

COLLINGWOOD SWIMMING CLUB

CONSTITUTION

June 2004

Note: this version is based on the 2002 version of the CSC constitution but has included significant changes in keeping with the Swimming Victoria suggested model rules for an incorporated swimming club (version Feb 2004). The areas where major changes have occurred are:

Section 3 Objectives – Consistent with SVI and ASI

Section 25 Discipline of Members – Member Protection Policy

NAME:

1. The name of the Incorporated Association is Collingwood Swimming Club Incorporated (in these Rules called "the Club").

INTERPRETATION:

2. (1) In these rules unless the contrary intention appears:-
 - "Bylaws" means rules made from time to time by Committee which may be revoked by the Committee or by the Members at a General Meeting.
 - "Committee" means the Committee of Management of the Club.
 - "Financial Year" means the year ending on April 30.
 - "General Meeting" means a general meeting of members convened in accordance with Rule 14.
 - "Member" means a member of the Club but does not mean a "Special Member".
 - "Voting Member" means a Member, who is not an Associate Member, aged 16 years or over or the and includes a parent of a member under the age of 16.
 - "Registered Member" means a member who is registered with Swimming Victoria.
 - "Ordinary Member of the Committee" means a member of the Committee who is a Voting Member of the Club and who is not an Officer of the Club under Rule 8.
 - "Associate Member" means a member who, currently or at any time within the previous twelve months, is or was an employee of the Collingwood Leisure Centre or an employee of the Club and who is not entitled to vote at a General Meeting or at a Committee meeting. An Associate Member may also be a Registered Member but not a Special Member.
 - "Special Member" means a category of membership from time to time specified by the Committee but does not mean Member as defined in these Rules. A Special Member is not a Member of the Club and is not entitled to be called a Member of the Club.
 - "School term" means a term as defined from time to time by the Department of Education in Victoria.
 - "These Rules" means the constitution and general rules of the Club.
 - Words implying the masculine shall include the feminine and vice versa.
 - Words implying the singular shall include the plural and vices versa.
 - "The Act" means the *Associations Incorporation Act 1981*.
 - "The Regulations" means the Regulations under the Act.
- (2) In these Rules, a reference to the Secretary of a Club is a reference:-
 - (a) where a person holds office under these Rules as Secretary of the Club, to that person; and
 - (b) in any other case to the Public Officer of the Club.
- (3) Words or expressions contained in these Rules shall be interpreted in accordance with the *Interpretations of Legislations Act 1984* and the Act as in force from time to time.

Objectives:

3.1 General

To promote and encourage swimming for competitive and recreation purposes within the community.

To facilitate community involvement and accountability in swimming in and around Collingwood.

To enable the provision of swimming activities that are responsive to the needs and preferences of members and are accountable to the members of the club.

3.2 The Club is formed to promote natatorial activities in all of its forms, and to accomplish this, shall;

- (a) affiliate and otherwise liaise with the Swimming Victoria Incorporated ("SV") and such other bodies as may be desirable to achieve these Objects;
- (b) conduct, encourage, promote, advance, control and administer natatorial activities in the Club for the benefit of the Members and the development of swimming;
- (c) act in good faith and loyalty to ensure the maintenance and enhancement of the Club and swimming, its standards, quality and reputation for the collective and mutual benefit of the Members and swimming;
- (d) at all times to act on behalf of, in the interests of, and in conjunction, with the Members;
- (e) promote the economic and sporting success, strength and stability of the Club, and each Member, and to act interdependently with each Member in pursuit of these Objects;
- (f) ensure compliance with the rules and by-laws as amended from time to time of SV;
- (g) apply the property and capacity of the Club towards the fulfilment and achievement of these Objects;
- (h) strive for governmental, commercial and public recognition of the Club, and swimming;
- (i) through or in association with other Clubs or other entities or of itself, promote the health and safety of all Members;
- (j) pursue through itself or others such commercial arrangements, including sponsorship and marketing opportunities as are appropriate, to further these Objects;
- (k) formulate or adopt and implement appropriate policies, including in relation to harassment, discrimination, equal opportunity, equity, drugs in sport, health, safety, junior and senior programs and such other matters as arise from time to time as issues to be addressed in swimming;
- (l) represent the interests of its Members and of swimming generally in any appropriate forum;
- (m) have regard to the public interest in its operation;
- (n) do all that is reasonably necessary to enable these Objects to be achieved and to enable the Members to receive the benefits which these Objects are intended to achieve;
- (o) adopt the Australian Swimming Member Protection Policy, (as amended from time to time), and to comply with its requirements;
- (p) encourage and promote performance-enhancing drug free competition; and
- (q) undertake and or do all things or activities which are necessary, incidental or conducive to advance these Objects.

Application for Membership:

- 4. (1) Any person may apply to become a member of the Club.
- (2) An application of a person for membership of the Club:-
 - (a) shall be in writing in the form set out in Appendix 1;
 - (b) shall be lodged with the Secretary of the Club; and
 - (c) shall be accompanied by the relevant fees and subscriptions as determined by the Committee.
- (3) As soon as is practicable after the receipt of the application the Secretary shall refer the application to the Committee.
- (4) The Committee shall determine whether to approve or to reject the application, without having to give reasons.
- (5) Should the Committee reject the application the entrance fee and annual subscription shall be repaid.
- (5) Upon acceptance by the Committee the Secretary shall, with as little delay as possible, enter the nominees name and details in the register of members.

Entrance Fee and Annual Subscription:

- 5. (1) The entrance fee shall be \$5.00

- (2) The annual subscription shall be the amount set by the Committee each year and is due and payable not later than June 1 in each year.
- (3) The classes of membership shall be as prescribed in the section Interpretation (above)

Register of Members:

6. The Secretary shall keep and maintain a register of members in which shall be entered the full name, address, telephone number, date of birth, gender and date of admission of each member and the register shall be available for inspection and copying by members upon request.

Resignation:

7. (1) A member of the Club who has paid all moneys due and payable by him to the Club may not resign from the Club, unless by way of the Swimming Victoria Inc. transfer rules during the currency of his membership.
- (2) Upon the expiration of his membership, the Secretary shall make in the register of members an entry recording the date on which the member, ceased to be a member.

Committee:

8. (1) The affairs of the Club shall be managed by a Committee of Management constituted as provided in this clause.
- (2) The Committee:-
 - (a) shall control and manage the business and affairs of the Club.
 - (b) shall determine the annual membership fees of the Club.
 - (c) may appoint to the Committee or remove from the Committee up to one Associate member, one junior member and one other person as ex officio members of the Committee.
 - (d) may, subject to these Rules, the Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers which are required by these Rules to be exercised by a General Meeting.
 - (d) subject to these Rules, the Regulations and the Act, has power to perform all such acts as the Committee deems essential for the proper management of the affairs of the Club.
 - (e) subject to these Rules, the Regulations and the Act, has the power to create or amend Bylaws for the efficient operation of the Club. Such Bylaws shall be published to the members from time to time for their information.
 - (f) subject to these Rules, the Regulations and the Act, has the power to create a category to enable people who are not members to join as special members of the Club. A special member is not a member of the Club under these Rules. The Committee may specify benefits to which a Special Member is entitled. The Committee may determine the process of application for Special Membership.
- (3) The officers of the Club shall be:-
 - (a) a President;
 - (b) a Secretary; and
 - (c) a Treasurer.
- (4) (a) Each officer of the Club shall hold office until the completion of the Annual General Meeting next held following their election or appointment. Subject to Clause 8(6) below, they shall be eligible for re-election.
- (b) The appointment of ex officio members of the Committee pursuant to clause 2(c) shall end at the Annual General Meeting next held following their appointment.
- (5) In addition to the officers of the Club, three (3) or more ordinary members of the Committee may be elected at the Annual General Meeting. Members shall hold office until the completion of the Annual General Meeting next held following their election or appointment. Subject to Clause 8(6) below, they shall be eligible for re-election.

- (6) Officers of the Club and ordinary members shall not be eligible for election to the Committee for more than five consecutive years.
- (7) Only voting members will be eligible for election as officers of the club or as ordinary members of the Committee. Associate members are not eligible for election to the Committee.
- (8) In the event of a casual vacancy of any position on the Committee, whether caused by death, resignation or other cause, that position shall be filled by the Committee from the voting members of the Club.
- (9) The Committee shall have the power to create or amend Bylaws for the efficient operation of the Club. Such Bylaws shall be published to the members from time to time for their information.

Election of Committee:

9. (1) Nomination for positions on the Committee shall be in writing, signed by two (2) members of the Club, the written acceptance of the nomination by the nominee shall be endorsed on the nomination form.
- (2) The nomination form shall be delivered to the Secretary at least seven (7) days prior to the Annual General Meeting.
- (3) If the number of nominations received for a position is equal to or less than the number provided, they shall be declared elected.
- (4) If more nominations are received for a position than the number provided a secret ballot shall be held.
- (5) Such a ballot shall be held at the Annual General Meeting each year.
- (6) The Chairman may call for further nominations at the Annual General Meeting for any position where the number of written nominations are not equal to or more than the number provided. Any such nominations must be made by a member, seconded by another member and accepted by the nominee. The chairman shall put the nomination to a vote.

Proceedings of the Committee:

10. (1) The Committee shall meet at least once every school term in each year, at a place and time determined by the Committee.
- (2) The quorum for a Committee meeting shall be more than 50% of the Committee membership. Ex officio members cannot be counted for the purposes of establishing a quorum.
- (3) If a quorum is not present within 30 minutes of the starting time for the meeting, the meeting shall be deferred for a week at the same place and time.
- (4) At meetings of the Committee:-
 - (a) the President shall preside;
 - (b) in the absence of the President, the Committee shall appoint a Chairman.
- (5) Each officer of the Club and ordinary member of the Committee shall have a vote, in the event of a tie the Chairman shall have a casting vote.
- (6) Notice of Committee meetings shall be given to each member of the Committee in such form as the Committee determines..
- (7) The Committee may act on any matter, subject to sub-clause (2), notwithstanding the absence of any member or a vacancy on the Committee.
- (8) Associate members shall absent themselves from discussions and votes on matters pertaining to their employment or employer.

Secretary:

11. The Secretary shall cause to be kept minutes of the resolutions and proceedings of all meetings, together with a record of the names of the members present at those meetings.

Treasurer:

12. The Treasurer of the Club:-
- (a) shall collect all monies due to the Club, and make all payments authorised by the Committee;
 - (g) shall keep accurate accounts and books of the Club with full details of receipts and payments by the Club; and
 - (h) Shall report on the financial affairs of the Club at each Committee meeting.

Annual General Meeting:

13. (1) The Club shall in each calendar year convene an annual general meeting of its members.
- (2) The annual general meeting shall be held on such a date as the Committee determines, prior to the 1st of June.
 - (3) Written notification shall be provided to all members of the Club at least 21 days prior to the date of the annual general meeting setting out the agenda of the meeting.
 - (4) The ordinary business of the annual general meeting shall be:-
 - (a) apologies;
 - (b) to confirm the minutes of the last preceding annual general meeting;
 - (c) to confirm the minutes of any other general meetings held during the year;
 - (d) to receive from the Committee a report on the activities of the Club during the last preceding financial year;
 - (e) to receive and consider a statement of the financial affairs of the Club during the last preceding financial year;
 - (f) to elect the Officers of the Club, and the new Committee members for the ensuing financial year;
 - (g) to consider and determine any proposed changes to the Constitution; and
 - (h) to conduct any general business of which due notice has been given.
 - (5) The annual general meeting is in addition to any other general meetings which may be held during the year.

Special General Meetings:

14. All general meetings, other than the annual general meeting shall be called special general meetings.
15. (1) The Committee may, if it thinks fit convene a special general meeting of the Club.
- (2) The Committee shall, on the request in writing of members representing not less than 25% of the total membership of the Club, convene a special general meeting of the Club.
 - (3) The request for a special general meeting shall state the objects of the meeting, shall be signed by not less than 25% of the total membership of the Club and shall be delivered to the address of the Secretary.
 - (4) The same notice and method as is provided for the Annual General Meeting shall be given for Special General Meetings.

Proceedings at General Meetings:

16. (1) The quorum for General Meetings shall be at least 10% of the financial voting members of the Club.
- (2) Only currently financial voting members are eligible to vote in person at any General Meeting.
 - (3) At General Meetings of the Club:-

- (a) the President shall preside;
- (b) in the absence of the President, the meeting shall appoint a Chairman.

Proxies

17. There shall be no proxies at general meetings or committee meetings.

Alteration of Rules and Statement of Purposes:

- 18. (1) These Rules may only be amended at a General Meeting of the Club, where due notice of the proposed rule changes have been provided to the members.
- (2) To amend these Rules a majority of 75% of the members present and voting in favour of the proposal is required.
- (3) Proposed amendments to this Constitution shall be approved by Swimming Victoria Inc before they are submitted to the Registrar as an authorised change to these Rules.

Winding Up or Cancellation:

- 19. (1) The Club shall not be wound up unless a decision is taken at a General Meeting of which due notice has been given, and 75% of the members present and voting have agreed to the proposal.
- (2) In the event of the Club being wound up or the cancellation of the Incorporation of the Club, the assets of the Club shall be forwarded to Swimming Victoria Inc to be held in trust for a period of five (5) years. Should the Club not be reformed in this time the assets shall be used for the promotion and development of swimming within Victoria.
- (3) Under no circumstances shall the assets of the Club be distributed amongst the membership of the Club.

Funds:

20. The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and any other sources that the Committee considers.

Cheques:

21. All cheques shall be signed by the Treasurer and one of the President, Secretary or ordinary committee member.

Custody of Records:

- 22. (1) Unless provided otherwise within these Rules, the Secretary shall keep in his custody and control all relevant documents and securities of the Club.
- (2) All relevant documents of the Club shall be available for inspection and copying by any member of the Club upon request having given reasonable notice.
- (3) A request for inspection may be refused by the Committee where it is unreasonable, or the Club is legally entitled or obliged to do so.

The Seal:

- 23. (1) The Club has elected not to use a Common Seal.
- (2) Any document that would have required the use of the Common Seal of the Club shall be authorised by the Committee and shall be attested by the signatures of two (2) members of the Committee.

Grievance:

24. (1) Where a member of the Club has a grievance arising from their involvement in the activities of the Club, whatever that may be, with another member, officer or employee of the Club, and that member considers that the grievance warrants investigation and action by the Club that member shall follow the procedure in this clause. If the grievance is a matter which is dealt with in accordance with the Member Protection Policy of Australian Swimming it shall be dealt with in accordance with the Member Protection Policy.

(2) **Grievances Officer**

The member shall contact, the Club Grievances Officer, who has been appointed by the Committee, and advise that they have a grievance which they wish to discuss. The identity of the Club Grievances Officer will be communicated to all members of the Club in writing each year. Where a grievance is to be submitted in writing it should be addressed clearly to the Club Grievances Officer, and marked "Private and Confidential".

(3) **Action by Grievances Officer**

- (a) Where a grievance has been received by the Club Grievances Officer, he shall as soon as practicable, discuss the grievance with the aggrieved party. The Club Grievances Officer may take whatever steps and conduct whatever investigations necessary to determine whether a grievance is legitimate.
- (b) Where the Club Grievances Officer determines that the grievance is legitimate he shall take all necessary steps to resolve the grievance. He may recommend to the Committee what he considers an appropriate sanction.
- (c) Where the Club Grievances Officer determines that the grievance is not legitimate he shall advise the aggrieved party accordingly in writing. If the aggrieved party is not satisfied with the Club Grievance Officer's determination they may appeal to the Club Committee.
- (d) Where the Club Grievances Officer is unable to resolve a grievance or considers the grievance of a very serious nature he shall report the grievance to the Secretary and/or the Committee.
- (e) All grievances received by the Club Grievances Officer, and all information surrounding the circumstances of a grievance which is discovered by the Club Grievances Officer on investigation shall be confidential and may only be communicated to the Secretary and/or the Committee.

(4) **Procedures by a Grievances Officer**

In investigating a grievance and/or determining its legitimacy, the Club Grievances Officer shall observe the rules of natural justice, and apply the procedures (if any) specified in the By-Laws..

Discipline of Members

25. The Committee may refer the following matters to SV with a request that they be investigated or determined by the **Hearings Tribunal** in its sole discretion:

- (a) an allegation or grievance (not being vexatious, trifling or frivolous) by a complainant (who may be, but need not be, an Member) that a Club or Member has:
 - (i) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any other resolution or determination of the Committee or duly authorised committee; or
 - (ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Club and/or swimming; or
 - (iii) brought the Club or swimming into disrepute; or
 - (iv) breached the Member Protection Policy of ASI, or any other policy or rule of ASI; or any policy or rule of SV; or
 - (v) committed an act of misconduct.and any such Member will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of SV set out in the SV Constitution or By-Laws.

Acceptance of Authority

26. By signing the Application for Membership Form, the applicant acknowledges that he is bound by The Rules of the Club, Swimming Victoria Inc, Australian Swimming Inc and FINA for the time being in force.

~~~end~~~

**Appendix 1**

**APPLICATION FOR MEMBERSHIP OF** .....  
(Name of the Club)

I, .....  
(Full name of applicant)

of .....  
(address)

desire to become a member of .....  
(Name of the Club)

In the event of my admission as a member, I agree to be bound by:

- the Rules and By-Laws of the Club;
- the Rules of Swimming Victoria Inc;
- the Rules of Australian Swimming Inc; and
- the Rules of FINA;

for the time being in force.

I wish to join as a:

- Registered Member (Swimmer. Date of Birth .....)
- Registered Member (Non-Swimmer)
- Registered Member (other, specify .....)

I am/am not currently (currently includes any time within the previous twelve months) an employee of the Collingwood Leisure Centre or an employee of the Club.

I enclose \$..... being one year's membership subscription plus \$5 for entry to the Club.

.....  
(Signature of Applicant)

Date ...../...../.....