



CONSTITUTION OF CAMPBELLTOWN COLLEGIANS AUSSI MASTERS SWIMMING CLUB INCORPORATED

Under the Associations Incorporation Act 2009

Voted into effect 7th April 2019

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Note

Where there are any omissions in this document that are present in the State of NSW Fair Trading “Model Constitution” document, then those clauses in the Model Constitution apply as though they were present in this constitution document

Part 1 Preliminary

1 Definitions

(1) In this constitution:

Ordinary committee member means a member of the committee who is not an office-bearer of the club.

Club member means a fully paid up person registered as a member of the club. This encompasses full fee paying members, social and Life members.

Registered person means a natural person registered by the National Sporting Organisation.

Secretary means:

(a) the person holding office under this constitution as secretary of the club, or

(b) if no person holds that office - the public officer of the club.

Special general meeting means a general meeting of the club other than an annual general meeting.

The Act means the *Associations Incorporation Act 2009*.

The Regulation means the *Associations Incorporation Regulation 2016*.

(2) In this constitution:

(a) a reference to a function includes a reference to a power, authority and duty, and

(b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

2 Name

The name of this incorporated association is **Campbelltown Collegians Aussi Masters Swimming Club Incorporated**, CCAMSC herein known as the Club. Where the word Club is used in this document it is to be considered as an alternative and equal in meaning to Association under the Associated Incorporations Act 2009

3 Club Colours

The Club colours shall be GREEN, WHITE AND BLACK.

4 Gender

Words of masculine gender used in this document shall be taken as including the feminine gender.

5 Values and Objects

The objective of the Club is to promote the objectives of the Australian Union of Senior Swimmers International (AUSSI), herein after referred to as Masters Swimming.

The Club as an entity in its own right will belong firstly to the members and then to the greater community we serve.

Embracing inclusive policies CCAMSC will endeavour to provide our members and community, the opportunity through swimming to promote their social lifestyle, fitness and wellbeing in a fun, supportive and respectful way.

Part 2 Membership

6 Membership requirements

- (1) Any person who has attained the age of eighteen (18) years or more may apply to become a member of the club. There is no limit to age beyond this requirement.
- (2) A person who wishes to be considered for membership of the club may attend up to three Sunday swim days, non consecutive days acceptable. Attendance will be free to the applicant with the cost of entry being carried by the club. After three attendance days the applicant will be given an opportunity to make a decision regarding application for membership.
- (3) Applicants cannot gain entry to the club membership via Masters NSW or Masters nationally. All applications will be subject to the determination of the Committee under Clause 7
- (4) Transfer of membership from other Masters clubs is not automatic. The transfer must be approved by the committee.
- (5) The applicant must provide in written or electronic form a statement of their personal medical conditions that would be relevant to swimming. They should also include emergency contact information.

7 Application for membership

- (1) An application by a person for membership of the club
 - (a) Can only be made by completing the “new membership pages” on the Masters NSW website <https://mastersswimmingnsw.org.au>
 - (b) To complete the application must pay Masters swimming NSW the sum payable under this constitution by a member as their annual subscription.

note: Masters NSW upon receipt of a completed application for membership will immediately notify the secretary of the club by email or other electronic means
- (2) As soon as practicable after receiving an application for membership, the secretary must refer the application to the committee, which is to determine whether to approve or to reject the application.
 - (a) For approval three committee members yes votes are required. A note of caution, the exception is when subclause 2(b) below applies
 - (b) When rejection of the applicant is possible, seven committee member’s votes are required to affirm the decision.
- (3) As soon as practicable after the committee makes that determination, the secretary must:

- (a) notify the applicant in writing (including by email or other electronic means) that the committee approved or rejected the application (whichever is applicable),
- (4) The secretary must, on receipt of the approved application referred to in subclause (1) enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the club.
- (5) The Club through the deliberations of the committee can withdraw a members right to the Clubs automatic acceptance of membership renewal. If the member has paid the renewal fee by whatever means, the club will refund the fees to the member and their membership is cancelled.

8 Cessation of membership

A person ceases to be a member of the Club if the person:

- (a) Dies, or
- (b) Resigns membership see clause 10, or
- (c) Is expelled from the Club, under clause 36 or
- (d) Fails to pay the annual membership fee by the due date determined by Masters NSW, 31st December each year.
- (e) Transfers to another Masters Club

9 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the Club

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

10 Resignation of membership

- (1) A member of the Club may resign their membership of the Club by first, giving to the secretary written notice of at least 1 month (or any other period that the committee may determine) of the member's intention to resign and, on the expiration of that period of notice, the member ceases to be a member.
- (2) If a member of the Club ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

11 Register of members

- (1) The secretary must establish and maintain a register of members of the Club (whether in written or electronic form) specifying the name, postal or residential address and email address, gender and date of birth for each person who is a member of the club together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of the Club, or
 - (b) if the club has no premises, at the Club official address.

- (3) The register of members must be open for inspection, free of charge, by any member of the club at any reasonable date and time.
- (4) A member of the Club may on request obtain a copy of any part of the register
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the club or other material relating to the club, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (7) If the register of members is kept in electronic form:
 - (a) it must be convertible into hard copy, and
 - (b) the requirements in subclauses (2) and (3) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

12 Fees

- (1) Membership fees shall be determined at the Annual General Meeting of the Club on the recommendation of the Executive Committee. The new fees apply under item 2 in the following financial and swimming year.
- (2) The financial and swimming year of the Club shall be from 1st January to 31st December.
- (3) Membership fees shall fall due on the 31st day of December each year.
- (4) Registration renewal. Can only be made by completing the "membership registration renewal pages" on the Masters NSW website <https://mastersswimmingnsw.org.au> Login is required.

Note: Current members should update their membership details annually. Renewal portal is available from December 1st each year.
- (5) A person has to be a financial member of the club for a minimum of four weeks before becoming eligible to vote or to be eligible to hold office, unless this person is already a financial member of, and with the committees consent, transferring from an affiliated AUSSI Club.

13 Patrons and Honorary Members

The club may from time to time nominate a patron/patrons and honorary members, as determined by a general meeting of the Club held for this purpose.

Part 3 The committee

14 Powers of the committee

Subject to the Act, the Regulation, this constitution and any resolution passed by the Club in general meeting, the committee:

- (a) is to control and manage the affairs of the Club, and
- (b) may exercise all the functions that may be exercised by the club, other than those functions that are required by this constitution to be exercised by a general meeting of members of the club, and
- (c) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the Club.

15 Composition and membership of the committee

- (1) The committee is to consist of:
 - (a) The office-bearers of the Club, plus
 - (b) 5 ordinary committee members, each of whom is to be elected at the annual general meeting of the club under clause 16.
- (2) The total number of committee members is to be 9.
- (3) The office-bearers of the Club are as follows:
 - (a) The president,
 - (b) The vice-president,
 - (c) The treasurer,
 - (d) The secretary.
- (4) The 5 elected Ordinary Committee members will elect to take responsibility for one of the major functions of the club, these being
 - Club Captain
 - Club Vice Captain
 - Social Events Manager
 - Club Recorder
 - Safety officer
- (5) A committee member may hold up to 2 offices (other than holding both the offices of president and vice-president).
- (6) There is no maximum number of consecutive terms for which a committee member may hold office.

Note. Schedule 1 to the Act provides that an association's constitution is to address the maximum number of consecutive terms of office of any office-bearers on the committee.
- (7) Each member of the committee is, subject to this constitution, to hold office until immediately before the election of committee members at the annual general meeting next following the date of the member's election, and is eligible for re-election.

16 Election of committee members

Conduct for nomination of candidates for election as office-bearers of the club or as ordinary committee members:

- (1) All positions on the Club Committee shall be declared vacant each year at the Annual General Meeting.
- (2) Nominations for all committee positions shall be called at the Annual General Meeting. Nominator and seconder required.
- (3) Only financial members may be nominated or nominate for office or vote for other candidates except for position of auditor.
- (4) The Chairman of the meeting shall elect a returning officer from one of the life members present, representative from the Catholic Club, or ordinary financial member.
- (5) The election of all officers may be by a show of hands.
- (6) All voting shall be determined by a simple majority of those financial members present.
- (7) In case of the need for a secret ballot, scrutineers shall be appointed for the purpose.
- (8) If insufficient nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies. See also clause 17
- (9) In addition to the election of 4 office bearers and 5 ordinary committee members, the following club functions are to be allocated to Club members by election at the Annual General Meeting:
 - a. Race Secretary
 - b. E1000 and E500 recorder
 - c. Fitness Director
 - d. Welfare officer
 - e. Social Media and Promotion officer
 - f. Marketing and Publicity officer
- (10) The above mentioned officers, together with an auditor, who is not a member of the Club, shall be determined at the Annual General Meeting.
- (11) Any other officers required by the Club shall be appointed at a monthly meeting eg. Delegates to attend Masters State Branch Annual General Meeting.

17 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the Club to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the club, or
 - (c) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or

- (d) resigns office by notice in writing given to the secretary, or
- (e) is removed from office under clause 19, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
- (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
- (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

18 Duties of Officers

Executive Committee

- (1) The executive Committee (4 office bearers and the 5 ordinary committee members) shall meet as often as necessary.
- (2) Four (4) members of the Executive shall constitute a quorum at Executive Meetings. This quorum must include any two (2) of either the President, Vice President, Secretary, or Treasurer,
- (3) The Executive may where necessary, appoint individuals or subcommittees to carry out specific tasks or represent the club.
- (4) Represent the club in meeting with third parties.

President

- (1) The President shall chair/conduct/control all meetings and where appropriate club functions. In the absence of the President, the Vice President shall act as President.
- (2) In the event of a tied vote on any matter, the chairman shall have a casting vote.
- (3) The chairman shall rule on the constitutional validity of all proposals and actions.
- (4) Ensure the Annual presentation day on a day in February or March.

Vice President

- (1) The Vice President shall assist the President in discharging his/her duties.
- (2) The Vice President shall carry out the duties and responsibilities of the President during the President's absence.
- (3) If both the President and Vice President are absent from a meeting, the executive shall appoint a Chairman for the purposes of discharging business of that meeting.

Secretary

- (1) The secretary of the club must, as soon as practicable after being appointed as secretary, lodge notice with the club of his or her address.
- (2) It is the duty of the secretary to keep minutes (whether in written or electronic form) of:
 - (a) all appointments of office-bearers and members of the committee, and

- (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings.
- (3) Shall be required to keep an accurate and complete record of all proceedings at general, special general and annual general meetings. A minute Secretary reporting to the secretary may be appointed.
 - (4) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
 - (5) The signature of the chairperson may be transmitted by electronic means for the purposes of subclause (4).
 - (6) Shall be required to give notice of all meetings to all financial members and the Executive via electronic means.
 - (7) Shall receive and acknowledge receipt of all mail and refer items requiring further attention to the committee as necessary.
 - (8) Shall inform the State Branch Secretary of:
 - (a) Club activities where through omissions in, or possible conflict with Masters NSW or Masters National constitution become apparent.
 - (b) Changes to Executive
 - (c) Member registrations and fees paid
 - (d) Other information requested by the State Branch or NSO
 - (9) Liaise as necessary with the Campbelltown Catholic Club (CCC)
 - (10) Shall forward an annual report and copy of financial statements to the Office of Fair Trading and the CCC.
 - (11) Shall hold the role of Public Officer for the club.
 - (12) Except as otherwise provided by these rules the Secretary must keep in his or her custody or under his or her control all records, books and other documents relating to the club.

Treasurer

- (1) Shall collect accounts for all monies payable to the Club.
- (2) Shall present accounts for payment, to the Executive Committee for approval, and once this has been given, shall draw cheques or direct transfer for payment.
- (3) Shall deposit monies received by the Club in an approved account(s) with a bank or building society. Monies to be withdrawn from this account(s) shall require the signatures of two (2) members of the Executive Committee who have been properly authorised to sign.
- (4) Shall prepare and submit a Financial Statement, together with an audited Balance Sheet and Statements of Income and Expenditure for the year to the Annual General Meeting.

Club Captain

- (1) Shall be responsible for organising and supervising all Club swims, both at home on Sundays and away events.

Note 1 The definitive full function of the club Captain position is to be found by consulting the Club Captain position function document held in the club manual.

Note 2. If unavailable on any swim meeting day, the tasks of the Club Captain will be carried by the Club Vice Captain. Alternatively a committee member shall appoint an experienced club member to carry out the functions of the Club Captain

Club Vice Captain

- (1) The Club Vice Captain will assist the Club Captain in all his or her duties
- (2) The Club Vice Captain shall carry out the duties and responsibilities of the Club Captain during the Club Captains absence.

Note 1. If both the Club Captain and Club Vice Captain are absent from a swim meeting a committee member shall appoint an experienced club member to carry out the functions of the Club Captain

Note 2 The definitive full function of the Club Vice Captain position is to be found by consulting the Club Vice Captain position function document held in the club manual.

Social Events Manager

- (1) Is responsible for the management of all social elements of the Club annual agenda.

Note 1 The definitive full function of the Social Events Manager position is to be found by consulting the Social Events Manager position function document held in the club manual.

Club Recorder

- (1) Shall be responsible for keeping and managing an accurate record of all swim times recorded on Club swim days, and making these available in printed form where needed by the Club.

Note 1 The definitive full function of the Club Recorder position is to be found by consulting the Club Recorder position function document held in the club manual.

Safety Officer

- (1) Must possess a current Resuscitation Certificate.
- (2) Ensure a safe physical pool environment and water safety of all members.
- (3) All swimmers intending to compete in club events who have health questions on that day must inform the Safety Officer in advance of swimming.
- (4) Report to Masters NSW annually.

Public Officer

- (1) This position will form part of the responsibilities of the Secretary.

19 Removal of committee members

- (1) The Club in a general meeting may by resolution remove any member of the committee from the office of member 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.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1 above) 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 Club, the secretary or the president may send a copy of the representations to each member of the Club or, if the representations 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.

20 Committee meetings

- (1) Committee meetings will be held when significant business of the club needs discussion away from a general meeting. .
- (2) Committee members will be notified electronically by the club Secretary of the date and venue of the meeting.
- (3) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee, subject to item 6.
- (4) No business is to be transacted by the committee 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 is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (5) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (6) At a meeting of the committee:
 - (a) The president or, in the president's absence, the vice-president is to preside, or
 - (b) If the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

21 Appointment of club members as committee members to constitute quorum

- (1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the club as committee members to enable the quorum to be constituted.
- (2) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (3) This clause does not apply to the filling of a casual vacancy to which clause 16 applies.

22 Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of the member or members of the club that the committee thinks fit) the exercise of any of the functions of the committee that are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper.

24 Voting and decisions

- (1) On any question arising at a General Meeting of the club a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the club unless all money due and payable by the member to the Club has been paid.
- (4) Subject to clause 19 item (3), the committee may act despite any vacancy on the committee.
- (5) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 Meetings, General and Other

25 General Meetings

- (1) A general meeting of members is to be held each calendar month, except where our annual swimming program precludes any suitable date in any month. The dates for these meetings will be set by the Club Secretary each month, with members notified by Email.

26 Annual General Meetings

- (1) The AGM of the Club shall be held in the month of February of each year.
- (2) At least twenty one (21) days written notice of the AGM shall be given to each financial member.
- (3) Six (6) financial members present at the General Meeting shall constitute a quorum.
- (4) A secret ballot must be held on any question where demanded by a financial member of the Club.
- (5) The business of the AGM shall be:
 - (a) To confirm the minutes of the previous AGM
 - (b) To receive the Annual Reports of Club officials
 - (c) To receive Financial Statements audited by a registered auditor
 - (d) To elect Officers of the Club as listed in Part 3 clause 14

27 Special General Meetings

- (1) Special general Meetings may be summoned by the Executive Committee in response to receipt of a written request from the general membership, signed by at least eight (8) financial members, and setting forth the matter they propose to bring before the meeting. The meeting should be held within twenty eight (28) days of the receipt of a written request made to the Executive Committee.
- (2) A Special General Meeting may be summoned by the executive Committee at any time giving at least twenty one (21) days' notice to all financial members in electronic email form.
- (3) No business other than that stated on the Notice Paper shall be discussed.

28 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the club's members a reasonable opportunity to participate.
- (2) A member of an club who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

29 Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members—is to be dissolved, and
 - (b) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

30 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the club stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31 Making of decisions

- (1) A question arising at a general meeting of the club is to be determined by:
 - (a) a show of hands or, if the meeting is one to which clause 32 applies, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the club, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.

- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

32 Special resolutions

A special resolution may only be passed by the club in accordance with section 39 of the Act.

33 Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of a general meeting, annual general meeting or special meeting.

Note. Schedule 1 to the Act provides that an association's constitution is to address whether members of the association are entitled to vote by proxy at general meetings.

34 Postal or electronic ballots

- (1) The Club may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 12).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

35 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the Club, or a dispute between a member or members and the Club, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

36 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the Club:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or
 - (b) has wilfully acted in a manner prejudicial to the interests of the Club.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, expel the member from the Club or suspend the member from membership of the Club if, after considering the

complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 36.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the Club confirms the resolution under clause 36, whichever is the later.
- (7) The Club through the deliberations of the committee can withdraw a members right to the Clubs automatic acceptance of membership renewal. If the member has paid the renewal fee by whatever means, the club will refund the fees to the member and their membership is cancelled under Part 2 clause 6. The right of appeal under Sect 36 remains intact

37 Right of appeal of disciplined member

- (1) A member may appeal to the Club in general meeting against a resolution of the committee under clause 35, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee, which is to convene a general meeting of the Club to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the Club convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the Club.

Part 5 Miscellaneous

38 Insurance

The club may effect and maintain insurance.

39 Funds - source

- (1) The funds of the club are to be derived from carnival entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the club in general meeting, any other sources that the committee determines.
- (2) All money received by the club must be deposited as soon as practicable and without deduction to the credit of the club's bank or other authorised deposit-taking institution account.
- (3) The club must, as soon as practicable after receiving any money, issue an appropriate receipt.

40 Funds - management

- (1) Subject to any resolution passed by the club in general meeting, the funds of the club are to be used solely in pursuance of the objects of the club in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 authorised signatories.

41 Conduct

The conduct of the Club's activities shall be in accordance with the Constitution and Rules of Masters Swimming. These rules may be added to by the Club but none can be changed or deleted except by the National Sporting Organisation of AUSSI.

42 Non Profit Status

The income and property of the Club where so ever derived shall be applied solely towards the promotion and objectives of the Club and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by the way of profit to the members of the Club, provided nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Club or to any member of the Club in return for services actually rendered to the Club or reasonable and proper rent for premises let by any member to the Club.

43 Dissolution of the Club

- (1) The Club shall not be dissolved except at a General Meeting of the Club specifically convened for the purpose, and by a Resolution carried by a majority of four-fifths of the votes recorded in respect of same.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the club.

Any remaining property whatsoever, the same shall not be paid to or distributed among the members of the Club but shall be given or transferred

to some other institution or institutions. Such institution or institutions to be determined by the members of the Club at or before the time of dissolution or in default thereof by the Chief Judge of such Court as may have or acquire jurisdiction in the matter.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of an association.

44 Change of name, objects and constitution

- (1) An application for registration of a change in the clubs name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.
- (2) This Constitution shall not be added to or amended excepting by an affirmative vote of two-thirds of the total financial membership (at least eight (8) persons) present at a Special General Meeting, which was called for this purpose.
- (3) Proposed amendments shall be notified in writing to all financial members at least twenty-one days before such meeting is to be held.

45 Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

46 Appendices

Appendices may be attached and will form a part of the constitution. Any amendments to appendices must be put to a vote of the membership and a two third majority agreement achieved.

Note. It is the intention of the Committee to forward a copy of this constitution to Master Swimming NSW. We confer permission to hold in their records, and consult as needed.

Signed into effect by the Club Committee on the signing date.

This signed document cancels and replaces all previous Constitution documents of the Club.

PRESIDENT
SIGNATURE.....DATE.....

VICE PRESIDENT
SIGNATURE.....DATE.....

SECRETARY
SIGNATURE.....DATE.....

TREASURER
SIGNATURE.....DATE.....

COMMITTEE MEMBER
SIGNATURE.....DATE.....