

25 August 2011

Open letter to all Regions

It is with trepidation that I write this email. My fellow BOP Board members and I are concerned about the crisis that envelops our sport. I believe it is time to take a deep breath and ponder on how we got here. The situation that our sport has been placed in by our SNZ leadership now concerns me enormously.

I wrote a similar letter 12 months ago and will use extracts from that in this letter. What was written about 12 months ago seems even more important today. For those of you who have recently taken on Board roles within your regions I aim to give you a little insight to how we got here.

When we all became involved in swimming we all really had no idea what lay ahead. Sure, there had to be a bit of organizing, but how hard could all that be, right? Swimming has its excitements and difficulties and “*that bit of organizing*” becomes a fulltime job with pressures, hours of work and the reward of quiet satisfaction, and for me, great joy at the achievements of our youngsters. Swimming is an experience we will never forget. It could be because of the stress, the hard work and then it might also have a little to do with the fun we’ve had, the experiences we’ve enjoyed, and the pride we’ve had in watching our swimmers represent clubs, regions, and New Zealand. Swimmers are the heart and strength of Clubs, Regions and Swimming New Zealand.

Regions all have dedicated groups of people who facilitate and organize various activities to promote swimming. For those of us who work in these various capacities we aim to ensure that we are providing appropriate pathways for all levels of swimmers. The leadership of each region includes a governance role where policies are needed. Those policies are generally contained within the regional constitution but will also include operating policies that have developed over time which are unique to each region. At a regional level a portion of our governance function places us in a position of responsibility for national issues. This is because Swimming New Zealand has a *federal constitutional model*. This means that SNZ is therefore *owned* by its regions and NZSTAC, and that it is accountable to us, its owners. As the federal owners of SNZ we have responsibility to ensure the sport is well run and well governed. We do this as we appoint a board, participate in consultation processes and provide feedback to SNZ management of those issues which impact on our regional operations. These functions are specific to a region in the same way that our clubs have similar functions which are specific to them in terms of ensuring that a region is well run.

It is a fact of life that circumstances can alter in the blink of an eye and there are a number of theories about the inevitability of change. For me personally I am not opposed to change when it is well considered, its effects are understood, and it is wisely implemented. This year has certainly been mixed especially on the change front. As Regions we have struggled with the attempted introduction of strategies by SNZ which have far reaching impacts in the way our sport will be both delivered and administered. Our struggle has not been with the concept of change itself, but with concerns about the quality and direction of what is being developed and also with the process’ that are being engaged.

In February of 2010 Swimming Bay of Plenty, along with other regions were invited to input into a consultation process about a database product called *Clubs On-line*. We already held concerns, as with other regions, about the poor design and implementation of the Zeus Database product which began in 2008 and saw many of those same issues being repeated. Swimming Bay of Plenty engaged fully in what we believed was to be an open process of evaluation and consultation intended to improve a national database. By April 2010 we were gravely concerned about the proposed Clubs Online database and what was by then a clear intention at adoption without adequate evaluation and consultation by SNZ. We believed amongst other issues that a flexible system that catered for urban and rural areas with differing needs was required. We remained unconvinced that SNZ had seriously considered meeting all of our data requirements through the widely used Team Manager products, and were very concerned about proposed and inadequately formulated implementation plans. We saw that much of the distrust which had already developed on the subject of the database and which had come from the largely failed Zeus system and its implementation would be repeated. We were concerned that SNZ did not understand, or indeed did not wish to understand the practical realities of what our volunteers do and how they function. We saw, once again, an effort to centralise with little or no value and benefits coming to our volunteer workers who would become totally responsible for operation and implementation of this newly adopted system.

A submission which originated from Swimming Bay of Plenty and which addressed those concerns was endorsed as a collaborative submission from 15 Regions and was sent to SNZ. This collective unity amongst stakeholders was unprecedented and reflected the widely held concerns about both method and direction. One would have anticipated, with the key stakeholders being so united in their feelings that this submission would have resulted in concerned and urgent communication from SNZ. Our aim in this collaborative submission was to work together with SNZ in a positive manner intended to create a solution that would be of benefit to SNZ, Regions and Clubs.

We sought constructive feedback and a collaborative process of evaluation in response to this joint submission. It was our genuine hope and intention that we would be able to address matters in a timely manner prior to the AGM. Instead, we were met with a resounding and collective wall of silence from SNZ. In response to this wall of silence an informal low-key and non-contentious Regional forum was facilitated by Swimming Bay of Plenty for those regions who signed the submission in July 2010. The aim of this workshop was to allow each of the regions who had signed the collective submission to consider the best way in which we could collectively assist in finding a workable solution to the database issue. Once again our objective was to establish a positive go forward solution. At no stage did the workshop descend into a gripe session about SNZ.

Other points of issue were raised. We realised clearly that we would not agree on all things but that we would seek to identify those areas of common concern on which we could agree. These included issues surrounding the database, Project Vanguard and its key recommendations relating to the role of regions, SNZ's current practice of by-passing the regions, including requesting submissions/surveys directly from the members in favor of a process which recognizes the key roles of the regions. This latter process identified regular misunderstanding between clubs, regions and the NSO together with, amongst other things, submission responses being made by individuals with their individual needs being granted equal or greater weighting than submissions on the same topic being made by regions where a higher level perspective allows the region to appreciate the greater interest of the sport, and where appropriate, that the needs of a greater proportion of the community are met. In this way we hoped to avoid some of the endless debating and conflict which often seems to arise from AGM environments and to move forward and help SNZ. There was clearly a spirit of constructive co-operation between the regions.

Once again all who met at that forum understood that we all have different interests and do not, and will not, agree on all issues, but that where we are able to establish common understanding, interests and agreement, and work together, that there are benefits.

Following the work of that day remits were prepared which reflected the concerns of those regions represented and were then forwarded to the participating regions for their review and perusal. The intention of these remits was to provide a workable solution. We were expressing a representative view and looked forward to working in a constructive manner with SNZ.

The remits (as with the submission) were, once again, met with a resounding and collective wall of silence from SNZ except for the formal CEO response which signaled a clear intention on SNZ's part to both ignore what had been presented but also to not work with some of these remits in the event that they were passed.

However, the unity and co-operation among the regions was our strength.

There were no winners at the 2010 AGM, but that was never the intention as it was not some big game that was about winners and losers. It is a matter of record that the regions who had met and agreed a common purpose remained unified and the business as proposed was overwhelmingly carried. The developments immediately following the AGM showed that SNZ had no intention of working with the constitutional amendments which resulted from the remits passed, but they also (that is SNZ leadership at both a board and executive level) had no desire to understand what had caused such an unprecedented display of unity, nor to address the underlying issues of distrust which had developed over time. That position simply resulted in ensuring that a lack of confidence in the leadership being offered was enlarged. Rather than work with what the AGM had lawfully determined, SNZ immediately responded by commissioning a legal opinion in support of their lack of desire to follow the wishes of the AGM.

Contrary to normal convention and ethics SNZ distributed that legal opinion widely to all clubs in a clear effort to destabilise the relationship of trust between clubs and region - one of the very concerns which was being expressed in the business passed at the AGM. On the strength of that legal opinion the SNZ board called a SGM to repeal the business of the AGM which offended them. Being concerned by the 'feel' of the SNZ prepared opinion a number of regions collectively in response sought their own legal advice on the key issues raised by SNZ. That opinion by top NZ sports lawyer, Maria Clarke, rejected the principal conclusions of the SNZ commissioned advice which had been circulated to all clubs. It was made clear to the regions who commissioned that work that legal ethics prevented distribution of that opinion beyond those who had commissioned it, but in its simplicity, we were advised that SNZ had acted *ultra vires* (which means unconstitutionally and/or unlawfully) by not submitting the rule changes as passed at the AGM.

However, in the interest of moving forward and in the spirit of co-operation the Regions agreed to pass SNZ SGM business albeit that in doing so we acted against the advice of one of New Zealand's top Sports lawyers.

Since the SGM, SNZ rolled directly into a new and contentious phase of Project Vanguard and this has been their main focus for much of the period since. As you will be aware SBOP has had a number of concerns relating to the process and transparency of this project and have been far from happy with the progress and direction of PV. We have sent a large number of emails (copied to the regions). Most of these emails have again been met with the same, and now familiar, resounding wall of silence from SNZ.

We believe that both the material published and the process being followed in this project is falling well short of what we should rightfully have expected. The funds spent on this project now exceed \$200,000. We are elected committee members and understand clearly our responsibility to provide accountability to our membership. To us \$200,000 sounds like a lot of money and we believe that we have a right to expect good value and sound process to have emanated from its expenditure. SNZ do not seem to understand this responsibility of accountability. As I have met with and spoken with many of you, it is

clear that I am not alone in my concerns on this front with many of you expressing similar frustrations and concern.

As if there was not enough going on in December, we were notified that SNZ was being placed under major review by SPARC as a result of concerns about the way in which the High Performance programme was functioning. I understand for most of us, what happens in the High Performance programme seems very remote and probably has very little relevance to our day-to-day operations. This is only partly true. SNZ is reliant on the funding from the High Performance programme to continue to support the large overhead which has grown over the years and will face certain financial calamity if that funding from SPARC is not continued. Strangely enough, while SNZ will face certain financial calamity, we as regions will not because of course we do not directly benefit from the money provided by SPARC to support High Performance. Most of us though are very proud of our national team and recognise that they do reflect the pinnacle of our sport nationally. We feel proud when they do well, we feel the pain when they face disappointment, and I am sure we all dream and hope for more golden moments in the spotlight of the international arena. So for many reasons, what does happen there is very important to us. In that respect we all have a stake in what happens with the national team.

It is also very important to us because the same management and governance who are making decisions that affect our relationship with SNZ and how the sport is delivered in our regions is responsible for making the decisions surrounding how the HP programmes are delivered.

Many people from around the regions were interviewed as a part of Mr Ineson's research and there was considerable anxiety ahead of the reports publication in June of this year. We were all talking about the report and its findings. Our sport was in the media for all the wrong reasons, but for most of us, we were not surprised by what was discovered.

The failings which Mr Ineson reported simply reflected the same failings across other areas of our relationship with the sport. When Mr Ineson spoke of failings in leadership which were widespread and well known and that "*nothing had been done about it*", somehow we all related to that because that had been our experience over the Database, day-to-day relationships with SNZ operationally, last year's AGM process, Project Vanguard, and on and on. Comments such as: "*The problems they are talking about now haven't just surfaced; they've probably been with us for the best part of the decade or so,*" were discussed amongst the regions and membership. I have heard many speak of their widely held feelings of extreme disappointment at the response by SNZ to this report both in the media and in practical terms. Many of us remain very concerned, as we have seen before with the database, Project Vanguard and other experiences, that the SNZ instinct is simply to tough it out and eventually the problem will go away. We all instinctively know that those problems are too deep-seated for that and they will not simply go away unless the root cause of the problems has been dealt with. Mr Ineson identified some of the root causes and we still have not seen them dealt with.

Our board at the Bay of Plenty hold concerns that the High Performance Governance Committee was made up of two current Board members with one being the Chair who themselves are a part of the very cause of the problems in the first place. They were, in effect, reviewing themselves. It was also disappointing to find that at no time did SNZ make anything other than cursory reference to their own part in the failings which Mr Ineson identified in the management of the High Performance programme and which we see evidenced in other areas of our relationship with SNZ.

From Bluff to Cape Reinga, everyone began pointing the finger, because that is our human instinct. No one can sit back and say they did not have concerns within our organization and we all have been talking about the issues within our sport. I do not subscribe to naming and shaming individuals and do not believe that we should be targeting individuals as being to blame for where we are. I simply do not

believe that there is any one individual who should carry all the blame. We have been let down by a major systemic failure. No one individual is responsible for where we now find ourselves.

The SNZ Board was elected to govern our sport, we elected them, so we also must accept our own responsibility. It is time that we all took responsibility for where our sport now is. This requires us to take back ownership of our sport and its failings and to fix this mess. However, please remember this. In accepting responsibility for electing this board it was not the regions who have been identified as having failed or as being responsible for the widespread and widely known *dysfunction* within the sport. That is something which this board must accept their own responsibility for.

Talking pool deck, gossiping and blaming individuals will not fix the problems as they are too deep. We must work together to provide a solution or these problems which we all know have been with us and have developed over many years will simply not go away. We cannot put our heads in the sand.

It was time that someone did something, so the suggestion was made to call a SGM. That suggestion emanated from one of our most venerable and distinguished life members. Legal advice was sought (and I engaged with others in that process). That advice identified some serious issues surrounding SNZ's Constitution which meant that an SGM by itself would be unlikely to achieve anything constructive. The legal advice we were given was that the entire Board should resign in an orderly fashion and that all positions which were then opened should be filled at the AGM. Anyone, including those current board members, who still feel as though they have ongoing contributions to make would then be able to submit their nomination, and the membership would choose, charging them with a new mandate to lead, and then we could all move forward. Quite simple really!

The rest is history - as we are all aware of the bombardment of emails that have followed media reports, etc. I would like everyone to remember that in the letter which was sent to the SNZ Board requesting their resignation it was also stated that were extremely concerned about the possible media frenzy that would accompany a SGM. It was SNZ themselves that posted this letter along with the covering note on the SNZ website for all to see and effectively distributed to all media outlets. We had no intention of this going to the media and would have preferred that this was dealt with as privately as possible, almost like a domestic dispute.

I am aware that on a personal front, there are those in SNZ who are now briefing against me. Therefore, for those who are new to the regions, I wish to share with you a little about myself. I lead a simple life and am born and bred in Rotorua. I have the best job in the whole world and in the words of my own children "look after little kids". In this PC world today that equates to being an early childcare provider. I do home-based child care and have done so now for 19 years. In my *spare* time I coach the under 12s at the Rotorua Aquatic Centre, 6 days a week on a voluntary basis. I love the sport and am passionate about it and the good it can do for our young people. Again to quote my son: "*Swimming has taught me that when things get tough, you get tougher; to be humble; to be honest; to have a positive attitude; given me confidence; how to deal with pain; be assertive; never be intimidated; to set goals and to work hard to achieve them; and that you can do anything if you set your mind to it.*"

For a sport to give my children so much, it was only fair I gave back, and so I became involved in the sport. No hidden agenda. No ambitions. It just only seemed right to give something back so I gave of my time, a precious commodity nonetheless, but an essential one in our community. Therefore, I am horrified at some of things which I hear back about what people are saying about me and why I am doing what I do to try and fix our problems in the sport. People are all entitled to their own opinions but much of what is being said is quite simply not true.

On the subject of why I am doing this, let me be very clear. I am no-one's puppet. I believe very strongly, as does my Board, that now is the time to simply say "*enough is enough.*" We are sick of everyone gossiping, bitching and moaning, but doing nothing. It is now time to do something. Would I have embarked on this along with my region if we had known it would get ugly? For example, one email stated "*The lunatics are trying to take over the asylum.*". Another says, "*The question is, do all the clubs and swimmers within those regions agree with the signatory presidents/chairs?*" To cap it off, this week, the CEO of SNZ rang a member in our region, asking "*Do they know what Bronwen has signed them up to?*"

Clearly these individuals operate under a different code of ethics than I do. It would never enter my mind to behave in this way. I guess it leaves the question of why do they operate this way. I am immensely sad to say that for many years now I have seen this type of personality politics. Indeed, I am sure that is the reason why so many have for so long been reluctant to stand up and be counted and to deal with their experiences. Too many of us have been intimidated in the knowledge that our own children, or that athletes from our clubs and regions will be targeted, or that we ourselves will be targeted if we rock the boat. Sadly we all know that those feelings are real and that there has been far too much evidence of that happening over the years for it to be ignored. It is real, and that is the scary thought. Incidentally, the member in our region this week told the CEO that in no uncertain terms, "*Yes, we are well aware of what SBOP had signed.*"

I have massive concerns about the outfall of all of this on my son who currently still swims. Am I the leader of this? NO. Is there any one person who leads this? NO. Do I personally want to be in this position where I am subject to all this attention and phone calls – good and bad, media contacting me and some taking extracts from conversations which are misleading? NO. But I will remain focused on helping. I simply took on the role to facilitate the signatures and co-ordinate this process. There is simply a group of us that agreed to combine our voting power and offer a solution, where we believe there has been no acceptable solution offered by SNZ and the board who we elected, to represent our interests.

There are some who are saying, "*Let's wait for the AGM and see what happens there.*" I am afraid that while I respect your genuinely held views, this is very naive. I have now attended too many SNZ AGMs, and for those of you who feel that this is the right approach, you must have been in a different room to me at the numerous AGMs I have attended. An AGM, whether SNZ or Regional, is a scripted, formal occasion, where only the business as tabled can be addressed. An AGM simply does not provide a forum for issues such as this to be resolved.

So where to from here?

I guess we started this so it is only right we finish it. We have a once in a generation opportunity to really make a difference to our sport. Let us not lose courage and let us see it through. The SNZ Board advised they were not going to resign. We replied accordingly advising that:

"We note the expiry of the 7-day provision and each of the regions will now report back to their respective Stakeholders and we will correspond with you in due course. We will revert to you with our further instructions and/or notice."

This position now creates a constitutional reality. If the Board had accepted our invitation by its deadline then we could have seen a number of quality candidates put forward their nominations for a vacated board. They did not resign, and the deadline for nominations as it relates to elections at the AGM has now passed. Constitutionally (based on legal advice we have been given), even if board members were to resign now, their seat will remain vacated until the 2012 AGM and cannot be filled. This is a situation which arises from a major flaw in the current SNZ Constitution as it relates to the replacement of

directors in the event of a mid-term retirement. The SNZ Constitution simply does not provide for it. This means that the only election which can be held at this AGM (2011) is for the seats vacated by Dominic Toomey (retirement) and by Murray Coulter (rotation). Until we see the list of nominations from SNZ we do not know whether or not Murray Coulter is placing himself for re-election or not. If we wish to see a full board granted a new mandate to function then it will now need to occur at an SGM and then only after various aspects of the deficient SNZ Constitution are made good through business to be passed at the AGM. That is a direct consequence of this Board's refusal to acknowledge the expressed wishes of a strong majority of the voting capacity of SNZ.

It is my opinion that we now reply to SNZ advising them that, based on legal opinion, remits have been submitted for consideration at the AGM that allow for accountability to be required of the Board. At the conclusion of the AGM, a letter will be tabled requesting a SGM at which time all Board members (with the exception of those newly elected) resign in accordance with the capacity which will be granted under the new remits, and nominations for board members (new or old) will be called.

I will now also take the opportunity of clarifying the question regarding a question I have been asked frequently: *"But who is standing. You cannot ask the Board to resign without knowing who will stand. I want to see the names before I decide to sign the letter requesting the SGM."* Again, I have been amazed that in this democratic society people would think that there is a list with a predetermined Board.

For me personally, I want to see us have a new board appointed who has the full support of the membership as we are facing difficult times ahead. I want the board to be made up of people who understand what it means to be accountable for their actions and decisions. While I have some good people in my mind who I think could make a big difference I am sure all of you also know people with the right skills to put forward. I believe that as a sport we get what we deserve, but I hope we will get a great board to take us forward. We need it, because there are some very tough decisions which need to be made which will affect us all. If we have a good Board, we will get good decision-making. Naturally, I would expect some current Board members will wish to re-stand (as we have seen in Surf Lifesaving) and there is no doubt in my mind that there are some very good people out there that would like to put their name in the hat, especially under these circumstances. That is up to them, and I guess all of us also as individuals, if we know someone with the right skills (and they may not even be directly involved in Swimming at the moment) to nominate them. I will be looking for people to support who have the right skills, rather than being based on whether they represent a particular region or interest group, and I would hope you will too. It has been suggested that we as a collective group have a list and will simply block vote, but that is simply outrageous. We want to see the very best candidates possible come forward and for us as a sport to decide who will lead us into the future.

We cannot advance further than this as SNZ and its board now hold all the cards associated with the AGM. Until they publish all the remits that have been submitted, the voting numbers, the nominations etc, it is very hard to make exact decisions. We do not get this until 14 days prior to the AGM, and so when it is published we will give it very careful evaluation at that point.

Should regions be in agreement with this strategy then please email by return and I remain happy to co-ordinate this process.

I would hope that other regions will understand from, what I have written, that our approach is a very genuine effort to take responsibility, and to try and fix something which is very badly broken. I do not want to be revisiting this every year for the next 10 years. I want us to have some very real progress made and I do not believe we can do that until we resolve the leadership issues. I have spoken with many of you now and while some of you were unable to agree that the approach requested in the letter we sent suited your region I would hope that you will share sufficient of our concerns that you would be able to

join with us to see through what has been started. If your region now wishes to join what some people are calling the coalition then please also advise by return email. In reality, we are not a coalition, but are a group of regions who share similar views as to how we can resolve these very serious issues.

Swimming Bay of Plenty urges all regions to remain strong and united. We must continue to support one another through this adversity and anxiety. Regions and individuals cannot be, and must not be, the target. Swimming Bay of Plenty hopes that regions will support our remits and also those which we know have been submitted by Auckland and Waikato. Our review of these remits is that they will allow us to have a framework which will enable us to move forward. But we must consolidate and move forward in a co-ordinated way. We all respond to situations differently, but we must remain focused, not on situations, but on our needs.

It is a pleasure to work alongside you all.

Bronwen Radford