



## CONSTITUTION OF DAPTO SWIMMING CLUB INCORPORATED

### PART 1 - NAME

The name of the Club shall be the Dapto Swimming Club Incorporated, hereinafter referred to as 'the Club.'

### PART 2 - OBJECTS

The objects of the Club shall be:

- 2.01 To promote, teach and encourage the arts of swimming and life saving.
- 2.02 To stimulate public opinion in favour of providing proper accommodation and facilities for swimming.
- 2.03 To do such things as are necessary and incidental to attain the objects of the Club.
- 2.04 To affiliate to the New South Wales Swimming Association Incorporated and the South Coast and Tablelands Swimming Association Incorporated. Affiliation to other kindred bodies may be affected from time to time by the Committee.

### PART 3 - MEMBERSHIP

- 3.01 Subject to this Constitution the membership of the Club shall comprise the members of the Club together with such other people as the Committee admits to membership and any life members appointed pursuant to Part 10 and any life members appointed prior to incorporation.
- 3.02 Membership is open to all individuals who accept the objects and rules of the Club provided that any member who has not attained the age of sixteen (16) years shall not be entitled to vote at any meeting of the Club.
- 3.03 Individuals wishing to become members of the Club shall apply to the Committee for membership.
- 3.04 The Committee shall determine whether or not to accept an application for membership. The Committee is not required to supply reasons for accepting or rejecting an application for membership.
- 3.05 Where a member is a competitor, then that member shall comply with any provisions relating to eligibility to compete as adopted by the New South Wales Swimming Association Incorporated from time to time.
- 3.06 Members who are not eligible to compete, as provided by the New South Wales Swimming Association Incorporated, shall be eligible to participate in the activities of the Club other than that of competitors but not in the affairs of the New South Wales Swimming Association Incorporated, unless otherwise defined in the Constitution of the New South Wales Swimming Association Incorporated, PROVIDED THAT all members as defined in Clauses 3.05 and 3.06 other than Patrons and Life Members shall be liable for the annual subscription provided herein.

- 3.07 Members shall pay such fees as are determined by the Club at a general meeting.
- 3.07.1 The liability of a member of the Club to contribute towards the payment of the debts and liabilities of the Club or the costs, charges and expenses of winding up of the Club is limited to the amount, if any, unpaid by the member in respect of membership of the Club as required by Clause 3.07.
- 3.08 A register of members shall be kept by the Club showing the name, address and date of commencement of membership for each member. Provision for noting the date of cessation of membership shall also be contained in the register.
- 3.09 Membership shall cease upon resignation, expulsion, or failure to pay outstanding membership fees within three (3) months of the due date.
- 3.10 Membership fees shall fall due on the first day of October each year. The Club year and the financial year of the Club shall run from 1 October to 30 September next following.

#### **PART 4 - DISCIPLINING OF MEMBERS**

The procedure for disciplining members by suspension, disqualification or expulsion shall be for the Committee:

- 4.01 To charge the defaulting member in writing with the offence.
- 4.02 To cite the member to appear at a meeting of the Committee.
- 4.03 To give fourteen (14) days notice of the meeting.
- 4.04 To decide the action to be taken.
- 4.05 To keep proper minutes of the meeting, details of the action taken and to hold in safe custody any documents associated with the matter.
- 4.06 To advise the member charged as to the action decided by the Committee and that the member has the right of appeal to the New South Wales Association Incorporated.
- 4.07 To advise the New South Wales Swimming Association Incorporated of the action taken in disciplining a member.
- 4.08 To advise the member charged and so dealt with that he or she has the right of appeal to the New South Wales Swimming Association Incorporated as provided for in the Constitution of that body.

#### **PART 5 - MANAGEMENT - BY COMMITTEE**

- 5.01 The Club shall have its affairs controlled by the Committee comprising the Executive and up to eight (8) other members.
- 5.02 The Executive shall consist of a President, Vice-President, Secretary, Treasurer and Race Secretary. In addition, Past President shall have executive status for one year after his/her retirement from the office of President.

- 5.03 The Executive and the other members of the Committee shall be elected at each Annual General Meeting. Any casual vacancy occurring in the Committee may be filled by a member appointed by the Committee. Where insufficient nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- 5.04 Each member of the Committee shall hold office from the date of their election or appointment until the conclusion of the next Annual General Meeting.
- 5.05 Retiring Committee members are eligible for re-election.
- 5.06 The Committee shall meet as often as necessary to conduct the business of the Club and not less than on ten (10) occasions in the twelve (12) month period following an Annual General Meeting.
- 5.07 The quorum for meetings of the Committee shall be five (5) Committee members including at least two (2) members of the Executive, elected at the previous Annual General Meeting or appointed under the provisions relating to casual vacancies.
- 5.08 Notice of Committee meetings shall be given at the previous Committee meeting or by such other means as the Committee may decide.
- 5.09 A member of the Committee shall cease to hold office upon resignation in writing; removal as a member of the Club; or absence from three (3) successive Committee meetings without providing reasonable justification for those absences to the satisfaction of the Committee.
- 5.10 The Committee may function validly provided its number is not reduced below the quorum. No business shall be transacted 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 shall be dissolved.
- 5.11 Questions arising at any meeting of the Committee shall be decided by the majority of votes of those present and eligible to vote. In cases of an equality of votes, the person appointed to the chair shall have a second or casting vote.

## **PART 6 - GENERAL MEETINGS**

- 6.01 The Club shall convene the Annual General Meeting of the members of the club at least once in each year and within the period up to 30 June after the expiration of each financial year of the Club.
- 6.02 The Annual General Meeting shall receive for adoption from the Committee a recommendation indicating the names of persons who, having been invited, have agreed to grant their patronage to the Club for the ensuing Club year.
- 6.03 At least fourteen (14) days notice of all general meetings and notices of motion shall be given to members by such means as may be determined by the Committee. In the case of general meetings where a special resolution is to be proposed, notice of the resolution shall be given to members at least twenty-one (21) days before the meeting.

- 6.04 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting. In the case of the Annual General Meeting, the following business shall be transacted whether specified or not:
- 6.04.1 Confirmation of the minutes of the last Annual General Meeting and any recent Special General Meeting.
  - 6.04.2 Receipt of the Committee's report upon the activities of the Club in the last Club and financial year.
  - 6.04.3 Election of the Executive and up to eight (8) other members of the Committee. The eight members shall include the Recorder, Gear Steward, Publicity/Liaison Officer, Social Secretary, and Chief Learn to Swim Instructor.
  - 6.04.4 Receipt and consideration of a statement from the Committee which is not misleading and gives a true and fair view for the last Club financial year of:
    - \* income and expenditure
    - \* assets and liabilities
    - \* mortgages, charges and other securities
    - \* trust priorities.
- 6.05 The quorum for a general meeting shall be ten (10) members eligible to vote.
- 6.06 Voting at general meetings shall be by a show of hands unless a secret ballot is demanded. Decisions shall be made by a simple majority vote except for those matters which must be decided by special resolution where a three-quarters majority of the members present and eligible to vote is required.
- 6.07 All votes shall be given personally and there shall be no voting by proxy.
- 6.08 In the case of an equality of votes, the person appointed to chair the general meeting shall have a second or casting vote.
- 6.09 Nominations of candidates for election as executive or other Committee members may be made at the Annual General Meeting.
- 6.10 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved and in any other case shall 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.
- 6.11 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 not less than ten (10), shall constitute a quorum.

## **PART 7 - EXECUTIVE**

- 7.01 The President, or in the President's absence, the Vice-President, shall act as chairperson at each general meeting and Committee meeting of the Club.

- 7.02 If the President and Vice-President are absent from a meeting or unwilling to act, the members present at the meeting shall elect one of their number to act as chairperson.
- 7.03 The Secretary shall keep, or cause to be kept, the records of the business of the Club including the rules, register of members, minutes of all general and Committee meetings and a file of correspondence. These records shall be available for inspection by any member and shall be held in the custody of the Secretary. The Secretary shall be responsible for the roll of public officer.
- 7.04 The Treasurer shall ensure that all monies received by the Club is paid into an account in the Club's name. Payments shall be made through a petty cash system, or by cheque signed by two (2) signatories of the Executive. Major or unusual expenditures shall be authorised in advice by the Committee or a general meeting.
- 7.05 The Treasurer shall ensure that correct books and accounts are kept showing the financial affairs of the Club. These records shall be available for inspection by any member and shall be held in the custody of the Treasurer.
- 7.06 The Treasurer shall, prior to the Annual General Meeting, have an audit of the books and accounts carried out by a qualified accountant appointed by the Committee.
- 7.07 The Race Secretary shall ensure nominations of all Club swimmers to carnivals, all entry fees, and recording the attendance of all members at carnivals.

## **PART 8 - SPECIAL RESOLUTIONS**

- 8.01 A special resolution may be passed by a general meeting of the Club to effect the following:
- 8.01.1 To change the name of the Club.
  - 8.01.2 To change the Constitution of the Club.
  - 8.01.3 To change the objects of the Club.
  - 8.01.4 To amalgamate with another swimming club.
  - 8.01.5 To voluntarily wind up the Club and distribute the property of the Club.
- 8.02 A special resolution shall be passed in the following manner:
- 8.02.1 A notice must be sent to all members advising that a general meeting is to be held to consider a special resolution.
  - 8.02.2 The notice must give details of the proposed special resolution and give at least twenty-one (21) days notice of the meeting.
  - 8.02.3 A quorum must be present at the meeting.
  - 8.02.4 At least three-quarters majority of those present and eligible to vote must vote in favour of the resolution.

- 8.03 A special resolution to change the Club's name, Constitution, or objects shall be of no effect until such time as it has been approved by the New South Wales Swimming Association Incorporated or such other body or corporation as may succeed that organisation.

## **PART 9 - MISCELLANEOUS**

- 9.01 The club shall effect and maintain insurance as required together with any other insurance which may be required by law or regarded as necessary by the Club.
- 9.02 The funds of the Club shall be derived from the fees of members, donations, grants and such other sources approved by the Club.
- 9.03 The Common Seal of the Club shall be kept in the custody of the Secretary and shall only be affixed to a document with the approval of the Committee. The stamping of the Common Seal shall be witnessed by the signatures of two (2) members of the Committee.
- 9.04 The Club shall affiliate and remain affiliated with the New South Wales Swimming Association Incorporated, or such other body or corporation as may succeed that organisation, and shall to the extent permissible by this Constitution comply with any lawful and reasonable direction of that Association.
- 9.05 The Club may at any time pass a special resolution determining how any surplus property is to be distributed in the event that the Club should be wound up.
- 9.06 The colours of the Club shall be blue and gold. Costume design shall be approved by the Committee.

## **PART 10 - LIFE MEMBERS**

- 10.01 At any Annual General Meeting of the Club any persons may be elected a Life Member of the Club in recognition of special services rendered over a period of not less than ten (10) years to the sport of swimming. However, if the Committee is satisfied the circumstance is justified, the period may be reduced.
- 10.02 Each nominee shall be recommended to the Committee for consideration and, if approved by the Committee, be submitted for election at the Annual General Meeting of the Club, and carried by three-quarters majority of those present and eligible to vote.
- 10.03 A Life Member shall be entitled to attend and speak to any motion at all meetings of the Club and shall have such other privileges as may be decided upon from time to time by the Club. A Life Member is entitled to election to office or the Committee with full voting power.

## **PART 11 - BY-LAWS**

- 11.01 A Committee Meeting may from time to time make such by-laws as may be necessary for the purpose of attaining the objects of this Club.
- 11.02 A Committee Meeting may from time to time amend or repeal any by-laws made pursuant to this Clause and such action shall take effect immediately or at such later time as the Committee Meeting shall determine.
- 11.03 A by-law made pursuant to this clause shall not be inconsistent with this Constitution nor inconsistent with any rule adopted or recognised by the New South Wales Swimming Association Incorporated or such other body or corporation as may succeed that organisation, unless the Association has given its prior written approval to the by-law.

## **PART 12 - CLUB RULES**

- 12.01 The Committee may from time to time make such Club Rules as may be necessary and convenient for the purposes of attaining the objects of the Club.
- 12.02 The Committee may adopt wholly or in part by reference any rules relating to the conduct of swimming or swimming competitions.
- 12.03 The Committee may from time to time vary, amend, or repeal any Club Rule made pursuant to this Clause.
- 12.04 A Club Rule made pursuant to this Clause shall take effect from the date that it is made or such later date as the Committee shall decide and shall be laid before the next Annual General Meeting of the Club and that general meeting may disallow the Club Rule whereupon it shall cease to have effect from the date of that meeting.
- 12.05 A Club Rule made pursuant to this Clause shall not be inconsistent with this Constitution nor inconsistent with any rules adopted or recognised by the New South Wales Swimming Association Incorporated, or such other body or corporation as may succeed that organisation, unless that association has given its prior written approval to the Club Rule.

**This is the eight (8) pages of the Constitution referred to in the Application for Affiliation, signed by myself the President and dated.**

**Signature of President:** .....

**Date:** .....