

TUGGERANONG MASTERS SWIMMING ACT INCORPORATED
CONSTITUTION

CLAUSE 1 NAME

The name of the association shall be Tuggeranong Masters Swimming ACT Incorporated, herein after referred to as the Club.

CLAUSE 2 CONDUCT

In the event of any inconsistency between the provisions of the Club constitution and that of Masters Swimming New South Wales, herein after referred to as the Branch, the provisions of the Branch shall prevail. Similarly, in the event of any inconsistency between the provisions of the Branch constitution and that of Masters Swimming Australia, herein after referred to as MSA, the provisions of MSA shall prevail.

CLAUSE 3 INTERPRETATION

In this constitution, unless the context otherwise requires:

- 3.1 The "Club Committee" shall mean the controlling body of the Club, herein after referred to as the Committee.
- 3.2 "Members" shall mean persons who are registered members of the Club.
- 3.3 Words importing the singular shall include the plural and vice versa: words importing the masculine gender shall include the feminine gender and vice versa; and words importing persons shall include corporations.
- 3.4 The term "in writing" shall include electronic communications.
- 3.5 The term "the Act" shall mean the Associations Incorporation Act 1991

CLAUSE 4 PURPOSE

To encourage adults, regardless of age or ability, to take up regular swimming, so as to promote fitness and improve their health.

CLAUSE 5 OBJECTIVES

- 5.1 To coordinate the activities of individuals, clubs and organisations so that they meet together for competition and social interaction at local through to international levels.
- 5.2 To publish results of these meetings so as to provide a stimulus to others to take part in MSA activities, or to measure their own performances against those which are published.
- 5.3 To provide assistance to research programmes aimed at finding the effects of exercise, specifically swimming, on health and the ageing process.

CLAUSE 6

POWERS

- 6.1 To form sub-committees, to organise classes and lectures, to publish, sell or distribute papers, books of instruction, pamphlets and information, for the purpose of stimulating interest in and promoting the objectives of MSA, and to take all other measures which may seem necessary for providing and maintaining an efficient organisation.
- 6.2 To make and carry out any arrangements for joint working or cooperation by affiliation or otherwise with any organisation or body carrying out work similar to any work carried out by the Club, and paying moneys incidental thereto.
- 6.3 To arrange for importation and/or manufacture and distribution of awards, badges, clothing etc, of the Club, Branch and/or MSA.
- 6.4 To promote, organise and conduct entertainment and other functions, raffles and lotteries when legally permitted to do so for the purpose of furthering the aims and objectives of the Club, Branch and MSA.
- 6.5 To promote, conduct and organise swim meets, competitions and awards.

CLAUSE 7

CLUB COMMITTEE

- 7.1 The Committee shall consist of the President, Honorary Secretary, Honorary Treasurer, Coaching Director, Publicity Officer, Recorder, Club Safety Officer, Race Secretary, Registrar and Club Captain and shall be appointed and hold office as the By-Laws shall describe.
- 7.2 The Committee shall meet in accordance with the By-Laws.
- 7.3 The committee members shall have one vote each, irrespective of the number of positions held, but in the event of a tied vote, the person presiding may exercise a second, or casting, vote.

CLAUSE 8

MANAGEMENT

The affairs of the Club shall be directed by the Committee and regulated by the By-Laws.

CLAUSE 9

ALTERATION TO THE CONSTITUTION

This constitution may be amended at Annual General Meetings or Special General Meetings called for the purpose, by a seventy five percent (75%) majority of voting members present, provided such amendments shall have been submitted to all members at least twenty one (21) days prior to the date of the meeting at which members are to exercise their vote.

CLAUSE 10

INCOME

The income of the Club shall be derived from membership fees, session fees, donations and, subject to any resolution passed by the Club in general meeting and subject to the Act, section 114, any other sources that the committee decides.

The income and property of the Club whencesoever derived shall be applied solely towards the promotion of the 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 way of profit to the members of the Club provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of the Club in return for any services actually rendered to the Club, or reasonable and proper rent for premises let by any member of the Club.

CLAUSE 11

DISSOLUTION

The Club shall not be dissolved except at a General Meeting of the Club specially convened for the purpose and a resolution carried by a majority of four-fifths of the votes recorded in respect of the same. If upon winding-up or dissolution of the Club there remains after the satisfaction of all debts and liabilities any property whatsoever the same shall not be paid or distributed among the members of the Club, but shall be given or transferred to some other institution having similar or in part similar to the objects of the Club which shall also prohibit the distribution of its or their property among its members, such institution 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 jurisdiction in this matter.

CLAUSE 12

LIABILITY OF MEMBERS

The liability of a member to contribute towards the payment of the debts and liabilities of the Club, or the costs, charges and expenses of the winding up of the Club is limited to the amount (if any) unpaid by the member in relation to membership of the Club.

BY-LAWS

BY-LAW 1

CONDUCT

The provisions of the Constitution shall be strictly adhered to and in the event of any inconsistency between the provisions of the Constitution and those of the By-Laws the provisions of the Constitution shall prevail.

BY-LAW 2

INTERPRETATION

In these By-Laws, words and expressions which are defined by the Constitution shall have the meaning so defined unless the context otherwise shall require.

BY-LAW 3

ADMINISTRATION

- 3.1 Subject to the Constitution the power and control of the Club shall be vested and reside in the Committee subject to By-Law 7.
- 3.2 The Committee shall:
1. Set member registration fees, which shall be reviewed yearly at the Annual General Meeting.
 2. Select and/or approve the dates and venues for swim meets held within or by the Club.
 3. Appoint sub-committees as required.
- 3.3 The officers of the Club shall comprise:
1. President,
 2. Honorary Secretary,
 3. Honorary Treasurer,
 4. Coaching Director
 5. Publicity Officer, and
 6. Recorder.
- 3.4 Each member of the committee holds office, subject to the By-Laws, until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.

BY-LAW 4

DELEGATES TO BRANCH BOARD MEETINGS

The committee shall appoint a member of the Club to be its delegate at Branch Board meetings.

BY-LAW 5

ANNUAL GENERAL MEETING

- 5.1 The Annual General Meeting shall be held each year within five (5) months after the end of the financial year of the Club.
- 5.2 At least twenty-one (21) days notice in writing shall be given to each Club member prior to Annual General Meeting.
- 5.3 An agenda paper of all matters in hand shall be forwarded to each member at least twenty-one (21) days prior to the meeting.
- 5.4 The business of the Annual General Meeting shall be:
 1. To confirm the Minutes of the previous Annual General Meeting, and of any Special General Meeting held since, or immediately preceding, the previous Annual General Meeting.
 2. To receive Annual Reports from the following:
 - a. President
 - b. Honorary Secretary,
 - c. Coaching Director,
 - d. Publicity Officer, and
 - e. Recorder
 3. To receive and review the Annual Audited Reports of Statement of Income and Expenditure, and Balance Sheet.
 4. To elect:
President,
Honorary Secretary,
Honorary Treasurer,
Coaching Director,
Publicity Officer, and
Recorder.
 5. To appoint:
Club Safety Officer,
Race secretary,
Registrar,
Club Captain, and
Deputies to elected positions when considered necessary.
 6. To consider the Budget for the following year.
 7. To consider motions and all agenda items of which due and proper notice has been given.
 8. To consider a motion or agenda item of which due and proper notice has NOT been given provided that discussion of and voting upon such motion or agenda items:
 - a. has the sanction of three-quarters (3/4) of the votes of members present, and
 - b. shall not concern a rescission of a previous resolution of meeting.
 9. To consider General Business
- 5.5 The accidental omission to give any notice to any person entitled to attend the Annual General Meeting shall not invalidate the meeting or its proceedings, including any resolution passed or appointment made thereat.
- 5.6 As soon as practicable after the Annual General Meeting, Minutes of the business transacted shall be issued to each Committee office-bearer together with a list of amendments to the Constitution and By-Laws if applicable.
- 5.7 A quorum shall be three (3) elected Committee members and four (4) other Club members.
- 5.8 All voting shall be determined by a simple majority of members present.

BY-LAW 6

SPECIAL GENERAL MEETING

- 6.1 Special General Meetings shall be summoned by the Committee or within twenty-eight (28) days of the receipt of a written request made to the Committee and signed by at least eight (8) members and setting forth the Matter that is proposed to be brought forward at the meeting.
- 6.2 At least twenty-one (21) days notice in writing shall be given to each member, together with all agenda items.
- 6.3 No business other than that shown on the notice shall be discussed.
- 6.4 A quorum for any Special General Meeting shall be three (3) elected Committee members and four (4) other members.
- 6.5 All voting shall be determined by a simple majority of members present.
- 6.6 As soon as practicable after a Special General Meeting, Minutes of the business transacted shall be issued to each Committee office-bearer together with a list of amendments to the Constitution and By-Laws if applicable.

BY-LAW 7

CLUB COMMITTEE MEETING

- 7.1 The Committee shall meet as often as necessary.
- 7.2 Four (4) members, of whom at least three (3) are elected office-bearers, shall constitute a quorum.
- 7.3 Each Committee member present shall have one vote on all matters, but in the event of a tied vote, the person presiding may exercise a second, or casting, vote.
- 7.4 All Committee members shall be accountable to the Club in the performance of their duties and may be dismissed by members at a Special General Meeting.

BY-LAW 8

AMENDMENTS TO BY-LAWS

The By-Laws may be amended at Annual General Meetings or Special General Meetings, by a seventy five percent (75%) majority of voting members present, provided such amendments shall have been submitted to all members at least twenty-one (21) days prior to the meeting at which they are to exercise their vote.

BY-LAW 9

ELECTIONS

- 9.1 Whenever election or nomination of officers is required, the Honorary Secretary shall request, in writing, nominations from members at least twenty-one (21) days before the date of the meeting.
- 9.2 Only members of the Club may be nominated for office.
- 9.3 Nominations in writing shall be received by the Honorary Secretary at least seven (7) days prior to the meeting.
- 9.4 In the event of no written nominations being received for an office, the Chairman may accept late nominations for that office.
- 9.5 Where candidates are unopposed, they will be declared elected.
- 9.6 Where the outgoing President is standing for re-election and is opposed, then a member not directly involved in the election shall take the chair.
- 9.7 In the event of a tied vote, a second ballot shall be held, except where the former office-bearer is seeking re-election to the same position and is one of those in the tied vote, then he shall be declared elected.
- 9.8 A qualified auditor, who is not an Officer of the Club and has not prepared or assisted with the preparation of those accounts, shall be appointed.

BY-LAW 10

THE PRESIDENT

The President shall:

- 10.1 Preside at all meetings at which he is present. In his absence, those present and qualified to vote shall elect a Chairman.
- 10.2 Rule on the Constitutional and By-Law validity of all proposals and actions.
- 10.3 Guide the other officers in the commission of their duties and shall represent the Club at official functions, when available.

BY-LAW 11

THE HONORARY SECRETARY

The Secretary shall:

- 11.1 Be responsible for the management of the Club administration in accordance with the Constitution, By-Laws and Rules of the Club, Branch and MSA.
- 11.2 Keep in safe custody all books and documents belonging to the Club other than those specified as being kept by other officers, and produce same when requested by the Committee or a member of the club. The books and documents requested are to be provided within seven days of receipt of a written request.
- 11.3 Enter in proper books all Minutes of Committee Meetings.
- 11.4 Prepare an Annual Report on the affairs of the Club for presentation and consideration at the Annual General Meeting.
- 11.5 Be responsible and subject to the direction of the Committee.

- 11.6 Keep the Branch informed of the Club's activities; this includes forwarding to the Branch the Annual Report and Financial Statements.

BY-LAW 12

THE HONORARY TREASURER

The Treasurer shall:

- 12.1 Ensure that receipts, duly signed, are given for all moneys received by the Club and that duplicates of all such receipts are retained.
- 12.2 Cause all moneys received by the Club to be paid to the Bank account with all practicable dispatch.
- 12.3 Ensure that all accounts payable/paid are submitted to Committee meetings for endorsement.
- 12.4 Ensure that an up-to-date Financial Statement showing the position of the finances of the Club as recorded in the Cash Book is submitted to the Committee at its regular meetings.
- 12.5 Whenever required by the Committee, produce accounts and vouchers.
- 12.6 Not be responsible for any default on the part of any officer of the Club for any moneys, except such as he shall personally receive.
- 12.7 Cause proper books of accounts to be kept of all receipts and expenditure on behalf of the Club and of the matters in respect of which the same are received or expended and also of the assets, credits and liabilities of the Club and shall cause to be prepared and laid before the Committee at its Annual General Meeting each year, a duly audited set of accounts made up to the end of the preceding financial year.
- 12.8 Be responsible to and subject to the direction of the Committee
- 12.9 Produce a budget for the coming financial year and make recommendations on membership fees.
- 12.10 Make recommendations on investments and other financial matters as required.
- 12.11 At the expiration of his term of office, surrender all money, books, records and other property of the Club in his custody to his successor in office, or to such person as shall be designated by the Committee.
- 12.12 Be required to take responsibility for all Branch affiliations and member registrations and ensure notification of these is given to the Club Secretary and the Branch Secretary as soon as practicable after receipt of the applications and at least monthly.

BY-LAW 13

THE AUDITOR

The auditor, who shall not be an Officer of the Club and has not prepared or assisted with the preparation of those accounts, shall examine the account of the Club at least once per year and shall express his opinion as to whether the Financial Statements provide a true and fair view of the Club's financial position, and shall issue a written statement of opinion to the Annual General Meeting.

BY-LAW 14

THE COACHING DIRECTOR

The Coaching Director shall:

- 14.1 Be responsible for coordinating fitness and coaching of the Club.
- 14.2 Discuss objectives, methods, programmes and problems with interested members and report to the Committee with recommendations.
- 14.3 Liaise with the Branch or MSA, especially with regard to National Coaches Accreditation Scheme.
- 14.4 Supply instructive information to the Publicity Officer for inclusion in the Club Newsletter, which he considers will be beneficial to members.
- 14.5 Be subject to the direction of the Committee.

BY-LAW 15

PUBLICITY OFFICER

The Publicity Officer shall:

- 15.1 Be responsible for receipt and reproduction of editorial material for forwarding to the Club Newsletter Editor.
- 15.2 Promote the Club, Branch and MSA to media and sponsors.
- 15.3 Coordinate all public relations functions on behalf of the Club.

BY-LAW 16

THE RECORDER

The Recorder shall coordinate all recording of members' attempts at Top Ten Times, Aerobic Trophy and Awards swims and forward them to the Branch Recorder within the time specified by the National Council.

BY-LAW 17

PUBLIC OFFICER

- 17.1 The committee shall appoint a member, resident in the ACT to be Public Officer of the Club and, if that office becomes vacant, shall within fourteen (14) days appoint a member, resident in the ACT, to fill that vacancy.
- 17.2 The Public Officer shall notify the ACT Office of Regulatory Services of his appointment and any change of address, within fourteen (14) days of it occurring.

BY-LAW 18

CASUAL VACANCIES

- 18.1 A casual vacancy is deemed to exist if an Officer tenders his resignation, dies, suffers from mental or physical incapacity, is convicted of a criminal offence or his financial membership expires. An Officer can be removed from his position by a resolution approved by a majority of members at a Special General Meeting.
- 18.2 The Committee shall have the power to fill casual vacancies at any time, in the positions referred to in By-Law 3.3.
- 18.3 Such vacancies may be filled at a Special General Meeting.

BY-LAW 19

BANK SIGNATORIES

The Signatories of all accounts of the Club shall be any two (2) of the following:

1. President
2. Honorary Secretary
3. Honorary Treasurer

BY-LAW 20

AFFILIATION AND REGISTRATION FEES

- 20.1 Club member registration fees shall be reviewed each year at the Annual General Meeting.
- 20.2 Membership registration will be from 1 January to 31 December each year, in accordance with MSA By-Laws.
- 20.3 The Club's financial year shall be from 1 July to 30 June in the following year.
- 20.4 Member registration fees shall be paid to the Branch as soon as practicable and at least monthly.
- 20.5 An individual shall be deemed to be financial when the Club accepts the membership. However, participation in MSA events is subject to acknowledgment of registration by the Branch.

BY-LAW 21

MEMBERSHIP

- 21.1 Membership is gained by joining the Club. The Club registers the members with the Branch, which then registers the members with MSA.
- 21.2 Registration of members is limited to persons eighteen (18) years and older.

BY-LAW 22

RULES

The Club shall adhere to the Rules of MSA governing competition and other matters. Any such Rules shall be read subject to the provisions of these By-Laws and in the event of any inconsistency arising, the Rules shall prevail.

BY-LAW 23

LIFE MEMBERSHIP

Life Membership of the Club may be conferred upon a member who complies with the following principles:

- 23.1 The person's contribution must be of sustained excellence to the furtherance of the ideals of MSA.
- 23.2 The nomination must come from at least four (4) Members who will submit the application to the Committee. If endorsed by the Committee, the nomination will be submitted as a Motion on Notice at the Annual General Meeting.
- 23.3 Any such nomination, with a full history of service, must be circulated to members at least twenty-one (21) days prior to the Annual General Meeting.

BY-LAW 24

PATRONS

The Committee may at any time appoint patrons of the Club.

BY-LAW 25

INDEMNITY

Any member or servant of the Club shall be indemnified against personal responsibility for any action taken as a member or a servant operating under the direction and with the approval of the Committee.

BY-LAW 26

COMMON SEAL

The Common Seal shall be inscribed with "Tuggeranong Masters Swimming ACT Incorporated" in legible characters and is to be held by the Secretary.

BY-LAW 27

MOTTO

The motto of the Club shall be "Fitness, Friendship and Fun".

BY-LAW 28

DISCIPLINE

- 28.1 If any member requires disciplining as a result of an action or inaction, a request for discipline can be lodged by any member of the Club, Branch or MSA. The accused is to face a Board of at least three Officers of the Club.
- 28.2 The member in question must represent himself.
- 28.3 The Board decision will be determined by a simple majority. In the event of a tie, the member will be considered innocent of the allegation. Punishment can consist of a verbal reprimand, suspension or expulsion from the Club.
- 28.4 The member in question may appeal to the association in general meeting against a resolution of the Board within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- 28.5 On receipt of a notice under By-Law 28.4, the secretary must notify the committee, which must call a Special General Meeting of the Club, to be held as soon as possible.
- 28.6 The Committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and the members present must vote by secret ballot on the question of whether the appeal should be upheld.