

CONSTITUTION OF ADELAIDE MASTERS SWIMMING CLUB INC.

NAME

The name of this Club shall be Adelaide Masters Swimming Club Incorporated.

COLOURS

The Club Colours shall be Blue and White.

GENDER

Words of the masculine gender shall be taken as including the feminine gender.

OBJECTIVES

The objectives of the club shall be

- a) to promote the objectives of AUSSI Masters Swimming in Australia, hereinafter referred to as AUSSI;
- b) the purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Association;
- c) the buying, supplying of, and dealing in, goods of all kinds;
- d) the construction, maintenance and alteration of building or works necessary or convenient for any of the objects or purposes of Association;
- e) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of the Association;
- f) the taking of such steps from time to time as the Executive committee or the members in a General Meeting may deem expedient for the purpose of procuring contributions to the funds of the Association, whether by way of donations, subscriptions or otherwise;
- g) the printing and publishing of such newspapers, periodicals, books, leaflets or other documents as the Executive Committee or the members in a General Meeting may think desirable for the promotion of the objects and purposes of the Association;
- h) the borrowing and raising of money in such manner and on such terms as the Executive Committee may think fit or as may be approved or directed by resolution passed at a General Meeting;
- i) subject to the provisions of the Trustee Act 1898, the investment of any moneys of the Association not immediately required for any of its objects or purposes in such manner as the Executive Committee may from time to time determine;
- j) the making of gifts, subscriptions, or donations to any of the funds, authorities or institutions to which paragraph(a) of sub section (1) of Section 78 of the Income Tax and Social Services Contribution Assessment Act 1936 as amended of the Commonwealth relates;
- k) the establishment and support or aiding in the establishment or support of any other Association formed for any of the basic objects of the Association;
- l) the purchase or acquisition and undertaking of all or any part of the property, assets, liabilities and engagements of any association with which the Association may at any

time become amalgamated in accordance with the provisions of the Act and the Rules of the Association; and

- m) the doing of all such lawful things as are incidental or conducive to the attainment of the basic objects of the Association or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

MEMBERSHIP

1. Application for admission to membership shall be made to the Executive Committee of the Association on the prescribed form;
2. As soon as practicable after the receipt of an application, the Secretary shall refer the application to the Executive Committee;
3. Upon an application being approved by the Executive Committee, the Secretary shall, with as little delay as possible, notify the applicant in writing that he/she has been approved for membership of the Association and upon receipt of the sum payable for the annual subscription, shall enter the applicant's name in the Registrar of Members to be kept by the Secretary where upon the applicant becomes a member of the Association;
4. The Executive Committee may award an Honorary Life Membership of the Club to any member who in the opinion of the Executive Committee has rendered eminent services to the Club over a significant period of time.
 - a. Such Life Membership shall be exempted from the payment of annual subscriptions to the Club;
 - b. Honorary Life Members shall be entitled to all the privileges of the Club;
5. A member of the Association may at any time resign from the Association by delivering or sending by post to the Secretary a written notice of resignation;
6. Upon receipt of a notice under sub rule (5) of this rule, the Secretary shall remove the name of the member by whom the notice was given from the Register of Members, whereupon that member ceases to be a member of the Association;
7. A right, privilege or obligation of a person by virtue of his or her membership of the Association:
 - a. is not capable of being transferred or transferred to another person; and
 - b. terminates upon the cessation of his or her membership, whether by death., resignation or otherwise; save and except that any notice of intention to resign shall not in itself operate to release such a member from his or her obligation to the Association until any subscriptions and/or levies or other fees payable as a result of his or her membership up to the date of his or her resignation, are paid in full;
8. In the event of the Association being wound up, no member is liable to contribute towards the payments of the debts or liabilities of the Association or the costs, charges and expenses of the winding up.

AFFILIATION

The Club shall affiliate each year with AUSSI Masters Swimming in Australia Incorporated. Affiliation may also be arranged with other organisations at the absolute discretion of the Executive Committee subject to such terms, conditions and provisions as the Executive Committee may from time to time determine.

MEETINGS

(A) Annual General Meeting

1. The Annual General meeting of the Club shall be held in the month of March each year or within 8 weeks of 1st of March
2. At least twenty one (21) days written notice of the Annual General Meeting shall be given to each financial member.
3. Eight financial members at any general meeting shall constitute a quorum.
4. A secret ballot must be held on any question where it is demanded by a financial member.
5. The business of the Annual General Meeting shall be:
 - a. to confirm the minutes of the previous Annual General Meeting;
 - b. to receive the annual report and financial statement which shall have been properly audited;
 - c. to elect the officers of the club as listed below;
 - d. general business.

(B) Special General Meetings

1. Special general meetings shall be summoned by the Executive Committee or within twenty eight (28) days of the receipt of a written request made to the Executive Committee and signed by at least eight (8) financial members and setting forth the matter they propose to bring before the meeting.
2. At least twenty one (21) days notice of the special general meeting shall be given to each financial member.
3. No business other than that listed on the notice paper shall be discussed.

ADMINISTRATION

- A. The Club shall be administered by an Executive Committee consisting of the following 14 Officers:
 - President
 - Vice President
 - Secretary
 - Treasurer
 - 2 Club Captains
 - Nominations officer
 - Recorder
 - Fitness Director/Coaching Co-ordinator
 - Publicity Officer/ Newsletter Editor
 - Safety Officer
 - 3 General Committee Persons.
- B. These Officers together with an auditor who is preferably not a member of the club shall be elected by the Annual General Meeting.
- C. Any other officers required by the Club shall be appointed by the Executive Committee (e.g. a delegate/delegates to AUSSI branch meetings). In the event of a casual vacancy in any office of the Executive Committee, the Executive Committee may appoint one of the

Association's members to the vacant office and the member so appointed may continue in office up until and including the conclusion of the Annual General Meeting next following the date of his or her appointment.

NOMINATION AND ELECTION OF OFFICERS

- A. Nominations for the office shall be called for twenty (21) days prior to the Annual General Meeting.
- B. Only financial members may nominate for office or vote for candidates (excepting for the auditor).
- C. The Chairman of the meeting shall appoint a returning officer and two (2) scrutineers from those present at the meeting who are not nominating for any office.
- D. a) The election of all officers shall be by secret ballot.
b) All voting shall be determined by a simple majority of financial members present.

DUTIES OF OFFICERS

(A) EXECUTIVE COMMITTEE

- 1. The Executive Committee shall meet as often as is necessary.
- 2. Four (4) members of the Executive including any two of the president, secretary and treasurer shall constitute a quorum at executive meetings.
- 3. The Executive may as stated appoint individuals or sub-committees to carry out specified tasks.

(B) THE PRESIDENT

- 1. The president shall chair all meetings. In his/her absence the vice president shall act as the 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.

(C) THE VICE PRESIDENT

- 1. The vice president shall assist the president in discharging his/her duties.
- 2. The vice president shall act as if he/she was the president during the president's absence.
- 3. If at a meeting both the president and the vice president are absent the executive shall appoint a chairman for that meeting.

(D) THE SECRETARY

- 1. Shall be required to give notice of all meetings to all financial members and to the executive as specified in clause 5.
- 2. Shall be required to keep an accurate record of all meetings except where a minutes secretary has been appointed for this purpose.
- 3. Shall receive and acknowledge receipt of all mail, referring to the committee as necessary.
- 4. Shall inform the Branch Secretary of: Club Activities and changes in officers; and shall forward as requested
 - i. an annual club report and copy of financial statement

- ii. member registrations with covering cheque
 - iii. times for top 10 award claim forms
 - iv. other information as requested by Branch or National Body.
5. Shall prepare and submit a report of the Club's activities to the Annual General Meeting.

(E) THE TREASURER

1. Shall collect and account 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 for payment.
3. Shall deposit all 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 authorized to sign (usually the president, secretary and treasurer are authorized to sign with any two of their three signatures being required).
4. Shall present a financial statement together with an audited balance sheet (see branch secretary or annual reports for samples) and statements of income and expenditure for the preceding year to the Annual General Meeting.

(F) THE AUDITOR

1. Who need not be a member of the Club – shall examine the accounts of the Club at least once each year and shall express his opinion as to the correctness of the financial statement and balance sheet and shall issue a written statement as to this opinion.

(G) THE CAPTAINS

1. Shall be responsible for organizing and supervising Club swims.
2. Shall be responsible for the selection and entering of relay teams at interclub swim meets.

(H) THE RECORDER

1. Shall be responsible for keeping an accurate record of all times recorded at Club swims which are eligible for Top 10 listing (refer AUSSI rules) and for seeing they are prepared in the format stipulated by the National Recorder before passing them to the secretary for forwarding to the Branch Recorder.
2. Shall be responsible for the recording of all aerobic award swims and preparation of the stipulated forms for forwarding by the club secretary to the Branch Recorder.

(I) THE FITNESS DIRECTOR/COACHING CO-ORDINATOR

1. Shall pass onto members a knowledge of the laws of swimming, stroke correction and competition.
2. Shall organize and supervise swim programs suitable to the abilities and needs of the members.

(J) THE PUBLICITY OFFICER/NEWSLETTER EDITOR

1. Shall be responsible for promoting AUSSI and the club within the area from which the club hopes to gain new members.
2. Shall keep the Branch Publicity Officer up to date with photocopies of press items, black and white photos and results obtained as a result of promotions conducted by the Club.
3. Shall edit and publish the Club Newsletter on a regular basis.

(K) SAFETY OFFICER

1. Shall formulate and implement a safety code of conduct of swimmers.
2. Shall regularly instruct all swimmers as to the safety and first aid facilities available at their pools.
3. Shall encourage and assist swimmers in obtaining life-saving awards and CPR Certificate.
4. Shall adopt a standard/incident report.
5. Shall maintain an up-to-date medical profile of Club members.
6. Shall provide advice and implement guidelines of safety of conduct for the swim meets and open water events.

INCOME AND PROPERTY OF ASSOCIATION

1. The income and property of the Association, however derived, shall be applied solely towards the promotion of the objects and purposes of the Association and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise to any member of the Association.
2. The Association shall not
 - a. appoint a person who is a member of the Committee to any office in the gift of Association to the holder of which there is payable any remuneration by way of Salary, fees or allowance; or
 - b. pay to any such person any remuneration or other benefit in money or money's worth (other than repayment of out-of-pocket expenses);
3. Nothing in the foregoing provisions of this rule prevents the payment in good faith to a servant or member of the Association of
 - a. remuneration in return for services actually rendered to the Association by the servant or member or for goods supplied to the Association by the servant or member in the ordinary course of business including the provision of coaching services;
 - b. interest at a rate not exceeding twelve per cent on monies lent to the Association by the servant or member; and
 - c. a reasonable and proper sum by way of rent for premises let to the Association by the servant or member.

EXPULSION OF MEMBERS

1.
 - a. Should any member fail to pay any subscription, levy or other debt or liability due to the Association within two months of the date the same falls due, such member may be removed from the Association by resolution of the Executive Committee but such

resolution may not be passed unless written notice has been given to the member concerned by the Secretary at least two weeks prior to the passing of the resolution.

- b. Subject to this rule, the Executive Committee may expel a member of the Association if, in the opinion of the Executive Committee, the member has been guilty of conduct detrimental to the interests of the Association.
2. The expulsion of a member pursuant to this sub-rule does not take effect
 - a. until the expiration of 14 days after the service on the member of a notice under sub-rule 3 of this Rule; or
 - b. if the member exercises his or her right of appeal under this rule, until the conclusion of the Special General Meeting convened to hear the appeal, which-ever is the later date;
3. Where the Executive Committee expels a member from the Association, the Secretary of the Association shall, without undue delay, cause to be served on the member a notice in writing
 - a. stating that the Executive Committee has expelled the member;
 - b. specifying the grounds for the expulsion; and
 - c. informing the member if he or she so desires, he or she may within fourteen days after the service of the notice on him or her, appeal against the expulsion as provided in this rule.
4. A member on whom a notice under sub-rule (3) of this rule is served, may appeal against the expulsion to a Special General Meeting by delivering or sending by post to the Secretary of the Association, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing his or her appeal.
5. Upon receipt of a requisition under sub-rule (4) of this rule, the Secretary shall forthwith notify the Executive Committee of its receipt and the Executive Committee shall thereupon cause a Special General Meeting of members to be held within twenty-one days after the date on which the requisition is received by the Secretary.
6. At the Special General Meeting convened for the purpose of this rule:
 - a. no business other than the question of expulsion shall be transacted;
 - b. the Executive Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion;
 - c. the expelled member shall be given an opportunity to be heard; and
 - d. the members shall vote by secret ballot on the question whether the expulsion shall be lifted or confirmed.
7. If at the Special General Meeting a majority of the members present vote in favour of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled member is entitled to continue his or her membership of the Association.
8. If at the Special General Meeting a majority of the members present vote in favour of the confirmation of the expulsion, the expulsion takes effect and the expelled member ceases to be a member of the Association.

CONDUCT

The conduct of the Club's activities shall be in accordance with the constitution and rules of AUSSI. These rules may be added to by the Club but none can be changed or deleted except by the National Board of AUSSI.

AMENDMENTS TO THE CONSTITUTION;

This constitution shall be added to or amended excepting by an affirmative vote of two thirds of the total financial members (at least 40 persons) present at a general meeting which has been called for this purpose. Any proposed amendment shall be notified in writing to all financial members at least twenty one (21) days before such meeting is to be held.

DISPUTES

1. Subject to this rule, a dispute between a member of the Association, in his or her capacity as a member, and the Association shall be determined by arbitration in accordance with the provisions of the Commercial Arbitration Act 1986, as amended.
2. Nothing in this rule affects the operation or effect of the rule relating to expulsion of members.

SEAL OF THE ASSOCIATION

1. The seal of the Association shall be in the form of a rubber stamp, inscribed with the name of the Association and the word "Seal" or the words "Common Seal".
2. The seal of the Association shall not be affixed to any instrument except by the authority of the Executive Committee, and the affixing thereof shall be attested by the signatures of two members of the Executive Committee and the attestation is sufficient for all purposes that the seal was affixed by authority of the Executive Committee.
3. The seal shall remain in the custody of the Secretary.

NOTICES

Any notice to a member hereunder shall be deemed to be properly given if delivered personally or posted to the member's last known address and shall be deemed to have been received on delivery or on the next week day (other than public holiday) after postage.