.**

**1.0 NAME**

1.1 The Centre will be called the Waikato Rowing Regional Performance Centre Incorporated

**2.0 DEFINITIONS**

- **Athletic Member** means those members who qualify for membership pursuant to rule 12.
- **Chairperson** means the person appointed by the Executive to act as Chairperson of the Executive Committee.
- **Executive** means the officers who have been duly appointed pursuant to rule 8.1 and who have the responsibility to govern the Waikato RPC.
- **Executive Member** means those persons who qualify for membership under rule 13.1
- **High Performance Programme** means the high performance programme run by the Waikato RPC under the direction of WRC and RNZ.
- **Home Club** means an organization or entity, which is duly recognized by RNZ and the WRA and to which the Member or prospective member of the Waikato RPC was/is a financial member.
- **Member** means those members pursuant to rule 11.1.
- **Registrar** means the Registrar of Incorporated Societies.
- **RNZ** means the New Zealand Rowing Association Incorporated (otherwise known as Rowing New Zealand) having jurisdiction over the sport of rowing within New Zealand.
- **RPC Head Coach** means the rowing coach appointed by RNZ whose appointment is ratified by the management of Waikato RPC and whose responsibility it is to provide leadership for the High Performance Programme.
- **Waikato RPC** means Waikato Rowing Regional Performance Centre Incorporated.

- **WRA** means the Waikato Rowing Association Incorporated or such other successor organisation affiliated to RNZ with delegated authority to manage the sport of rowing within the Waikato region (as defined by the constitution of the WRA).
- **WRC** means the Waikato Rowing Club Incorporated being a Rowing Club in its own right which has been appointed by RNZ to establish the high performance rowing programme for the Waikato and Bay of Plenty Region.

### 3.0 **OBJECTIVES**

3.1 The objectives of the Waikato RPC shall be:

- (a) To facilitate a high performance rowing programme in accordance with the recommendations of RNZ.
- (b) To promote and encourage the achievement of international excellence in the sport of rowing in New Zealand.
- (c) To identify individuals who excel in their particular rowing disciplines with the intent of providing the necessary infrastructure to enable them to reach the highest international standards.
- (d) To be represented at and participate in domestic and international rowing events as Waikato RPC.
- (e) To provide a pathway for chosen athletes from school and club rowing into elite competition.
- (f) To foster and promote the ideals of the sport of rowing.
- (g) To do all things as are incidental and conducive to the attainment of the above objects.

### 4.0 **OFFICE**

4.1 The registered office of the Waikato RPC shall be at 1 Hillsborough Terrace, Hamilton, or at such other place as is appointed from time to time by the Waikato RPC, and every change of office shall be notified to the Registrar.

### 5.0 **AFFILIATION OF THE WAIKATO RPC**

5.1 The Waikato RPC shall be affiliated to RNZ and the WRA, and the Waikato RPC and its Members shall be subject to the rules of RNZ and the WRA insofar as those rules are applicable.

## 6.0 FUNDS

- 6.1 The whole of the funds of the Waikato RPC shall be devoted to the carrying out of the objects of the Waikato RPC and such funds as are not for the time being invested in some object of the Waikato RPC shall be temporarily invested at the ANZ National Bank Limited or such other bank, or in such manner, as the Waikato RPC may direct.

## 7.0 MANAGEMENT

- 7.1 The Officers of the Waikato RPC shall consist of a Chairperson, Vice-Chairperson, Secretary and Treasurer, all of whom shall be elected by ballot at an Annual General Meeting and shall hold office until their successors are elected at the next Annual General Meeting. Nomination forms signed by the proposer and seconder shall be provided and submitted to the Secretary prior to the commencement of the meeting. Names can also be proposed at the meeting itself. There is no requirement that the Officers of the Waikato RPC need to be Athletic Members of the Waikato RPC.

## 8.0 EXECUTIVE

- 8.1 The Executive of the Waikato RPC shall be appointed by the management and committee of the WRC and will be subject to ratification by the members of the Waikato RPC at each Annual General Meeting of the Waikato RPC. The members of the Executive will hold office until their successors are ratified at the next Annual General Meeting. The Executive will consist of no more than 10 members and less than 4 members. The Chairman, Vice Chairman, Secretary, and Treasurer shall be members of the Executive ex officio. Four members of the executive are required to form a quorum. Any members of the Executive who shall be absent from three consecutive meetings without leave first being obtained from the Executive, shall cease to be a member of the Executive and a new member of the Executive shall be appointed by the Executive pursuant to rule 8.4.
- 8.2. Without prejudice to the general powers of the Executive, it is hereby expressly directed that the Executive shall be entrusted with, and may exercise and perform the following duties.
- (a) To sell, improve, manage, develop, lease, mortgage, or turn to account or otherwise deal with all or any of the property and rights of the Waikato RPC.
  - (b) To borrow or raise mortgages upon or pledge the real or personal property of the Waikato RPC or to issue debentures with or without mortgage as security for debenture holders.
  - (c) To enter into all such negotiations on behalf of the Waikato RPC as the Executive shall think expedient.
  - (d) To invest and receive the funds of the Waikato RPC.

8.3. The Executive shall have the entire management of the Waikato RPC's affairs, and in particular it shall keep insurable property of the Waikato RPC insured against loss or damage by fire and may make all purchases as may be deemed necessary to achieve the objects of the Waikato RPC to the extent of the Waikato RPC's funds.

8.4. The Executive shall have power to appoint officers or members of the Executive to any vacancies that may occur, such appointments to hold good only until the next Annual General Meeting, when such vacancies shall be filled pursuant to rule 8.1.

#### 9.0. **SECRETARY**

9.1 The Secretary shall in person attend each meeting of the Waikato RPC and Executive, keep minutes of the proceedings, read and file all communications and other papers, issue notices of meetings when directed, and conduct all correspondence and maintain a record of Members and their names, occupations, addresses, and rowing records.

#### 10.0. **TREASURER**

10.1 The Treasurer shall collect and account for all dues and funds and pay the same to the credit of such bank as the Executive may from time to time determine and disburse all moneys of the Waikato RPC authorised by a minute of the Executive. No money shall be paid except by cheque signed by at least one of the Chairperson, Vice Chairperson and Secretary in conjunction with the Treasurer.

#### 11.0 **MEMBERSHIP**

11.1 Membership of the Waikato RPC consists of Athletic Members, Executive Members and such other classes of membership as the Members may from time to time determine at a General Meeting.

#### 12.0 **ATHLETIC MEMBERSHIP**

12.1 Athletic Membership of the Waikato RPC is limited to a maximum of Eighty (80) persons at any one time.

12.2 To qualify for membership, prospective Athletic Members must:

- (a) Attain a standard of excellence in their particular rowing discipline as determined by the RPC Head Coach from time to time; and
- (b) Hold a valid RNZ licence; and
- (c) Meet the rowing or coxing performance criteria determined by the RPC Head Coach; and
- (d) Not be a member of any other rowing regional performance centre or other organisation affiliated to RNZ running a high performance programme under the direction of RNZ.

12.3 Any person who meets the necessary criteria in rule 12.2 may apply in writing to the RPC Head Coach to become an Athletic Member but acceptance as an Athletic Member shall be at the sole discretion of the Executive and the RPC Head Coach and will be for a given term subject to the right of the Executive to determine membership pursuant to rules 14. or 17.

12.4 Any prospective Athletic Members must be proposed by the RPC Head Coach and seconded at an Executive meeting. If accepted, the Secretary will send to each new prospective Athletic Member, a notice of offer to become an Athletic Member of the Waikato RPC. Upon acceptance the Athletic member will be required to pay the required subscription fee.

### 13.0 EXECUTIVE MEMBERSHIP

13.1 Executive Members are those persons appointed pursuant to clause 8.1

13.2 Executive Members are not required to be financial members of Waikato RPC unless they qualify for membership as an Athletic Member.

### 14.0 ADMISSION TO MEMBERSHIP

14.1 Membership of the Waikato RPC requires all Members to abide by the provisions of these rules and the decisions of the Waikato RPC. Any member breaching any rule will be dealt with by the Executive, providing always that expulsion, for any matter not provided for by rule 17.0, will require a majority at a General Meeting of no less than two thirds of the votes exercisable by those present.

### 15.0 REPRESENTATION AND MEMBERSHIP OF INDIVIDUAL MEMBERS

15.1 An Athletic Member may represent his/her Home Club in domestic rowing competitions where approval has been given by the Executive. Otherwise, representation shall be in the colours of the Waikato RPC.

15.2 An Athletic Member who is not a member of a Home Club shall always compete in the colours of the Waikato RPC when representing the Waikato RPC.

15.3 Where a Home Club requires an Athletic Member to compete for the Home Club in domestic competition it shall ensure that such competition does not adversely affect the Athletic Member's participation in the High Performance Programme and it shall seek prior approval from the RPC Head Coach in such instances.

### 16.0 NON PAYMENT OF SUBSCRIPTION FEES TO THE WAIKATO RPC

16.1 Any Member falling into financial arrears with the Waikato RPC may have some or all of its membership privileges suspended by the Executive until acceptable arrangements have been made to meet the arrears.

## 17.0 **TERMINATION OF MEMBERSHIP OF ATHLETIC MEMBERS**

17.1 The membership of an Athletic Member shall terminate where:

- (a) The Athletic Member ceases to be a financial member of a club or organization affiliated to RNZ; or
- (b) The Athletic Member ceases to meet the performance criteria established by the RPC Head Coach and the membership criteria provided in clause 12.2; or
- (c) The Athletic Member breaches these rules, or the rules of the WRA or RNZ including any Code of Conduct, By-Laws, or other rules or regulations made pursuant to them; or
- (d) The term of membership of the Athletic Member expires and is not renewed; or
- (e) The Athletic Member otherwise participates in conduct which is unfair, unbecoming, or against the ideals of the sport of rowing or the Waikato RPC; or
- (f) The Athletic Member withdraws his/her membership under clause 18.1.

17.2 In the event that an Athletic Member's membership terminates in accordance with either (b), (c), (d) or (e) above, the Athletic Member shall have a right of appeal to the Executive.

17.3 Such appeal must be notified to the Executive within 14 days of the date of written notice of the decision complained of, being notified to the Athletic Member.

17.4 In the event of an appeal, the Executive will consider any representations made by the Athletic Member and the RPC Head Coach prior to making its decision.

17.5 The Executive has the power to make Regulations concerning the procedure to be adopted for such appeals.

17.6 In the event that the Athletic Member or the RPC Head Coach is dissatisfied with the decision of the Executive, either party may utilise such dispute resolution procedure set out in the constitution of RNZ.

17.7 The termination of an Athletic Member's membership and any decision to renew such membership shall be made in the first instance by the RPC Head Coach and, subject to any appeal, be ratified by the Executive once the time limit for lodging any appeal to the Executive has expired.

## 18.0 **WITHDRAWAL**

18.1 Any Member desirous of withdrawing from membership of the Waikato RPC shall give 30 days written notice to the Waikato RPC. Termination of membership shall occur automatically upon expiry of the notice or earlier on approval of the Executive.



## 19.0. NOTICES

- 19.1 A notice board shall be fixed in a conspicuous place in the Waikato RPC House and all notices posted thereon, duly signed by the officer giving the same, shall be considered as official notices and must be attended to accordingly, provided that notices of all General Meetings of the Waikato RPC shall be advertised in the local papers at least seven clear days before such General Meeting and such notice shall set out the date and place of the meeting and the nature of the business to be conducted thereat. A copy of the Waikato RPC rules are to be affixed to the notice board.

## 20.0. FINANCIAL YEAR

- 20.1 The financial year of the Waikato RPC shall terminate on April 30th of each year.

## 21.0. MEETINGS

- 21.1 The Annual General Meeting of the Waikato RPC shall be held not later than June 30th of each year. The Executive shall furnish a report of the affairs of the Waikato RPC. The Treasurer shall submit a duly audited statement of all moneys received and paid on account of the Waikato RPC during the preceding twelve months, and a statement of assets and liabilities.
- 21.2 A General Meeting may be called by the Executive at any time, or shall be called by the Secretary on the written requisition of six members of the Waikato RPC; notice of such meeting and the object of the same shall be posted in the Waikato RPC House at least seven clear days prior to the date of the meeting and shall be advertised in accordance with rule 19.1
- 21.3 Four members shall form a quorum at any General Meeting of the Waikato RPC, and any such meeting shall lapse if a quorum is not present within thirty minutes after the time appointed.
- 21.4 These rules may be altered by resolution at a General Meeting of the Waikato RPC. No alteration of any of these rules shall be made at any General Meeting of the Waikato RPC unless notice of intention to propose such alteration shall have been given by posting in the Waikato RPC House seven days previously, and subject to the provision relating to advertising contained in rule 19.1
- 21.5 The chairperson at all meetings of the Waikato RPC or Executive shall be the Chairperson, or failing him, Vice Chairperson. In the event of the absence of both these officers, the chairperson shall be appointed from those present. The chairperson at any meeting of the Waikato RPC or Executive shall hold a deliberative or casting vote.
- 21.6 Every question (unless otherwise provided for by these rules), shall be decided on a majority of votes by a show of hands. Every member shall have one vote except that the chairperson shall have a casting as well as a deliberative vote as hereinbefore provided. At any meeting (unless a poll be demanded by at least five members) a declaration of the

chairperson that a resolution has been carried, or carried by a particular majority or lost or not carried by a particular majority, shall be conclusive.

21.7. If a poll be demanded by at least five members, it shall be taken in such manner and at such time and place and either immediately or after an adjournment not exceeding seven days as the chairperson of the meeting directs, and the result of the poll as declared by the chairperson, shall be deemed to be the resolution of the meeting at which the poll is demanded.

21.8. Only the Executive Members and Athletic Members can vote on any subject brought before either a Annual General Meeting or General Meeting of the Waikato RPC.

## 22.0. SUBSCRIPTIONS

22.1 The annual subscription fee for Athletic Members shall be recommended by the Executive to the Annual General Meeting each year and fixed at the next Executive Committee meeting.

## 23.0. AUDITOR

23.1 An auditor shall be elected at the annual General Meeting.

## 24.0. COMMON SEAL

24.1 The Common Seal of the Waikato RPC shall be affixed to such documents, as the Executive shall from time to time direct, in the presence of the Secretary or Treasurer and one other member of the Executive. Such seal shall remain in the custody of the Secretary.

## 25.0. WINDING UP

25.1 A simple majority of all the members present at a General Meeting convened for the purpose, may (provided that all the liabilities of the Waikato RPC have been duly discharged) resolve that the Waikato RPC be wound up as from a date to be named in such a resolution, and such resolution be confirmed at a subsequent General Meeting called together for the purpose of confirming the resolution, and held no earlier than 30 days after the date on which the resolution was passed: and that the assets of Waikato RPC handed over to the WRC. Notice of such resolution shall be sent to the Registrar.

These are the rules referred to in a declaration dated the ---/--/ 2005 made by the  
Chairperson of the Waikato Rowing Regional Performance Centre Incorporated.

**Hon Secretary**

**Chairperson**



21 January 2012

Charities Commission  
PO Box 8072  
Wellington

Attention: Al MacIver

Dear Sir,



Re: Waikato Rowing Performance Centre Inc (Ref # THE41712)

Thank you for allowing us to submit additional information on our submission to become a charitable organization.

In addition to the activities already stated in our application the Waikato Rowing Performance Centre also run rowing camps for school age rowers throughout the year, there are no qualifications the athletes require only a willingness to participate.

At these camps rowing coaches attend from the Waikato and Bay of Plenty area and the knowledge obtained from the Rowing Performance coaches is passed down to these coaches and in turn onto other coaches and rowers within the clubs and schools of the region.

During the course of the year Rowing Performance coaches and manager also provide mentoring to both male and female athletes and other coaches within the region to assist the athletes with both sporting and life challenges.

We thank you again for this opportunity to add additional information to our application and we look forward to a favourable outcome.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Littlejohn". The signature is written in a cursive style and is underlined with a single horizontal line.

David Littlejohn

Waikato Rowing Performance Centre Inc