

RULES (CONSTITUTION) OF MELVILLE AUSSI MASTERS SWIMMING CLUB (INC)

1. NAME

1.1 The name of the Association is MELVILLE AUSSI MASTERS SWIMMING CLUB (INC)

1.2 Club colours shall be black and gold.

2. DEFINITIONS

In these rules, unless the contrary intention appears:

- (1) "Club" shall mean the Association referred to in rule 1;
- (2) "Branch" shall mean the AUSSI Masters Swimming in Australia Western Australian Branch (INC);
- (3) "Committee" shall mean the Committee of Management elected at the Annual General Meeting of the Club, referred to in rule 8;
- (4) "Committee Members" shall mean members of the Committee elected at the Annual General Meeting, referred to in rule 8;
- (5) "member" shall mean financial member of the Club, registered with the Branch;
- (6) "social member" shall mean a non-swimming member, registered with the Club but who will not be registered with the state Branch or National body;
- (7) "The Act" means the Associations Incorporation Act;

3. AFFILIATION

3.1 The Club shall be affiliated with AUSSI Masters Swimming W.A. Branch (the Branch).

3.2 All rights and obligations granted and imposed by the Branch Rules apply mutatis mutandis to the Club's Rules as if the terms and conditions conferring such rights and imposing such obligations were expressly set out herein.

3.3 In the event of any inconsistency between the Rules of the Club and the Branch Rules, Branch Rules shall prevail.

4. OBJECTS OF CLUB

4.1 The objects of the Club are:

- (a) to encourage adults, regardless of age or ability, to swim regularly in order to promote fitness and improve their general health;

(b) to promote the objectives of the Branch.

4.2 The property and income of the Club shall be applied solely towards the promotion of the objects and no part of that property or income may be paid or otherwise distributed directly or indirectly to members, except in good faith in the promotion of the objects.

5. QUALIFICATIONS FOR MEMBERSHIP OF THE CLUB

5.1 Membership of the Club is open to those persons TWENTY (20) years of age or over, who make application and whom the Committee decides may be admitted to membership.

5.2 A person who wishes to become a member or social member shall apply for membership by completing the prescribed membership form as provided by the Branch, and on payment of the prescribed membership fee.

6. REGISTER OF MEMBERS OF THE CLUB

6.1 The Secretary shall, on behalf of the Club, keep and maintain the register of members in accordance with Section 27 of the Act and that register shall be kept and maintained at his or her place of residence.

6.2 The Secretary shall cause the name of a person who dies or who ceases to be a member to be deleted from the register of members.

7. SUBSCRIPTION OF MEMBERS OF CLUB

7.1 The members shall from time to time at a general meeting and on the recommendation of the Committee determine the amount of the subscription to be paid by each member.

7.2 A member is a financial member for the purpose of these rules if his or her subscription is paid on or before the relevant date fixed by the Committee.

7.3 A social member is a financial member for the purpose of these rules if his or her subscription is paid on or before the relevant date fixed by the Committee.

8. COMMITTEE OF MANAGEMENT

8.1 The affairs of the Club shall be managed by a Committee of Management consisting of:

President

Vice President

Secretary
Treasurer
Club Captain
Vice Captain

Not less than EIGHT (8) other Committee members who will occupy the following positions:

Fitness Director
Coach
Membership and Publicity
Recorder
Newsletter Editor
Social Organiser
Committee person
Aerobics Coordinator

The duties of the above positions shall be agreed upon by the Committee and the positions may be combined at the Committee's discretion.

- 8.2 Nominations for membership of the Committee shall be received in writing by the Secretary prior to the Annual General Meeting. In addition, persons who are eligible for election or re-election may be nominated at the Annual General Meeting concerned.
- 8.3 When a casual vacancy within the meaning of Rule 17 occurs in the membership of the Committee, the Committee may appoint a member to fill that vacancy.

9. **PRESIDENT**

9.1 Subject to this Rule, the President shall preside as Chairperson at all General meetings and Committee meetings.

9.2 In the event of the absence from:

- (1) a general meeting of:
- (a) the President, the Vice-President shall preside;
 - (b) both the President and Vice-President, a member elected by the other members present at the general meeting shall preside;

OR

- (2) a Committee meeting of:
- (a) the President, the Vice-President shall preside;
 - (b) both the President and Vice-President, a Committee member selected by the other Committee members present shall preside.

10. **VICE PRESIDENT**

The Vice-President shall assist the President in discharging the duties of office.

11. **THE SECRETARY**

11.1 shall be required to maintain an accurate record of all meetings excepting where a Minute Secretary has been appointed for this purpose.

11.2 shall be required to give notice of all meetings to Members and/or this Committee as specified under rules 15, 18, 20 and 23.

11.3 shall receive and acknowledge receipt of all correspondence, referring the correspondence to the Committee as necessary.

11.4 shall have custody of all books, documents, records and register of the Club, other than those listed under 12.5.

11.5 shall maintain an up to date register of the Club's members as specified under Rule 6.1.

11.6 shall perform such other duties as are imposed by these rules.

12. **THE TREASURER**

12.1 shall be responsible for all moneys paid to or received by the Club and shall issue receipts for those moneys in the name of the Club.

12.2 shall operate a bank account or accounts in the name of the Club and pay all those moneys referred to in paragraph (1) into those accounts as the Committee may from time to time direct.

12.3 shall make payments from that account on behalf of the Club as directed by the Committee.

12.4 shall whenever directed to by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction.

12.5 shall have custody of all securities, books and documents of a financial nature and accounting records of the Club.

12.6 shall perform such other duties as are imposed by these Rules.

13. **THE CLUB CAPTAIN**

shall be responsible for the organization of the Club's official swimming activities.

14. **THE VICE CAPTAIN**

shall assist the captain in discharging the duties of office.

15. GENERAL MEETINGS

15.1 ANNUAL GENERAL MEETINGS

- (1) An Annual General Meeting of the Club shall be held in every calendar year and within four(4) months of the end of the financial year.
- (2) At least twenty-one (21) days written notice of all General meetings shall be given to members, and of any motions to be moved at that meeting.
- (3) Thirty (30) percent of members present in person or by proxy shall constitute a quorum.
- (4) A secret ballot must be held on any question where it is demanded by a minimum of three (3) members.
- (5) The business of the Annual General Meeting shall be:
 - (1) to confirm and accept the minutes of the previous Annual General Meeting
 - (2) to receive the financial statement
 - (3) to receive the Annual Club Report
 - (4) to elect the Committee of Management of the Club
 - (5) to deal with any written notices of motion.
 - (6) general business requiring consideration by the Club in a General meeting

15.2 SPECIAL GENERAL MEETINGS

A Special General Meeting may be called:

- (1) at any time by the Committee
- (2) within twenty-eight (28) days of the receipt of a written request to the Committee signed by at least five (5) members, setting forth the matter which they propose to place before the meeting

15.2.1 Thirty (30) percent of members present in person or by proxy shall constitute a quorum

15.2.2 No business, other than that listed on the notice paper, shall be discussed at a Special General Meeting

16. NOMINATION AND ELECTION OF COMMITTEE MEMBERS

- 16.1 Nominations for the Committee shall be called prior to the Annual General Meeting
- 16.2 Only members may nominate for Committee membership, (with the exception of the Auditor) and vote for candidates.

- 16.3 The election of all Committee Members shall be by a show of hands or if approved by the meeting by a secret ballot.
- 16.4 All voting shall be determined by the majority of members present.
- 16.5 If agreed to by the majority of members present, the positions of Secretary and Treasurer can be held by one person.

17. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE

A casual vacancy occurs in the Committee and that position becomes vacant if the Committee member:

- (1) dies;
- (2) resigns by notice in writing;
- (3) is convicted of an offence under the Act;
- (4) is permanently incapacitated by mental or physical ill-health;
- (5) is absent from more than three (3) Committee meetings in the same financial year of which he or she has received notice, without tendering an apology to the person presiding at each of those Committee meetings;
- (6) ceases to be a member of the Club.

18. PROCEEDINGS OF COMMITTEE

- 18.1 The Committee shall meet together for the dispatch of business not less than four (4) separate occasions each year and the Chairperson may at any time convene a meeting of the Committee.
- 18.2 ~~The Chairperson shall call meetings and the Secretary shall give notice of the meeting to all Committee members.~~
- 18.3 Five (5) members of the Committee, including any two (2) of the following: President, Vice-President, Secretary or Treasurer, shall constitute a quorum.
- 18.4 The Committee may appoint any member to:
 - (1) any vacant Committee position;
 - (2) any sub-committee required to carry out specified tasks.

19. BANK SIGNATURE

The signatures of all accounts held by the Club shall be any two (2) jointly of the President, Treasurer or Secretary.

20. AMENDMENTS TO THE RULES (CONSTITUTION)

- 20.1 This constitution may be amended at the Annual General Meeting of the Club or at any special meeting called for this purpose, in

accordance with the procedure set out in sections 17, 18 and 19 of the Act.

20.2 No amendment resolved shall be adopted unless agreed to by three quarters (3/4) of members present in person or by proxy.

20.3 These rules bind every member and the Club to the same extent as if every member and the Club had signed and sealed these rules and agreed to be bound by all their provisions.

21. COMMON SEAL OF THE CLUB

21.1 The Club shall have a common seal on which its corporate name shall appear in legible characters.

21.2 The common seal of the Club shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book

21.3 The affixing of the common seal of the Club shall be witnessed by any two (2) of the President, the Vice President, the Secretary and the Treasurer.

21.4 The common seal of the Club shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

22. INSPECTION OF RECORDS, ETC OF THE CLUB

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Club.

23. LIFE MEMBERSHIP

23.1 Life membership of the Club will be considered in the case of sustained excellence in service to AUSSI Melville and must be confirmed at an AGM by 75% of members present in person or by proxy.

23.2 The nomination shall be presented to the Secretary in writing by the proposer and seconder, together with a record of service of the nominee. The Secretary will submit the nomination to the Committee for their consideration. If endorsed by the Committee, notice of motion to confer the Life membership shall be given to members at the same time as notice of the AGM.

23.3 A Life member will be entitled to all the facilities of the Club and will be expected to conduct him or herself according to this constitution, but will not be required to pay annual membership subscriptions.

24 SOCIAL MEMBERSHIP

- 24.1 A social member is entitled to participate in all social activities of the club and may be invited to swim on special occasions, limited to three times a year;
- 24.2 A social member may be nominated for Life Membership of the Club;
- 24.3 Social members have no voting rights.

25 DISSOLUTION

- 25.1 The Club may be dissolved or wound up by a resolution at any Annual General Meeting or Extraordinary meeting called for this purpose.
- 25.2 At least thirty (30) days notice must be given to all members for the holding of such Extraordinary meeting; the reasons being set out in the notice calling the meeting and no other business shall be transacted at such meeting.
- 25.3 If upon the dissolution or winding up of the Club there remains after the satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed among members of the Club, but shall be transferred to the Branch.