

# 2004 ANNUAL GENERAL MEETING MINUTES



## **Minutes of meeting of the 114<sup>th</sup> Swimming New Zealand Annual General Meeting held at the Kingsgate Hotel, Willis St, Wellington on Sunday 5<sup>th</sup> September 2004**

Prior to the AGM commencing, Mrs Jeanne Siburn, President of Counties/Manukau asked if she could address the meeting. Jeanne Siburn on behalf of Counties/Manukau thanked President John West and Council for their dedication and commitment over the past 12 months. Unanimous agreement from the meeting.

The President of Swimming New Zealand, John West declared the 114<sup>th</sup> Annual General Meeting open at 10am. The President welcomed Life Members, delegates, observers and guests to the meeting.

### **Attendance:**

President:	John West
Vice President:	Murray Coulter
Council:	Donna Bouzaid, Jill Clarke, Michael Dodds, David Jack, Warwick Jackson, Jane Lowe, Karen Venables
Swimming New Zealand	Paul Veric (Chief Executive, Clive Rushton (Director of Coaching), Sandra Holden (Events Manager), Karen Woolley (Education Administrator).
Life Members:	Norma Williams, Merle Jonson
Delegates:	
Northland:	Sylvia Roberts
Auckland:	Mark Saunders
Counties-Manukau:	Jeannie Siburn
Waikato:	Humphrey Pullon
Bay of Plenty:	Isle Keehan
Taranaki:	Allan Barrett
Hawkes Bay Poverty Bay:	Keith Bone
Wanganui:	Warwyck Dewe
Manawatu:	Barrie Swailles
Wairarapa:	Craig Voyce
Wellington:	Graeme Foote
Nelson-Malborough:	Brett Currie
Canterbury- West Coast:	Ron Clarke
Eastern Districts:	Allister Johnstone
Otago:	Susan Sawtell
Southland:	Ken Sandri
SCAT:	Horst Mieke

**Observers:** John Mace, Ross Bragg, Elly Molloy, Philippa Bouzaid, Norma Williams, Sandra Harnett, Shona Hutt, Kate Thorn, Don Stanley, Jackie Stanley, Paul Stewart, Enid Wordsworth, Judith Armstrong, John Rhodes, Diane Farmer, Robyn Prior, Stuart McGregor, Margaret McGregor, Francis Wevers, Steve Fryer, Marlene Morrison, Graham Price, Judi Devine, Bert Cotterill, Annemaree Desmond, Jo Davidson, Mary McFarlane.

### **Apologies:**

Council – Jon Elliott

Life Members – Roly Webb, Ian Russell, Ron Shakespeare, Maurice Duckmanton, Jim Cole, Noel Smith, Jack Donaldson,, Danyon Loader, Artie Shaw, Colin Kennedy, Merv Campbell.

Awards Committee - Daphne Loader.

# 2004 ANNUAL GENERAL MEETING MINUTES



Jan Brickley, Julie Stevenson, Moira Howell – Canterbury, Lynne Keatley–Wellington, Wayne Johnstone, Geraldine Hay- BOP. Craig Hobbs–Paralympics NZ, Scott Newman, Rob Borgers – Waterpolo, Bill Matson – FINA Bureau, Daniel Gerrerd – Peter Snell Institute, Janet Marquet – Diving NZ, Bill Day – NZ Community Trust, David Pearce – SPARC, Don Judkins – Lion Foundation, Robbie Geerlings – Air NZ.

Moved Manawatu/Eastern Districts that the apologies be received

**Carried**

The President asked the meeting to stand and observe a minute's silence in recognition of those of the membership who have passed away over the last year. Special mention was made to Doug Cain a Life Member of Swimming New Zealand who has served the organisation for many years.

## 2003 Minutes

Minutes of meeting of the 113<sup>th</sup> Annual General Meeting held in Wellington, 7th September 2003 were confirmed as amended below.

Moved Counties/Wanganui

**Carried**

- Taranaki delegates name is Alan Barrett, not Barnett.

## Reports:

The President confirmed the following reports were tabled as read and invited comments or questions from the floor.

### President's Report

Moved President/Auckland that the report be received

**Carried**

The President spoke to his report and emphasised the area of financials and identified 3 main reasons for the budget deficit, these being unbudgeted costs, funding and phasing issues. The President stated that the past 4 months have been challenging for Council with the resignation of the CEO. The President thanked Mark Saunders and Clive Rushton for filling the gap and managing SNZ's operations on behalf of SNZ Council. The President also recognised and thanked the SNZ staff for picking up and getting on with the work.

Water Safety New Zealand were specifically thanked for their support of Swimming New Zealand education programmes. Without this support SNZ could not deliver these programmes in the manner currently possible.

The President also acknowledged SNZ and FINA Bureau member Bill Matson who was inducted into the International Swimming Hall of Fame and given the President's Award for contribution to the sport. Also acknowledge SNZ Member Robin Hood who was inducted into the FINA Hall of Fame for his work in Diving.

A number of questions were asked by the delegate from Wanganui concerning the resignation of the CEO and the processes and actions of Council.

Moved Nelson-Marlborough that we proceed to the next order of business.

### SwimSport Committee Report

Moved Jackson/Nelson-Marlborough that the report be received

**Carried**

SwimSport Chair Warwick Jackson addressed the meeting and thanked the regions for input into the consultative process re the calendar and rule changes. Mentioned as detailed in the Report that SwimSport committee as it is currently no longer needs to exist, as many of the areas are management issues and not governance issues and the remits also look at this Warwick thanked

# 2004 ANNUAL GENERAL MEETING MINUTES



the members of the committee for their work, especially Murray Coulter for his work on the SNZ regulations.

## Financial Statements

Warwick Jackson spoke to the financial statements on behalf of Council. The areas of concern can be broken down into 3 main issues

- Lost funding from LOTTO
- Already budgeted for a deficit
- Timing issue – re funding

The issues highlighted concerns with the way SNZ processes and a number of steps have been taken to move forward

- After ED left – Council appointed a Audit and Finance Committee
- Preparation of accounts is to move in house – to provide quicker information
- Accounts are to be presented in a format that can be more readily understood by councillors

SNZ cannot function without funding. Financial statements as they are detailed does not highlight where we get funding from.

The meeting discussed in some detail the processes that had been in place and concerns regarding the difficulties with SPARC in reaching an investment agreement.

Due to the concern of delegates, Council were requested by the meeting to provide an interim Financial Statement at 31 December 2004 for circulation to Regions.

The delegate from Wanganui sought to make a personal statement on behalf of his employer that had been responsible for SNZ's accounting function.

Moved Nelson -Marlborough/Countries that the speaker no longer be heard.

Moved Council/Northland that the 2003/04 Annual report and Financial statement be accepted

**Carried**

## Swimming New Zealand Awards:

President firstly addressed the meeting and presented the Jackie Clarke Award for the first time in 4 years. This Award is for Administrator of the Year and was presented to Merle Jonson of Waikato

John Mace was invited to present the recommendations of the Awards Committee. John addressed the meeting and firstly pointed out the necessity for regions to put forward nominations. These are only received by 50% of regions and people in regions than get overlooked as they do not get nominated.

John Mace had the pleasure of presenting the following recommendations for awards, and invited those in attendance to come forward to receive their Awards. Each award was seconded by the region and carried by acclamation.

# 2004 ANNUAL GENERAL MEETING MINUTES



## New Zealand Service Awards:

Ann Benseman	Bay of Plenty
Geraldine Hale	Bay of Plenty
Keith Johnson	Bay of Plenty
Neil McCready	Bay of Plenty
Stuart McGregor	Wairarapa
Ivon Clemett	Nelson-Marlborough
Murray Coulter	Wellington
Gordon Sim	Canterbury-West Coast
Marion Sim	Canterbury-West Coast
Bobbie Kitchen	Manawatu

## New Zealand Honours Awards

Colleen Melville	Bay of Plenty
John Rhodes	Wanganui
Ross Bragg	Nelson-Marlborough
Pat Johnstone	Eastern Districts
Allister Johnstone	Eastern Districts
Elsie Horner	Canterbury-West Coast

## Life Membership

Don Stanley	Waikato
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Don Stanley addressed the meeting and made comment to the fact he felt he did not deserve the Award due to his inability to take the Federation issue to a conclusion in this time dealing with this issue, which has now ended in the courts. He also offered his assistance to the President in helping resolve the issue.

## **Scrutineers:**

Norma Williams was appointed as a scrutineer for the Election of Officers  
Counties/Eastern Districts **Carried**

John Mace was appointed as a scrutineer for the Election of Officers  
Nelson-Marlborough/Northland **Carried**

## **Election of Officers:**

The following were elected

Vice President	Murray Coulter
Council	Warwick Jackson
	Alan (Noot) Barrett
	Jill Clarke
Awards Committee	Artie Shaw

The President requested that the Ballot papers be destroyed in line with SNZ Constitution Clause 17.7.  
moved Nelson -Marlborough/Auckland **Carried**

President moved to seek a leave of meeting to appoint an auditor in Wellington due to the accounts process being moved in house from Markhams.  
Moved Counties/Eastern Districts **Carried**

Don Stanley addressed the meeting and asked that the effort and support to the sport by Markhams be noted. Their interest in the sport over the years has been great and they have been very supportive. The President responded with having no argument or problem with Markham's service and thanked them for their work.

# 2004 ANNUAL GENERAL MEETING MINUTES



On behalf of Markham's Warwyck Dewe commented that they see it as an appropriate time for the accounts to return to Wellington.

## Notices of Motions

The voting process for notices of motion was by show of cards, which were used to indicate the number of votes per region. Acceptance of notices of motion required a 60% majority vote.

## Constitutional Remit 1

### Existing Clause    Description

No

Various Clause No's throughout the Swimming New Zealand Constitution 2003.

See supporting Constitution for changes – See SNZ Constitution 2004 Board changes pdf

### **Also following clauses affected by generic change**

- |      |                                                                                                                                                                             |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12   | Council Meetings                                                                                                                                                            |
| 12.2 | The President, or, in his/her absence, the Vice President, shall preside as chairperson at all Council meetings. If both are absent, the council shall elect a chairperson. |
| 12.3 | A quorum of the Council shall be at least 60% of the members of the council.                                                                                                |
| 12.4 | All members of the council shall have one vote, including any appointed members. The CEO shall not be entitled to a vote.                                                   |

Proposed and Accepted

**Council as defined by Rule 2.2 be replaced with Board throughout the Swimming New Zealand Constitution 2003.**  
**Members of the Council (Council as defined by Rule 2.2) when referring to the elected members be replaced with Directors throughout the Swimming New Zealand Constitution 2003.**  
**Council (Council as defined by Rule 2.2) Members when referring to the elected members be replaced with Directors throughout the Swimming New Zealand Constitution 2003.**  
**Members when referring to members of the Council (Council as defined by Rule 2.2) when referring to the elected members be replaced with Directors throughout the Swimming New Zealand Constitution 2003.**  
**When referring to the board as a whole replace members with Board members throughout the Swimming New Zealand Constitution 2003.**  
**Also following clauses affected by generic change**

- |             |                                                                                                                                                                                     |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Clause 12   | Council Meetings                                                                                                                                                                    |
| Clause 12.2 | The President, or, in his/her absence, the Vice President, shall preside as chairperson at all Board meetings. If both are absent, the directors present shall elect a chairperson. |
| Clause 12.3 | A quorum of the Board shall be at least 60% of its directors.                                                                                                                       |
| Clause 12.4 | All directors of the Board shall have one vote, including any appointed directors. The CEO and any other persons in attendance shall not be entitled to a vote.                     |

Council/Auckland

Carried

# 2004 ANNUAL GENERAL MEETING MINUTES



## Constitutional Remit 2

Existing Clause No	Description
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10	The Council
10.1	(c) Ex Officio members: The CEO of SNZ

Proposed and  
**Accepted**                      **Delete clause 10.1 (c)**

Council/Northland

**Carried**

## Constitutional Remit 3

Withdrawn by Wanganui

## Constitutional Remit 4

Existing Clause No	Description
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<b>10</b> 10.2	The elected members of the Council may, from time to time, appoint up to two members to the Council on the basis of specific knowledge or skills, for a term no longer than two years. Upon expiry of that term the Council if it thinks fit may reappoint such members for a further term.
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Proposed  
10.2                      *No more than two Council members from the same region shall hold Council positions at any one time.*

Wanganui/No seconder

**Motion lapsed**

## Constitutional Remit 5

Existing Clause No	Description
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<b>12</b> 12.6	Council members shall be entitled to vote by proxy at a Council meeting provided such proxy is a specific proxy giving directions to another Council member present as to how that member's vote is to be exercised on a specific item or items in the agenda.
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Proposed                      *Delete Clause 12.6*

Wanganui/Northland

**Lost**

# 2004 ANNUAL GENERAL MEETING MINUTES



## Constitutional Remit 6

Existing Clause No	Description
10.4	The President and the Vice President shall be elected biannually for two-year terms on alternate year appointments. If both positions concurrently become vacant, the Vice-President shall be elected for an initial term of 1 year only.
Proposed 10.4	The President and the Vice President shall be elected <b>biennially</b> for two-year terms on <b>concurrent</b> year appointments. Council/Nelson -Marlborough
Amended 10.4	The President and the Vice President shall be elected <b>biennially</b> for two-year terms on <b>concurrent</b> year appointments. If either position becomes vacant then an election shall be held for the remainder of the term Otago/Manawatu <span style="float: right;"><b>Carried</b></span>
<b>Amended &amp; Approved 10.4</b>	<b>The President and the Vice President shall be elected biennially for two-year terms on concurrent year appointments. If either position becomes vacant then an election may be held for the remainder of the term</b> <span style="float: right;"><b>Carried</b></span>

## Constitutional Remit 7

Withdrawn by Otago

## Constitutional Remit 12

Existing Clause No	Description
26.3	The longest serving member on the awards committee shall retire annually, but will be eligible for re-election.
26.4	If there are no nominations for a vacant position(s) on the awards committee, then such a vacancy(ies) may be filled by the appointment of a nominee(s) of the council.
26.5	All nominations for SNZ awards must be lodged with the CEO of SNZ for submission to the Awards Committees no later than 30 April in each year.
26.6	Nominations may be made by the Council, a Regional Association, a Club, SCATNZ, or a member and shall set out the background of the nominee in support of such nomination.
26.7	The Awards Committee shall: (a) Receive and consider all nominations for SNZ awards (b) Consider a person for an award on its own nomination. (c) Keep confidential all nominations received for SNZ awards and any representation in support of those nominations. (d) Strictly guard the status of all awards.
Proposed and <b>Approved</b> 26.3 26.4	<b>The longest serving member on the awards committee shall retire annually but will be eligible for re-election provided they qualify for the category to be elected.</b> <b>A member of the committee receiving a higher award during their</b>

# 2004 ANNUAL GENERAL MEETING MINUTES



- elected term shall be eligible to complete that term.
- 26.5 If there are no nominations for a vacant position(s) on the awards committee, then such a vacancy(ies) may be filled by the appointment of a nominee(s) of the council.
- 26.6 All nominations for SNZ awards must be lodged with the CEO of SNZ for submission to the Awards Committees no later than 30 April in each year.
- 26.7 Nominations may be made by the Council, a Regional Association, a Club, SCATNZ, or a member and shall set out the background of the nominee in support of such nomination.
- 26.8 The Awards Committee shall:
- (a) Receive and consider all nominations for SNZ awards
  - (b) Consider a person for an award on its own nomination.
  - (c) Keep confidential all nominations received for SNZ awards and any representation in support of those nominations.
  - (d) Strictly guard the status of all awards.

Council/Northland

Carried

## Constitutional Remit 8

Withdrawn by Council – include points of discussion in Remit 9.

## Constitutional Remit 9

Existing Clause No	Description
	<b>Existing Clauses 2, 11, 13</b>
2.3	"Swim Sport" means the Swimming Sport Committee of SNZ.
2.4	"Swim Ed" means the Swimming Education Committee of SNZ
2.5	"Administration Committee" means the administrative committee of SNZ.
11	<b>Powers of the Council</b>
11.2	In particular the Council shall have the power – <ul style="list-style-type: none"><li>(a) To appoint the chairperson and members of the Swimming Spot and Swimming Education committees.</li></ul>
	<b>Committees</b>
13.1	<b>Administrative Committee</b> <ul style="list-style-type: none"><li>(a) The Administrative Committee shall consist of the President of SNZ, the Vice President of SNZ, the chairperson of Swim Sport and the chairperson of Swim Education.</li><li>(b) The Administrative Committee shall generally attend to the administrative affairs of SNZ and shall exercise such powers as are delegated to it by the Council from time to time.</li></ul>
13.2	<b>Swimming Sport Committee</b> <ul style="list-style-type: none"><li>(a) The three members of the Swimming Sport Committee and the chairperson shall be appointed by the Council. The committee shall be responsible for planning, conducting and supervision of competitive swimming.</li><li>(b) Swimming Sport Committee shall co-opt a SCATNZ representative and a technical representative to it.</li></ul>

# 2004 ANNUAL GENERAL MEETING MINUTES



- (c) The committee shall appoint a sub-committee to be known as the Technical Panel. It shall select one member from each of the areas of the Upper North, Central, Lower North, Upper South and Lower South plus a Chairperson of the sub-committee. The composition of the sub-committee shall be reviewed in July of each year.

## 13.3 **Swimming Education Committee**

- (a) The three members of the Swimming Education Committee and the chairperson shall be appointed by the Council. The committee shall be responsible for planning, conducting and implementing matters relating to education in the sport of swimming.
- (b) The committee shall co-opt a SCATNZ representative to it.
- 13.4 SNZ can, if the need arises co-opt suitably qualified persons to sit on any committees.
- 11.2 (c) To delegate any of its powers or functions to the CEO, the Administrative Committee, SwimSport or SwimEducation committees, or to any other person or committee it sees fit to appoint.

## **Proposed**

- 11.2 *Delete clauses – 2.3, 2.4, 2.5, 11.2, 13.1 - 13.4  
In particular the Council shall have the power: (Note: Other powers b, d, e remain unaffected)*
- (c) *To delegate any of its powers or functions to the CEO, to any other person or committee it sees fit to appoint.*
- 14.2 *The CEO in consultation with the council shall prepare an annual budget for submission to the Council at least one month prior to the expiry of each financial year. That budget shall clearly show what is intended to be spent in the next financial year.*

Wanganui/Manawatu

## **Amended and Approved Clause 11.2**

- Delete clauses – 2.3, 2.4, 2.5, 11.2, 13.1 - 13.4**
- In particular the Council shall have the power: (Note: Other powers b, d, e remain unaffected)**
- (c) **To delegate any of its powers or functions to the CEO, to any other person or committee it sees fit to appoint. Committee powers and responsibilities shall be set out in their terms of reference.**

Council/Northland

**Carried**

## **Clause 14.2**

**The CEO in consultation with the council shall prepare an annual budget for submission to the Council at least one month prior to the expiry of each financial year.**

Council/Nothland

The amended motion was then put and **Carried**

# 2004 ANNUAL GENERAL MEETING MINUTES



## Constitutional Remit 10

Existing Clause No	Description	
14	Financial administration	
14.3	The CEO is entitled to incur any liabilities on behalf of SNZ if such liabilities have been clearly provided for within a budget approved and adopted by prior resolution of the Council.	
14.4	The CEO shall not incur any liabilities that have not been authorised within the budget approved by resolution of the Council and shall not incur any unbudgeted liabilities without the express approval of the Council.	
<b>Proposed and Approved 14 Clause 14.3</b>	<b>Financial administration</b>  <b>The CEO is entitled to incur any liabilities on behalf of SNZ if such liabilities are within the delegation advised by the Council and have been clearly provided for within a budget approved and adopted by prior resolution of the Council</b>	
<b>Clause 14.4</b>	<b>The CEO shall not incur any liabilities that have not been authorised within the delegation and budget approved by resolution of the Council and shall not incur any unbudgeted liabilities without the express approval of the Council.</b>	
	<b>Council/Eastern Districts</b>	<b>Carried</b>

## Constitutional Remit 11

Existing Clause No	Description	
19	Special General meeting	
19.11	Two scrutinizers appointed – one of whom shall be a member of council and the other nominated by the Regions – shall be responsible for counting votes cast in a postal ballot and determining the result.	
Proposed 19 19.11	Special General Meeting Two scrutineers shall be appointed by the council, one of whom shall be a member of Council; the other shall not be a member of staff. The scrutineers shall be responsible for counting votes cast in a postal ballot and determining the result.	Council/Wanganui
Amendment 19 19.11	<i>Special General Meeting</i> <i>Two scrutineers both of whom shall be life members. The scrutineers shall be responsible for counting votes cast in a postal ballot and determining the result.</i>	Waikato/Northland <b>Lost</b>
<b>Approved 19</b>	<b>Special General Meeting</b>	

# 2004 ANNUAL GENERAL MEETING MINUTES



19.11

**Two scrutineers shall be appointed by the council, one of whom shall be a member of the Board; the other shall not be a member of staff. The scrutineers shall be responsible for counting votes cast in a postal ballot and determining the result.**

Council/Wanganui

Carried

At the conclusion of the remits, the President sought the approval of the meeting to amend Council and Council Members to Board and Directors as appropriate. Verbal consensus from the meeting.

## **General Business**

President mentioned additional item of General Business entitled "Entry levy to fund results awards" and asked if all delegates had a copy.

### **Motion 1**

#### **2004/2005 Budget**

Mr Warwick Jackson tables the budget as approved by Council. The version of budget in papers is the incorrect version and all delegates should have received an updated version. Warwick Jackson explained how the budget was put together. Operational expenditure are in line with 2003/2004. Council have adopted a format to show where the shortfalls are and the necessity for funding in preparing the budget.

A number of questions were asked by delegates and responded to by Warwick Jackson outlining the basis on which the various items were included in the budget.

Council/Nelson-Marlborough

Carried

### **Motion 2**

#### **Policy Change E10**

Canterbury presented a recommendation which was initiated by young girls going away on teams where team personnel are all male and concern for liability associated with this for SNZ.

Council supports the concept and will take into account gender issues when appointing team management wherever possible. Council would propose that be the directive of the meeting and Council retain the flexibility in the selection process to put together the most appropriate team management for each event.

Canterbury wished for this to be a Policy direction. The key word is where possible which Council are happy with.

Canterbury/Taranaki

Carried

# 2004 ANNUAL GENERAL MEETING MINUTES



## **Motion 3**

### **Discuss quality of Juniors ribbons**

Canterbury are concerned with the quality of ribbons at this meet and brought along a number of ribbons from Canterbury and Otago

Manawatu wish to support Canterbury with this issue and presented a number of ribbons used.

Swim Sport agree totally with what is being said and have asked Sandra Holden to investigate and research ribbons for the future to improve the standard.

SNZ Council noted comments and matter is being investigated.

Canterbury/

## **Motion 4**

### **Entry levy to fund results awards**

Move for discussion that AGM agree to include in the Swimming New Zealand regulations the provision to apply a 50 cent entry levy to all Inter-Club, Regional and National Meets.

Council realise that this has been brought to the meeting at the last minute. Considerable discussion ensued – as much discussion for as against.

That AGM approve recommendation in principle, with a working party put together and a consultation process.

Council/Auckland	Carried
Northland/Manawatu	Against
Nelson-Marlborough/HBPB	Obstained

### **Affiliation fees 2004/2005 year**

SNZ Council had not brought forward a motion on Affiliation fees as it proposed no change to the status quo.

For the sake of clarity the meeting confirmed a recommendation from SNZ Council that the Affiliation fees for 2004/2005 year remain the same as those approved at the 2003 AGM.

\$25.00 + GST	Competitor
\$10.00 + GST	Club swimmer
\$10.00 + GST	Other

Mr John West thanked Ann-Marie Desmond, SPARC Relationship Manager for being present at the AGM and for support over the past year from SPARC, in the following areas

- Olympic Campaign – was noted the Olympic team on arrival in Athens, thought they had had the best preparation possible.
- Restructuring
- Access to Consultants in areas of Strategic planning
- Appointment of new CEO
- Professional development of new CEO

## 2004 ANNUAL GENERAL MEETING MINUTES



Annemarie Desmond addressed the meeting and mentioned that positive result of the Saturday session and moving forward.

Merle Jonson congratulated Council and the President and staff of SNZ for all that has been done. Happy about the positive feel of the meeting and Saturday session.

However have serious concerns regarding the Federation issue which is critical to sport, time to move on. We have never tried to have one vote and it has been difficult to solve when people won't talk to each other. Very important that we move on together. Congratulations on a great meeting and good luck next year.

The delegates were thanked for their attendance and wished a safe trip home.

Meeting closed 2.35pm