Papua New Guinea Swimming Inc.

Constitution

as of 29 March 2026

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CONSTITUTION OF PAPUA NEW GUINEA SWIMMING INC.

WHEREAS the world-wide organisation of aquatic sports is vested in the World Aquatics as the only recognised body which governs aquatic sports internationally;

AND WHEREAS it is necessary that there be a properly constituted national federation in Papua New Guinea governing aquatic sports in order to be affiliated to World Aquatics;

THEREFORE Papua New Guinea Swimming Inc. is hereby constituted as that national federation as follows:

PART 1 – PRELIMINARY

1. **NAME**

The name of the body governing aquatic sports in Papua New Guinea shall be **"PAPUA NEW GUINEA SWIMMING INC."**

2. **DEFINITIONS AND INTERPRETATIONS**

2.1 In this Constitution, unless the contrary intention appears:

Act means the *Associations Incorporation Act* and the regulations made under it;

affiliated Association means an Association affiliated to the National Federation in accordance with this Constitution;

affiliated Club means a club affiliated to the National Federation in accordance with this Constitution either directly or through an affiliated Association;

Annual General Meeting means the Annual General Meeting of the National Federation in accordance with Rule 34;

amateur means eligible to compete in accordance with the rules of World Aquatics;

AQUA means World Aquatics.

aquatic sports or "aquatics" include amateur swimming, open water swimming, masters swimming, diving, artistic swimming and water polo but does not include sailing, boating, water skiing, rowing or other similar water sports;

Association means an amateur swimming, open water swimming, masters swimming, diving, artistic swimming or water polo club;

Committee means a Committee appointed under this Constitution;

Council means the body comprised of elected officers of the National Federation and Delegates of affiliated Associations and affiliated Clubs;

Delegate means a person nominated by an affiliated Association or affiliated Club to represent that Association or Club on the Council;

Executive means the Executive of the National Federation as specified in Rule 27;

General Meeting means a meeting open to the attendance of all members at which all members have a voice but no vote;

Honorary Life Member means a person elected as such in accordance with Rule 17;

member means a financial member of an affiliated Club, an Honorary Life Member or a Special Member;

National Federation means Papua New Guinea Swimming Inc.;

office-bearer means a person duly elected as an office-bearer of the National Federation;

Papua New Guinea means the Independent State of Papua New Guinea;

Patron has the meaning given in Rule 42;

President means the President of the National Federation;

Registrar means the Registrar of the National Federation;

Regulation means the Associations Incorporation Regulation made under the Act;

Secretary means the Secretary of the National Federation;

Special General Meeting means a Special General Meeting of the National Federation in accordance with Rule 34;

Special Member means a person appointed as such under Rule 18.

subscription means all monies payable pursuant to Rule 19;

swimmer includes diver, artistic swimmer, open water swimmer, masters' swimmer or water polo player;

swimming includes diving, artistic swimming, open water swimming, masters' swimming or water polo;

this Constitution means the Constitution of the National Federation;

Treasurer means the Treasurer of the National Federation;

Volunteer means any person undertaking a task at the request of the National Federation, an affiliated Association or an affiliated Club in any capacity who is not an employee or contractor, including parents or carers that volunteer, directors, office bearers, coaches, officials, administrators and team and support personnel;

World Aquatics (AQUA) is the exclusive world governing body for swimming and is recognised by the International Olympic Committee (IOC) as the authority entitled to establish and enforce regulations for aquatic sports.

2.2 Words in the plural shall include the singular and vice-versa.

2.3 Words in the masculine gender shall include the feminine gender and vice-versa.

2.4 The provisions of the Interpretation Act apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution was an instrument made under that Act.

2.5 Where the context requires, expressions used in this Constitution have the meaning given from time to time in the constitution of World Aquatics.

2.6 Where there is a conflict between this Constitution and the World Aquatics Rules, the World Aquatics Rules prevail.

3. **HEADQUARTERS**

The Headquarters of the National Federation shall be at such a place as is decided by the Council.

4. **OBJECTS**

The objects and purposes of the National Federation are:

(a) to be affiliated with World Aquatics as the body governing aquatic sports in Papua New Guinea and to control aquatic sports in Papua New Guinea in accordance with World Aquatics rules;

(b) to promote and encourage aquatic sports throughout Papua New Guinea;

(c) to act alone or in conjunction with any affiliated Association or affiliated Club in any matter with respect to aquatic sports so far as they relate to Papua New Guinea;

(d) to apply the profits (if any) or other income in promoting its objects;

(e) to prohibit the payment of any dividend or payment in the nature of a dividend to its members; and

(f) to do all such things as are incidental or conducive to the attainment of the objects or any of them.

5. **POWERS**

In addition to the powers conferred upon it by the Act, the National Federation may:

(a) reprimand, suspend, expel or otherwise deal with an affiliated Association, affiliated Club or member whose conduct, in the opinion of the Council, warrants such action;

(b) suspend or abandon any or all of its competitions or, in their stead, substitute other competitions;

(c) refund all necessary approved expenses incurred by any member while engaged in the work of the National Federation or grant any sum to any office-bearer or official in recognition of any services rendered, provided that such grant shall not prejudice the amateur status of the recipient;

(d) act as an appeal body as provided in this Constitution for any affiliated Association or affiliated Club or member thereof in respect of an appeal against a decision of any local governing body, other than an appeal against a decision of an official in any competition;

(e) where it considers it necessary or expedient, require an affiliated Association or affiliated Club, or association or club seeking affiliated, to report on any matter or to forward books, documents or statements to the Executive, declaring that failure to comply with a requirement under this paragraph may be considered as misconduct for the purposes of paragraph (a); and

(f) conduct the National Championships for Papua New Guinea in relation to aquatic sports and such other competitions as the Executive may approve.

6. **JURISDICTION**

The National Federation recognises all amateur sports and claims absolute jurisdiction throughout Papua New Guinea in aquatic sports.

PART II – MEMBERSHIP

7. MEMBERSHIP

7.1 The National Federation shall consist of such:

(a) members of affiliated Associations and affiliated Clubs;

(b) Honorary Life Members; and

(c) Special Members,

as may be registered as provided in this Constitution.

7.2 Subject to Rule 21, membership is not transferable.

7.3 Papua New Guinea Swimming Inc. and its members, officials, support personnel, coaches, physicians, trainers, managers, medical or paramedical personnel and team leaders must comply with the constitution, rules, regulations, directives and decisions of World Aquatics, the World Aquatics Congress and the World Aquatics Bureau, including (without limitation) the World Aquatics Anti-Doping Rules and out-of-competition doping control by World Aquatics and the Court of Arbitration for Sport.

8. ASSOCIATIONS

8.1 The Council may, from time to time, approve the formation of an association being an association of Clubs which may be:

(a) a national association for the purpose of facilitating the regulation throughout Papua New Guinea of an aquatic sport; or

(b) a district association, comprising two or more Clubs within a district, and which is subject to conditions which the Council may from time to time determine, and that it and its members, officials, support personnel, coaches, physicians, trainers, managers, medical or paramedical personnel and team leaders must comply with the matters referred to in Rule 7.3.

(c) An association formed in accordance with Sub rule 8.1 may apply to the Council for affiliated to the National Federation, and where so affiliated shall be empowered:

(d) in the case of a national Association – subject to the overriding control of the National Federation, to regulate the conduct of a particular aquatic sport throughout Papua New Guinea; and

(e) in the case of a district Association – subject to the overriding control of the National Federation, to regulate the conduct of a particular aquatic sport in the district in which the Association has been formed.

8.2 Where application is made for the formation or affiliation of an association, there shall be forwarded to the Secretary of the National Federation a copy of the Constitution or proposed constitution of the association and the names of the clubs in the association.

8.3 An affiliated Association shall, at least once in each year, hold a general meeting of its members for the purposes of presenting a report and audited financial statement of its members and a copy of such report and audited financial statement together with the names of the office-bearers for the ensuing year, shall be sent to the Secretary within 14 days of such general meeting.

9. **CLUBS**

9.1 Club:

(a) whose constitution requires that all its members are amateurs, and that it and its members, officials, support personnel, coaches, physicians, trainers, managers, medical or paramedical personnel and team leaders must comply with the rules, regulations, directives and decisions of World Aquatics, the World Aquatics Congress and the World Aquatics Bureau, including (without limitation) the World Aquatics Anti-Doping Rules and out-of-competition doping control by World Aquatics;

(b) all of whose members are amateurs; and

(c) which has at least 10 members who are not members of any other affiliated Club, may apply to the Secretary to be affiliated to the National Federation as an affiliated Club.

(d) An application under Sub rule 9.1 shall be accompanied by:

(e) a copy of the Constitution, Rules and By-laws of the club;

(f) details of the proposed costumes and colours of the club;

(g) a list of the members of the club and of their addresses; and

(h) such other information as may be required by the Council.

9.2 An affiliated Club shall, within 14 days of the making of any addition or amendment to its Constitution, Rules or By-laws, send a copy of such addition or amendment to the Secretary for submission to the Council for approval and such addition or amendment shall not become operative until approved by the Council.

9.3 An affiliated Club shall, at least once in each year, hold a general meeting of its members for the purpose of presenting a report and an audited financial statement and a copy of such report and audited financial statement, together with the names of the Club's office-bearers for the ensuing year, shall be forwarded to the Secretary within 14 days of such general meeting.

10. **OTHER AFFILIATED BODIES**

The Council may, by resolution, grant affiliation to any school or other body if, in the opinion of the Council, the interests and objects of such school or body so affiliated are substantially consistent with this Constitution.

11. **AFFILIATION**

11.1 An application for affiliation:

(a) by an association in accordance with Rule 8; or

(b) by a club in accordance with Rule 9, shall be considered by the Council at the first meeting of the Council after the application is received.

11.2 Approval of an application for affiliation requires a two-thirds majority of the members of the Council present and voting.

11.3 The Secretary shall give to the applicant notification of any approval of affiliation under Sub rule 11.2 and on payment by the applicant of the affiliation fee under Rule 19 affiliation is completed.

12. **EFFECT OF AFFILIATION**

Affiliation with the National Federation shall operate as an agreement on the affiliated Association, affiliated Club, affiliated school or other body to abide by the Constitution and rulings of the National Federation and to accept, and where relevant enforce, all of the decisions of the National Federation.

13. **CESSATION OF AFFILIATION**

An affiliated Association or affiliated Club may cease to be affiliated after paying all fees then owed to the National Federation and upon giving one month's notice to the Secretary of its intention to cease to be affiliated with the National Federation.

14. **CANCELLATION OF AFFILIATION**

14.1 In addition to the powers of the Executive under Rule 15, the Council may cancel the affiliation of an affiliated Association or affiliated Club:

(a) whose fees to the National Federation under Rule 19 are three months in arrears; or

(b) whose membership as at 31 March in any year is less than 10 registered members; or

(c) whose rules or constitution does not comply with Rule 9.1(a).

14.2 Where the affiliation of a Club is cancelled under Sub rule 14.1, the members of such Club are ineligible to compete in any aquatic sports event under the auspices of the National Federation.

15. **DISCIPLINING OF MEMBERS, ASSOCIATIONS AND CLUBS**

15.1 Where the Executive is of the opinion that a member of the National Federation or affiliated Association or affiliated Club:

(a) has persistently refused or neglected to comply with a provision or provisions of this Constitution; or

(b) has persistently and wilfully acted in a manner prejudicial to the interests of the National Federation, the Executive may, by resolution:

(c) in the case of a member, expel or suspend the member for a specified period; or

(d) in the case of an affiliated Association or affiliated Club, cancel its affiliation with the National Federation or suspend its affiliation with the National Federation for a specified period.

15.2 A resolution of the Executive under Clause 15.1 is of no effect unless the Executive, at a meeting held not earlier than 14 days and not later than 28 days after service on the member, affiliated Association or affiliated Club of a notice under Clause 15.3, confirms the resolution in accordance with this Rule.

15.3 Where the Executive passes a resolution under Clause 15.1, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member, affiliated Association or affiliated Club:

(a) setting out the resolution of the Executive and the grounds on which it is based;

(b) stating that the member, affiliated Association or affiliated Club may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice:

(c) stating the date, place and time of that meeting; and

(d) informing the member, affiliated Association or affiliated Club that the member, affiliated Association or affiliated Club may do either or both of the following:

(e) attend and speak at that meeting; and

(f) submit to the Secretary at or prior to the date of that meeting written representations relating to the resolution.

15.4 At a meeting of the Executive held as referred to in Clause 15.3 (c), the Executive shall:

(a) give to the member, affiliated Association or affiliated Club an opportunity to make oral representations;

(b) give due consideration to any written representations submitted to the Executive by the member, affiliated Association or affiliated Club at or prior to that meeting; and

(c) by resolution determine whether to confirm or to revoke the resolution.

15.5 Where the Executive confirms a resolution under Clause 15.4, the Secretary shall, within 7 days after the confirmation, by notice in writing informing the member, affiliated Association or affiliated Club of the fact and of the right of appeal of the member, affiliated Association or affiliated Club under Rule 16.

15.6 A resolution confirmed by the Executive under Clause 15.4 does not take effect:

(a) until the expiration of the period within which the member, affiliated Association or affiliated Club is entitled to appeal against the resolution where the member, affiliated Association or Affiliated Club does not exercise the right of appeal within that period; or

(b) where, within that period, the member, affiliated Association or affiliated Club exercises the right of appeal unless and until the National Federation confirms the resolution pursuant to Rule 15.4.

16. RIGHT OF APPEAL OF DISCIPLINED MEMBER

16.1 A member, affiliated Association or affiliated Club may appeal to the Council against a resolution of the Executive which is confirmed by the Executive under Rule 15.4 within 7 days after notice of the resolution is served on the member, affiliated Association or affiliated Club by lodging with the Secretary a notice to that effect.

16.2 Upon receipt of a notice under Clause 16.1, the Secretary shall notify the Executive which shall convene a meeting of the Council to be held within 21 days after the date on which the Secretary received the notice.

16.3 At a meeting of the Council convened under Clause 16.2:

(a) the Executive and the member, affiliated Association or affiliated Club shall be given the opportunity to state their respective cases orally or in writing or both; and

16.4 the members of the Council entitled to vote shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

16.5 If at the meeting the Council passes a resolution in favour of the confirmation of the resolution, the resolution is confirmed.

17. **HONORARY LIFE MEMBERSHIP**

17.1 The National Federation may, from amongst persons who have had a long and active connection with the National Federation as office-bearers or otherwise, appoint persons to be Honorary Life Members in recognition of their efforts in furthering the interests of aquatics and of the National Federation.

17.2 Nominations for Life Membership shall include a written report outlining and detailing the history of service of the nominee, together with comments on the suitability of the honour of Life Membership being conferred on the person.

17.3 An Honorary Life Member may:

(a) be elected only at a General Meeting by a majority or two thirds of the total number of members of the Council;

(b) attend meetings of the National Federation, at which they shall have a voice but no vote; and

(c) be elected to the Executive, where they may exercise the full powers of a member of the Executive.

17.4 The appointment of an Honorary Life Member shall not otherwise interfere with the ordinary rights, duties and privileges of an office-bearer.

18. **SPECIAL MEMBERSHIP**

Where the National Federation is satisfied that special circumstances exist, the National Federation may appoint a person who is not a member of an affiliated Club, to be a Special Member of the National Federation for the purpose of attending meetings of the National Federation for a period specified by the National Federation.

19. **FEES AND SUBSCRIPTIONS**

19.1 Each affiliated Association, affiliated Club, member and Special Member shall pay to the National Federation an annual subscription of an amount determined by the Council.

19.2 A subscription payable under Sub Rule 19.1 shall be due and payable on 1 February in each year or upon affiliation or admission to membership.

19.3 Where an affiliated Association, affiliated Club, member or Special Member has failed by 31 March in any year to pay the subscription due, the Council may cancel the affiliation of that Association or Club or the membership of that member or Special Member.

19.4 An Association or Club whose affiliation is cancelled under Sub rule 19.3 may, after payment of the outstanding subscriptions due by it, apply for a re-affiliation in accordance with the procedures specified in Rule 8 or 9, as the case may be, for affiliation.

19.5 Where, at any time, the finances of the National Federation are insufficient to cover the cost of administration of the National Federation, the Council may require each affiliated Association and / or affiliated Club and / or member to pay a sum determined by the Council.

20. **REGISTER OF MEMBERS**

20.1 The Registrar shall maintain a Register of Members in which shall be entered:

(a) the names and contact details of all financial members of affiliated Associations and affiliated Clubs;

(b) the date of birth together with a certificate signed by the Secretary to the effect that the date as stated is correct;

(c) the names and contact details of Honorary Members;

(d) the name and contact details of Special Members; and

(e) the names and contact details of each affiliated Association and affiliated Club.

20.2 No member shall be registered until the annual subscription payable by that member and the affiliated Association and affiliated Club to which the member belongs has been paid to the National Federation, but registration may be effected at any time during the year.

20.3 The Register of Members shall be available for inspection by any member at times and places determined by the Executive.

20.4 No member is eligible to compete in any aquatic event organised by the National Federation, or in any aquatics event outside Papua New Guinea as a representative of Papua New Guinea, unless they are registered.

21. **MEMBERSHIP OF AFFILIATED CLUBS AND TRANSFER OF MEMBERSHIP**

21.1 A swimmer shall be a full member of only one affiliated Club, but may be an honorary or associate member of another affiliated Club or Clubs, if the rules of the Clubs concerned so permit.

21.2 A swimmer shall be registered with the National Federation only by the affiliated Club of which they are a full member.

21.3 A swimmer registered by an affiliated Club may transfer to another affiliated Club at time provided:

(a) all outstanding fees are paid to both Clubs; and

(b) a transfer fee is determined from time to time by the Council is paid to the National Federation.

21.4 Following a transfer under Sub rule 21.3:

(a) the swimmer may swim for the new Club during the balance of the current year, provided that both Clubs agree; and

(b) the registration of the swimmer shall be transferred to the new Club.

21.5 This Rule 21 applies separately to each category of aquatic sports.

22. **RESIGNATION OF MEMBERSHIP**

A member may resign their membership after paying all fees then outstanding and upon giving one month's notice to the Secretary of their intention to resign and, upon expiration of the one month's notice, the person giving that notice shall cease to be a member of the National Federation.

PART III – COUNCIL AND EXECUTIVE

23. OFFICE-BEARERS

23.1 The office-bearers of the National Federation shall be:

(a) a President;

(b) a Vice-President;

(c) a Secretary;

(d) a Treasurer;

(e) a Registrar;

(f) a Chief Technical Officer;

(g) a Public Relations Officer;

(h) a Property Officer;

(i) an Athletes' Representative; and

(j) such other positions as may be determined by the Council from time to time, and shall be elected in accordance with this Constitution.

23.2 The office-bearers shall hold office in an honorary capacity except that the National Federation may grant a payment to an office-bearer in recognition of services rendered, provided that such action shall not prejudice the amateur status of the recipient and is reported to the Council.

23.3 An office-bearer shall hold office from the conclusion of the Annual General Meeting at which they are elected, or in the case of a person elected to fill a casual vacancy from the date of their election, until the conclusion of the next Annual General Meeting but any office-bearer is eligible for re-election.

23.4 Gender Representation

(a) The National Federation shall use its best endeavours to ensure gender balance and inclusion in its Executive.

(b) Each gender shall comprise, as far as practicable, not less than 30 percent of the total Executive positions.

(c) The Council shall actively promote and support nominations from under-represented genders to achieve this balance.

(d) Where a vacancy arises, consideration shall be given to maintaining or improving gender representation on the Executive.

(e) This provision shall apply to all elections and appointments under this Constitution.

(f) Inability to achieve the objectives of this clause 23.4 does not invalidate the formation or conduct of the Executive.

24. **ELIGIBILITY FOR OFFICE**

24.1 To be eligible for election or appointment as an Office-Bearer or member of the Executive, a person must:

(a) be ordinarily resident in Papua New Guinea, unless the Council accepts a nomination of a non-resident on the basis of specialist skills or experience;

(b) be a financial member of an affiliated Club in good standing;

(c) be aged 18 years or older at the date of nomination;

(d) not have reached the age of 75 years, except where the Council, by special resolution, grants an extension of one further term for any member who provides specialist skills or experience deemed essential to the National Federation;

(e) not be an undischarged bankrupt or have been convicted of an offence involving dishonesty, fraud, corruption, sexual harassment or abuse, or child exploitation or abuse;

(f) not be subject to a sanction or suspension under the Constitution, the Rules of World Aquatics, the PNGSI Code of Conduct, or the World Anti-Doping Code;

(g) meet any applicable requirements of the PNG Olympic Committee or World Aquatics in relation to good standing, integrity and eligibility; and

(h) support the objectives and values of Papua New Guinea Swimming Inc.

24.2 Candidates must declare any conflicts of interest and relevant affiliations as part of their nomination.

24.3 The Council may, by special resolution, disqualify or remove any person from office who no longer meets the eligibility requirements of this clause.

25. **DUTIES OF OFFICE BEARERS**

25.1 The President shall:

(a) preside at all meetings;

(b) preserve order at meetings and see that this Constitution and any rules made under it are properly and impartially administered; and

(c) ensure that resolutions are implemented.

25.2 The Vice-President shall:

(a) assist the President in the discharge of the duties of the President; and

(b) officiate in the absence of the President.

25.3 The Secretary of the National Federation shall:

(a) as soon as practicable after being appointed as Secretary, lodge notice in accordance with the Act of their address;

(b) be the public officer for the purposes of the Act and the executive officer of the National Federation and have the custody of the books, documents, securities and other records of the National Federation and be responsible for all correspondence;

(c) keep minutes of:

(i) all appointments of office-bearers and members of the Council, the Executive and any Committee appointed by the Executive;

(ii) the names of members present at General Meetings and at meetings of each of the Council, the Executive and any Committee appointed by the Executive; and

(iii) all proceedings at General Meetings and meetings of the Council, the Executive and any Committee appointed by the Executive; and

(d) ensure that minutes of proceedings at a meeting are signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

25.4 The Treasurer of the National Federation shall:

(a) keep and maintain all books of account of the National Federation in accordance with accepted accounting standards and to receive all monies of the National Federation and deposit same to the credit of the National Federation with its bankers;

(b) issue a receipt for all monies received by him or her for banking;

(c) exercise supervision over payments and disbursements from the funds of the National Federation; and

(d) prepare annual accounts and any other accounts required by the Executive.

25.5 The Athletes' Representative shall represent and advocate for the interests of the members in respect of health, safety and welfare in deliberations by the other office-members, and is entitled to place the interests of any member ahead of the interests of the National Federation.

25.6 The duties of other office-bearers are as defined from time to time by the Council and shall be incorporated in a set of administrative procedures.

26. ELECTION OF OFFICE BEARERS

26.1 Subject to Sub rule 25.2, a nomination for the election of an office-bearer shall be:

(a) in writing;

(b) signed by the proposer, seconder and the nominee (all of whom shall be financial members of 18 years of age or more); and

(c) lodged with the Secretary 14 days before:

(i) the next Annual General Meeting; or

(ii) in the case of a casual vacancy, the next meeting of the Council.

26.2 A nomination for the election of an office-bearer may, at the discretion of the Council, be made:

(a) at the Annual General Meeting; or

(b) in the case of a casual vacancy, at the Council Meeting.

26.3 Where a casual vacancy occurs, the Executive shall call for nominations to fill the vacancy by:

(a) an election at the next Council meeting; or

(b) notification to members, or, at the discretion of the Executive, may appoint a person to fill the vacancy until the next Annual General Meeting.

27. **EXECUTIVE**

27.1 The Executive shall consist of:

(a) the President;

(b) the Vice President;

(c) the Secretary;

(d) the Treasurer;

(e) the Registrar;

(f) the Chief Technical Officer;

(g) the Public Relations Officer;

(h) the Property Officer; and

(i) the Athletes' Representative.

27.2 World Aquatics Bureau Member – Ex-Officio Status

In accordance with Article 17.2 of the Constitution of World Aquatics, any person who is:

(a) a member of the World Aquatics Bureau; and

(b) affiliated to Papua New Guinea Swimming Inc., or, in the absence of such affiliation, a citizen of Papua New Guinea,

shall be recognised as an ex-officio member of:

(i) the Executive; and

(ii) the General Meeting of the National Federation.

An ex-officio member appointed under this clause shall:

(a) have full speaking rights;

(b) have full voting rights; and

(c) not be counted toward the number of elected Office-Bearers under Clause 23.

The presence or absence of an ex-officio member under this clause shall not:

(a) invalidate the composition of the Executive;

(b) affect quorum calculations unless present; or

(c) alter the term of office of elected Office-Bearers.

The ex-officio status shall automatically commence upon confirmation of appointment to the World Aquatics Bureau and shall cease upon termination of that appointment.

27.3 Subject to the Act, the Regulation and this Constitution and to any resolution passed by the National Federation or the Council, the Executive:

(a) shall control and manage the affairs of the National Federation;

(b) may exercise all such functions as may be exercised by the National Federation other than those functions that are required by this Constitution to be exercised by the Council or at a General Meeting of members of the National Federation;

(c) has power to perform all such action and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the National Federation;

(d) shall attend to such other matters as are referred to it by the Council; and

(e) shall meet at monthly intervals at times determined by the President.

27.4 Oral or written notice of a meeting of the Executive shall be given by the Secretary to each member of the Executive at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting.

27.5 A quorum for a meeting of the Executive shall be half the committee plus one (and, if that calculation is not a whole number, rounded up to the nearest whole number), which must include any two of the following:

(i) the President or the Vice President;

(ii) the Secretary; or

(iii) the Treasurer.

27.6 No business shall be transacted by the Executive unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.

27.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

27.8 At a meeting of the Executive:

(a) the President or, in the President's absence, the Vice-President shall be the chairperson; or

(b) If the President and the vice-president are absent or unwilling to act, such one of the remaining members of the Executive, as may be chosen by the members present at the meeting, shall be chairperson.

27.9 Each member of the Executive present shall have one vote and, in the event of an equality of votes, the chairperson shall have a second vote.

28. **THE COUNCIL**

28.1 The Council shall consist of:

(a) the Executive; and

(b) the Delegates from each affiliated Association and affiliated Club, appointed in accordance with Rule 32.

28.2 The Council shall meet at times determined by the Executive and, in any event, within 30 days of a request in writing by not less than one-third of the Delegates.

28.3 The Secretary shall give to each member of the Council 14 days' notice of each meeting of the Council.

28.4 The agenda for a meeting of the Council shall be:

(a) minutes of the previous meeting;

(b) financial report;

(c) items referred to the Council by a General Meeting;

(d) items referred to the Council by the Executive; and

(e) general business.

28.5 A quorum for a meeting of the Council shall be:

(a) half of the Executive plus one; and

(b) one half of the number of Delegates nominated.

28.6 No business shall be transacted by the Council unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting stands adjourned to such time within one week and place as the Executive determines.

28.7 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.

28.8 At a meeting of the Council, the President or, in the President's absence, the Vice-President shall be chairperson.

28.9 Each member of the Executive and each Delegate present in person or by proxy shall have one vote and, in the event of an equality of votes, the chairperson shall have the second vote.

28.10 Rules 38 and 39 (proxies and ballots) shall apply to the Council in the same way as they apply to General Meetings.

29. **COMMITTEES**

29.1 The Executive may appoint such number of Committees as may be necessary for any purpose and may:

(a) co-opt a member to serve on;

(b) appoint a person to be the convenor of;

(c) specify the quorum for a meeting of; and

(d) specify the functions of,

such a Committee.

29.2 The President, Secretary or Treasurer, as selected by the Executive shall be an *ex officio* member of all Committees.

29.3 Persons who are not members of the National Federation may be appointed as members of a Committee.

29.4 Where:

(a) no convenor has been appointed under Sub rule 28.1 (b) – the President may appoint a convenor; and

(b) no quorum has been specified under Sub rule 28.1 (c) – the quorum shall be two-thirds of the number of persons appointed to the Committee.

29.5 The convenor of a Committee is responsible for:

(a) calling the meetings of the Committee;

(b) conducting the meetings of the Committee;

(c) arranging all details concerning the Committee and its functions; and

(d) reporting on the work of the Committee to each meeting of the Council and of the Executive.

30. **CASUAL VACANCIES**

For the purposes of this Constitution, a casual vacancy in the office of a member of the Council, the Executive or a Committee occurs if the member:

(a) dies;

(b) ceases to be a member of the National Federation;

(c) becomes insolvent;

(d) resigns office by notice in writing given to the Secretary;

(e) is removed from office under Rule 31;

(f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or

(g) is absent without the consent of the relevant body for three consecutive meetings of that body.

31. **REMOVAL OF MEMBER**

31.1 The National Federation in a General Meeting or meeting of the Council may by resolution remove any member of the Executive from office before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.

31.2 Where a member of the Executive to whom a proposed resolution referred to in Clause 31.1 relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the National Federation Council, the Secretary or the President may send a copy of the representations to each member of the National Federation or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

32. **VOTING AND DECISIONS**

32.1 Provided there is a quorum, the Council, Executive and any Committee appointed by the Council or the Executive may act notwithstanding any vacancy.

32.2 Any act or thing done or suffered, or purporting to have been done or suffered, by the Council, Executive or by a Committee appointed by the Council or Executive, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Council, Executive or Committee.

PART IV – GENERAL MEETINGS

33. **DELEGATES**

33.1 Subject to Sub rule 33.2 each affiliated Association and each affiliated Club is entitled to nominate Delegates in accordance with this section to attend Annual General Meetings and Council Meetings.

33.2 An affiliated Club which is a member of an affiliated Association shall be represented at Annual General Meetings and Council meetings by the Delegates from the Association.

33.3 The number of Delegates which may be nominated is:

(a) in the case of an affiliated Association – such number as exceeds by one twice the number of affiliated Clubs which are members of that Association; and

(b) in the case of an affiliated Club which is not a member of an affiliated Association – two,

and each Delegate shall be nominated in writing at the time of the General Meeting of the Association or Club and shall act as Delegate until a new Delegate is nominated in writing by the Association or Club concerned.

33.4 Where a nominated Delegate is for any reason unable to continue to act as a Delegate, the affiliated Association or affiliated Club of which they are the Delegate may nominate a replacement and the Secretary must have received notice of such nominations before the Delegate nominated as replacement may attend an Annual General Meeting or Council meeting.

33.5 A Delegate representing an affiliated Association or affiliated Club:

(a) at the centre where the Headquarters of the National Federation are situated – shall be a member of that Association or Club; and

(b) away from the centre where the Headquarters are situated – may be a person who is not a member of the Association or Club.

34. **ANNUAL GENERAL MEETING**

34.1 The Annual General Meeting of the National Federation shall be held so far as is reasonably practicable during the month of March in each year at a place and time to be determined by the Executive and advised by the Secretary.

34.2 The Secretary shall give two weeks' notice of an Annual General Meeting to each affiliated Association, affiliated Club, Special Member and Honorary Member and such notice shall specify the place where the Annual General Meeting shall be held and the date and time on which it shall be held.

34.3 Each member, including each affiliated Association, affiliated Club, Special Member and Life Member, may attend the Annual General Meeting where they shall have a voice but no vote.

34.4 A quorum for the Annual General Meeting shall consist of at least one half of the Executive and one half of the Delegates.

34.5 The business to be transacted at the Annual General Meeting shall be:

(a) confirmation of the Minutes of the previous Annual General Meeting and of any Special General Meeting held since that meeting;

(b) presentation of the President's report;

(c) receipt and consideration of the accounts of the National Federation;

(d) election of office-bearers and an auditor who, subject to this Constitution, shall hold office from the conclusion of the Annual General Meeting until the conclusion of the next Annual General Meeting; and

(e) general business.

34.6 Voting for the election of office-bearers for the next financial year shall be conducted by the outgoing Council.

34.7 Minutes of the Annual General Meeting shall be prepared and a copy provided to the World Aquatics Bureau within 60 days.

34.8 Audited financial statements of the National Federation must be published and provided to members in accordance with Rule 50 at least once in each 12 months (and also to the World Aquatics Bureau), and the auditor may continue in office until completion of the audit for the relevant period.

35. **SPECIAL GENERAL MEETING**

35.1 A Special General Meeting shall be called by the Secretary:

(a) on the receipt of a request by one affiliated Association or affiliated Club; or

(b) on the receipt of a request by at least 20 members; and

(c) on the instructions of the Executive.

35.2 A request under Sub rule 34.1 (a) shall detail the matter proposed to be discussed at the Special General Meeting.

35.3 The Secretary shall notify all affiliated Associations, affiliated Clubs, Honorary Life Members and Special Members by giving to them 14 days' notice of the time and place of such meeting.

36. **PROCEDURES AT A GENERAL MEETING**

Except as otherwise prescribed in this Constitution, procedures to be followed at a General Meeting shall be determined from time to time by the Council and shall be incorporated in a set of administrative procedures.

37. **RULES OF DEBATE**

Rules of debate shall be as determined from time to time by the Council and shall be incorporated in a set of administrative procedures.

38. **VOTING**

38.1 Except in the case of the election or removal of office bearers or for an amendment to this Constitution, upon any question arising at a General Meeting of the National Federation, each Delegate and each member of the Executive has one vote only. In the case of the election or removal of office bearers and for an amendment to this Constitution, each member of the Executive shall have one vote and each Delegate shall have two votes.

38.2 All votes shall be given personally or by proxy.

38.3 In the case of an equality of votes on a question at a General Meeting the chairperson of the meeting shall have a second vote.

38.4 A member or proxy is not entitled to vote at any General Meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

38.5 Subject to the preceding Sub rules and Rules 38 and 39, voting shall be as determined from time to time by the Council and the Rules relating to voting shall be incorporated in a set of administrative procedures.

39. **APPOINTMENT OF PROXIES**

39.1 Each member of the Executive and each Delegate shall be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed. Each member of the Executive entitled to vote shall be entitled to appoint another member of the Executive as proxy by notice to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

39.2 The notice appointing the proxy shall be in the form set out in Appendix 1 to this Constitution.

40. **BALLOTS**

40.1 The President may, at any time, on their own initiative, direct that voting at a General Meeting may be by postal or electronic ballot.

40.2 The Rules for the conduct of voting shall be as determined from time to time by the Council and shall be incorporated into a set of administrative procedures.

PART V – MISCELLANEOUS

41. **PATRON**

The Council may invite a person or persons to accept the position of Patron or Patrons of the National Federation, and a person or persons who accepts or accept such invitation shall hold office at the pleasure of the Council.

42. **APPEALS**

42.1 Subject to Sub rule 42.2, an affiliated Association or affiliated Club or a member which or who is aggrieved by a decision of a local governing body, may appeal to the National Federation against such decision.

42.2 An appeal under Sub rule 42.1 shall be:

(a) lodged with the Secretary;

(b) in the case of an appeal by a member, submitted through an affiliated Association or affiliated Club;

(c) in writing;

(d) accompanied by extracts or copies of all documents cited or relating to the appeal and such other particulars as the appellant considers necessary;

(e) accompanied by such fees as is determined from time to time by the Council; and

(f) lodged within 21 days from the time of receiving the decision against which the appeal is made.

42.3 An affiliated Association, affiliated Club or member which or who has neglected or declined to offer an explanation to a local governing body on any matter on being requested so to do, may not appeal against any subsequent decision by that local governing body in relation to that matter.

42.4 The procedure in relation to the hearing of an appeal is as follows:

(a) the appeal shall be heard on behalf of the National Federation by the Executive;

(b) the local governing body against whose decision the appeal is made may place before the Executive the reasons for its decisions;

(c) subject to paragraph (d), only the evidence previously laid before the local governing body may be admitted at the appeal;

(d) the Executive may permit new evidence to be introduced by an appellant where such evidence has been submitted to the local governing body concerned, whose reply or action has been considered by the Executive.

42.5 Subject to any right of appeal to World Aquatics, the decision of the Executive in relation to an appeal is final.

43. **COLOURS**

The colours of the National Federation shall be the national sports colours approved by the Papua New Guinea Sports Foundation.

44. **BADGE**

The badge of the National Federation shall be the Papua New Guinea National flag.

45. **UNIFORMS**

45.1 The use of logos or uniforms by swimmers in a national team is subject to guidelines or approvals issued by the Council.

45.2 The following persons are entitled to wear the uniform of the National Federation:

(a) swimmers and officials representing Papua New Guinea in the Olympic, Commonwealth or Pacific Games or World Aquatics competitions;

(b) swimmers and officials representing Papua New Guinea in competitions overseas, including Australia and the Islands of the Pacific; and

(c) any swimmer or official as determined by the Council.

46. **BETTING**

Betting shall not be allowed in connection with any competition held under the Rules of the National Federation.

47. **JURISDICTION OVER SWIMMERS**

47.1 The Rules pertaining to eligibility as set out in World Aquatics Rule C7 shall be binding on the members of each affiliated Association and affiliated Club and on Honorary Life Members and Special Members.

47.2 Subject to Sub rule 47.3, a swimmer who is a member of an affiliated Association or affiliated Club is not allowed to compete in any aquatics race, competition or exhibition in Papua New Guinea over any defined distance in still or open water, in pool, river or ocean unless such race, competition or exhibition is approved by the National Federation.

47.3 Sub rule 47.2 does not apply to student swimmers in competitions conducted by schools solely for the students at the schools.

47.4 For the purposes of this section, a "defined distance" is a distance in which the swimmers start by a dive, or in the water, and finish in the water by touching any object, line, pole or end of the bath, but does not include a surf swimming event in which swimmers start by running down the beach for at least 10 metres, then dive in, swim around an object and finish by leaving the water and running up the beach to a finishing line.

47.5 A sentence of suspension or disqualification of a member by an affiliated Association or affiliated Club shall be:

(a) notified by the affiliated Association and affiliated Club to the National Federation forthwith; and

(b) binding on every other affiliated Association or affiliated Club.

47.6 A decision relating to the loss of amateur status by a member, or to the re-instatement of a member as an amateur, shall be made by the National Federation, either alone, or after consultation with the Bureau of World Aquatics.

47.7 An affiliated Association or affiliated Club shall, in relation to the proposed loss of amateur status or application for re-instatement as an amateur by one of its members:

(a) in the first instance consider the proposed loss or application at a meeting; and

(b) thereafter forward details of the proposed loss or application to the National Federation together with particulars of any recommendation by the affiliated Association or affiliated Club concerned.

47.8 Where the National Federation grants to an affiliated Association or affiliated Club permission to hold an aquatic sports meeting, that affiliated Association or affiliated Club shall ensure that:

(a) the rules governing amateurism are strictly enforced;

(b) the sports meeting is conducted in accordance with the entry forms, programs and notices relative thereto;

(c) the sports meeting is conducted under the rules of the National Federation; and

(d) the words "conducted under the rules of Papua New Guinea Swimming Inc." appear on each form and programme relating to the sports meeting.

47A INTEGRITY AND ETHICS

(a) Papua New Guinea Swimming Inc. (PNGSI) recognises and adopts the principles of the World Aquatics Integrity Code and the functions of the Aquatics Integrity Unit (AQIU) as established under Article 24 of the World Aquatics Constitution.

(b) PNGSI and all its members, officials, athletes, coaches, technical officials, and support personnel are bound by the Integrity Code of World Aquatics and shall cooperate fully with the AQIU in any investigation or proceeding concerning integrity matters, including but not limited to anti-doping, ethics, harassment or abuse, competition manipulation, betting, fraud, or corruption.

(c) PNGSI shall refer any alleged integrity, harassment, abuse, or ethical matter that falls within the scope of the World Aquatics Integrity Code directly to the AQIU for review and action.

(d) Where an issue arises that is outside the jurisdiction of the AQIU or where PNGSI requires an independent national review, PNGSI may refer such matter to the Papua New Guinea Olympic Committee (PNGOC) for independent consideration through its recognised integrity or disciplinary mechanisms.

(e) PNGSI shall ensure that all integrity-related policies and procedures, including safeguarding and complaints handling, are consistent with the World Aquatics Integrity Code and PNGOC's national integrity framework.

(f) Any disciplinary decisions or findings made under this clause shall be reported to the PNGSI Executive and, where appropriate, to World Aquatics and the AQIU.

48. **RULES, BY-LAWS AND PROCEDURES**

48.1 The Council may make rules and by-laws and set procedures in the furtherance of this Constitution provided such rules, by-laws and procedures are not inconsistent with this Constitution or with the Rules of World Aquatics.

48.2 Rules, by-laws and procedures may be amended or added to from time to time at the discretion of the Council.

48.3 Rules, by-laws and procedures shall be codified at the discretion of the Council and shall include, but not be limited to, the following categories:

(a) administrative procedures;

(b) officiating procedures;

(c) accreditation procedures;

(d) technical rules; and

(e) rules for specific competitions.

49. INTERNATIONAL COMPETITIONS

49.1 The National Federation shall have the sole authority to determine whether any aquatics event in which members represent Papua New Guinea overseas, or in which swimmers representing other countries compete in an aquatics event in Papua New Guinea, can take place.

49.2 A team or an individual swimmer shall not be invited to Papua New Guinea to compete against members unless the sanction of the National Federation to such visit has been obtained and the competition is approved by the National Federation.

50. NOTICES

50.1 Any notice required to be given to any person by the National Federation or by an office-bearer may be sent by post or in electronic form (such as email) and such notice, if addressed to the usual and last known address of such person, shall be deemed to be given at the time where such notice would have been delivered in the normal course of post (or normal course of delivery in the case of electronic delivery).

50.2 Each member that is a financial member of an affiliated Club agrees and acknowledges that the giving of notice in accordance with rule 50.1 to the secretary of that affiliated Club is sufficient, and that it is the responsibility of each affiliated Club to ensure that its members are informed of notices given by the National Federation to members of affiliated Clubs.

51. FUNDS – SOURCE

51.1 The funds of the National Federation shall be derived from annual subscriptions of members, affiliated Associations and affiliated Clubs, sponsorships, donations and, subject to any resolution passed by the National Federation in General Meeting, such other sources as the Council or the Executive determine.

51.2 All money received by the National Federation shall be deposited as soon as practicable and without deduction to the credit of the National Federation's bank account.

51.3 The National Federation shall, as soon as practicable after receiving any money, issue an appropriate receipt.

52. FUNDS – MANAGEMENT

52.1 Subject to any resolution passed by the National Federation in a General Meeting, the funds of the National Federation shall be used in pursuance of the objects of the National Federation in such manner as the Council or the Executive determine.

52.2 All cheques and telegraphic transfers must be signed by any two members of the Executive of the National Federation, as approved by the Council or the Executive. Online banking and credit card access shall be granted to the Treasurer and one other approved committee member.

53. ALTERATION OF OBJECTS AND CONSTITUTION

The objects and purposes of the National Federation and the provisions of this Constitution may be altered, rescinded or added to only:

(a) with the approval of the World Aquatics Bureau; and

(b) by a special resolution of members entitled to vote at a General Meeting of the National Federation.

54. **FINANCIAL YEAR**

The financial year of the National Federation shall commence on 1 January and end on 31 December of each year.

55. **AUDIT AND ACCOUNTS**

55.1 The financial affairs of the National Federation shall be audited at least once in every period of 12 months by the auditor appointed at the Annual General Meeting.

55.2 The powers and duties of the auditor shall be those powers and duties, so far as they may be applicable, which an auditor has when appointed by a company incorporated under the Companies Act.

55.3 The auditor may only be removed by a special resolution of members entitled to vote at a General Meeting.

56. **COMMON SEAL**

56.1 The common seal of the National Federation shall include the name of the National Federation with the addition of the words "common seal" and shall be kept in the custody of the Secretary.

56.2 The common seal shall not be affixed to any instrument except by the authority of the Council or the Executive and the affixing of the common seal shall be attested by the signatures of 2 members of the Executive.

57. **DISSOLUTION**

(a) The National Federation may be dissolved at a Special General Meeting convened for that purpose of which fourteen (14) days' notice in writing, stating the reason thereof shall have been given to the members by the Secretary. The decision to dissolve the National Federation shall have force and effect if agreed to as a special resolution.

(b) In the event of dissolution or winding up of the National Federation any surplus monies after payment of all expenses or liabilities of the National Federation shall be donated to a charitable institution as determined by special resolution.

58. **INDEMNITY**

(a) The National Federation shall indemnify out of all or any part of the assets of the National Federation against any civil liability, order, decree or judgement incurred by any member of the National Federation, affiliated Association, affiliated Club or member of the Council or Executive in defending or commencing any proceedings, howsoever described, arising out of their position or duties or activities as a member of the National Federation or member of the Council or Executive.

(b) Such indemnity shall extend to payment of legal costs and disbursements and any damages howsoever described, by any court or tribunal of competent jurisdiction awarded against those persons covered by this indemnity.

(c) The National Federation shall not indemnify a member of the National Federation, affiliated Association, affiliated Club or member of the Council or Executive where legal proceedings are taken against such member, Association or Club for breach of trust or any fiduciary duty owed by the member, affiliated Association or affiliated Club of the National Federation.

(d) This clause 58 shall not merge upon the winding up of the National Federation.

59. **LIABILITY OF ASSOCIATIONS, CLUBS AND MEMBERS**

Unless an affiliated Association, affiliated Club or member expressly agrees otherwise and, except to the extent of any unpaid subscription, an affiliated Association, affiliated Club and member are not liable to contribute towards the payment of the debts and liabilities of the National Federation or the costs, charges and expenses of the winding-up of the National Federation.

VERSION

This version adopted at Special General Meeting held on 9 December 2025.

Further amendments marked for the purposes of ratification in accordance with Rule 32.