

The Constitution of the Riverside Swimming Club INC

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Name of the Club (1)

1. (1) The name of the Club is Riverside Swimming Club Incorporated

Definitions (2)

2. (1) In these rules, unless the contrary intention appears:

- (a) "Committee meeting" means meeting referred to in Rule 18 (1)
- (b) "Committee member" means person referred to in Rule 10 (1)
- (c) "the Committee" means the Committee of Management of the Club referred to in rule 10(1);
- (d) "the Secretary" means the person elected to fulfil the duties outlined in Rule 13
- (e) "the Treasurer" means the person elected to fulfil the duties outlined in Rule 14;
- (f) "the Vice-President" means the person elected to fulfil the duties outlined in 12;
- (g) "general meeting" means meeting convened under rule 19
- (h) "ordinary member" means any member of the Club with voting rights, including Financial members, Life Members and not including Associate and Suspended members.
- (i) "ordinary resolution" means resolution other than a special resolution;
- (j) "special resolution" has the meaning given by the Act;
- (k) "the Act" means the Associations Incorporation Act 2015;
- (l) "the Club" means the Club referred to in rule 1;
- (m) "financial year" has the meaning of 12 months commencing 1st July ending 30th June of each year.
- (n) "the President" means the person elected to fulfil the duties outlined in Rule 11
- (o) "communicate in writing" shall be deemed to be effected when
 - (i) serving it either personally; or
 - (ii) is sufficiently addressed and posted to the member concerned by either ordinary prepaid mail or email member appearing in the register of members kept and maintained under the Act.
- (p) "Swimming WA" means Swimming WA or Western Australian Swimming Association (Inc).
- (q) "The Registrar" means the person elected to fulfil the duties outlined in Rule 14
- (r) "Suspended Membership" means the member loses all rights and privileges normally accessible to members including voting rights.
- (s) "Financial Member" is a member who has paid all outstanding debts, including but not limited to membership fees, swim meet entries and uniform fees.
- (t) "Life Member" is a member receiving recognition for service to the club under Sections 32 and 5(4).
- (u) "Associate Member" is a member who is not an ordinary member, that is any member not entitled to vote.
- (v) "Books of the Club" includes any register, document, report, financial detail, statement or operational note however compiled recorded or stored and retained as governed by the Act.
 - (i) Minute Book being the collection of minutes and other records of the business of the Club held by the Secretary.
- (w) "Body Corporate Member" is an Associate member which is a body corporate, or their representative delegate as notified to the Secretary in writing.
- (x) Authorised Entity is any entity or person acting upon the authority of any Authorised body declared in the Act, or the authorised representative of Swimming WA.
- (y) Commissioner means the person for the time being designated as the Commissioner under the Act

Objects of the club (3)

3. (1) The objects of the Club are:

- (a) To promote and encourage participation in swimming, and the discipline of life saving in all forms.
 - (b) To arrange programmes of competition within the club and participation by club members in competition with other clubs and associations with like objects.
 - (c) To affiliate with the "Swimming WA" as per 2(1).
 - (d) To do any such other things as the club may deem to be incidental or conducive to the attainment of the above objects.
- (2) The property and income of the Club shall be applied solely towards the promotion of the objects of the Club 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 these objects.

Powers of the Club (4)

4. (1) Subject to the Act, the Club may do all things necessary or convenient for carrying out its objects or purposes in a lawful manner.

Qualifications for Membership of the Club (5)

5. (1) Membership of the Club is opened to any person other than a person who is an office bearer, as defined by rule 10 (1) (a) (b) (c) (d) (e) or (f), of a similar club or association.

(2) A person who wishes to become a member shall apply for membership to the committee in writing and such application shall be signed by that person and be in such form, including options for the types of membership, as the Committee from time to time directs.

(i) A person becomes a member when their application is accepted by the Committee as per subrules (3) and (5) and Rule 7.

(3) The Committee members shall consider each application made under sub-rule (2) at a Committee meeting and shall at the Committee meeting or a subsequent Committee meeting accept or reject that application.

(i) The Committee may choose to request more information or clarify any part of the application, and may delay the decision for a reasonable time to allow that information to be provided. In doing so the Applicant must be notified, however the Committee is not obliged to disclose the reasons for the delay

(ii) The Committee may choose to refuse to accept the membership application if the applicant is otherwise eligible without providing the reason for the decision.

(iii) As soon as practicable after the Committee has made the decision to accept or reject the application, the Applicant must be notified in writing on the outcome of the application.

(4) There shall be the following categories membership:

(a) competitive members;

(b) non-competitive members being those members not taking part in competitions with swimmers registered by the "Swimming WA" as per 2(1);

(c) life members being those members who have rendered meritorious service to the Club and who have been elected as a life member at any Annual General Meeting as per rule 32.

(d) associate members being financial members who support the objects of the club including but not limited to Body Corporate members

(5) A membership (with the exception of a life membership) is valid for 12 months only, expiring on the Registration Day of the following year. Non financial memberships will be suspended and those suspended membership obligations will not be transferred or released until the committee authorise.

Register of members of the Club (6)

6. (1) The Registrar shall on behalf of the Club, keep and maintain the register of members in accordance with the Act.

(2) The Registrar shall cause the name of a person who dies or who ceases to be a member under rule 7 (3), 8 (1) or 9 to be deleted from the register of members referred to in sub-rule (1)

Subscriptions of Members of the Club (7)

7. (1) The members shall at the annual general meeting determine the amount of the subscription to be paid by each member.

2) Each member shall pay to the Treasurer, the amounts due for

a) any subscription determined under sub-rule (1) each year as defined by the Committee,

b) any item of equipment or clothing received,

c) any swim meets committed to,

d) any other money owing to the club by the member

(3) Subject to sub-rule (4) a member whose subscription is not paid within sixty (60) days after the relevant date fixed by or under sub-clause (2) ceases on the expiry of that period to be a member unless the Committee decides otherwise.

(4) The Committee may from time to time waive or vary any subscription in special cases and shall not disclose or be required to disclose the grounds upon which in any instance such waiver or variation was made. Subject to subrule (4) a member who has outstanding financial obligations that are not paid within sixty (60) days of the obligation being incurred, will have their membership suspended.

(5) The Committee reserves the right to withhold the transfer of a person as described under subrule (2) to another similar association with affiliation to "Swimming WA" as per 2(1).

Resignation of members of the Club (8)

8. (1) A member who delivers notice in writing of his or her resignation from the Club to the Secretary or another Committee member ceases on that delivery to be a member.

(i) the notice of writing must be included within the Club records and retained as part of the books.

(2) A person who ceases to be a member under sub rule (1) remains liable to pay to the Club the amount of any financial obligation due and payable by that person to the Club but unpaid at the date of that cessation

Expulsion of Members of the Club (9)

9. (1) If the Committee considers that a member should be expelled from membership of the Club because of his or her conduct detrimental to the interests of the Club, the Committee shall communicate in writing, to the member:-

(a) notice of the proposed expulsion and of the time, date and place of the Committee meeting at which the question of that expulsion will be decided; and

(b) particulars of that conduct,

not less than thirty (30) days before the date of the committee meeting referred to in paragraph (a).

(2) At the Committee meeting referred to in a notice communicated under sub-rule (1) the committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to the Committee, expel or decline to expel that member from membership of the Club and shall, forthwith after deciding whether or not so to expel that member, communicate that decision in writing to that member.

(i) the member may be excused from the Committee meeting after being heard.

(3) subject to sub-rule (5) a member who is expelled under sub-rule (2) from membership of the Club ceases to be a member fourteen (14) days after the day on which the decision so to expel him or her is communicated to him or her under sub-rule (2).

(4) A member who is expelled under sub-rule (2) from membership of the Club shall, if he or she wishes to appeal against that expulsion, give notice to the Secretary of his or her intention to, do so within the period of fourteen (14) days referred to in sub-rule (3).

(5) When notice is given under sub-rule (4):

(a) the Club in a general meeting may, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to the Club in the general meeting; confirm or set aside the decision of the Committee to expel that member; and

(b) the member who gave that notice does not cease to be a member unless and until the decision of the Committee to expel him or her is confirmed under this sub-rule.

(6) If a member subject to Subrule (1) is on the Committee, they must step down from the Committee until the deliberations are complete.

Committee of Management (10)

10. (1) Subject to the Act the affairs of the Club shall be managed exclusively by a Committee of management consisting of members holding 1 (only) of the following positions:

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) a Treasurer;
- (e) a Registrar,
- (g) Six (6) other committee persons

all of whom shall be members of the Club elected to membership of that Committee at an annual general meeting or appointed under sub-rule (6).

(2) At the commencement of each annual general meeting all Committee members shall cease to be Committee members, but shall be eligible for re-election to membership of the Committee.

(3) Subject to sub-rule (5) a person is not eligible for election to membership of the Committee

(a) unless a member has nominated him for election by delivering notice in writing of that nomination, signed by:-

- (i) the nominator; and
- (ii) the nominee to signify his or her willingness to stand for election to the Secretary not less than twenty eight (28) days or as nominated by the incumbent Committee before the day on which the annual general meeting concerned is to be held.

(b) if a person is found to have a material or personal interest that is at the detriment of the Club

(c) if a person has previously demonstrated behaviour that is at the detriment of the Club or any Member of that Club

(4) The Secretary shall insure that notice of the calling of the annual general meeting and closing date for nominations for election to the committee, is announced to all members at least 14 days prior to the closing date of nominations.

(5) If the number of persons nominated for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled:

- (a) the Secretary shall report accordingly to; and
- (b) the President shall declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.

(6) When a casual vacancy within the meaning of rule 17 occurs in the membership of the Committee:

- (a) the Committee may appoint a member to fill that vacancy; and
- (b) a member appointed under this subrule shall:
 - (i) hold office until the commencement of; and
 - (ii) be eligible for election to membership of the Committee at the next following annual general meeting.

(c) the Committee may choose to dismiss any member appointed to fill the casual vacancy by doing so in writing the member.

(7) The Committee must take all reasonable steps to ensure the Club complies with its obligations under the Act, Swimming WA and these Rules including

(i) each Committee member must exercise their power and discharge their duties in reasonable and good faith for the promotion of the objects of the Club

(ii) each Committee member must not gain an advantage by discharging those duties or exercising those powers unless that is disclosed in writing to the Committee beforehand and supports the objects of the Club

(iii) each Committee member must not cause detriment, through action or inaction, to the Club, its objects or its members.

(8) No Person is entitled to hold a position on the Committee if a person is:

(i) is according to the Interpretation Act section 13D, a bankrupt or a person whose affairs are under insolvency laws unless the person has obtained the written consent of Swimming WA

(ii) has been convicted of, or imprisoned in the previous five years for an offence involving fraud or dishonesty punishable by imprisonment

(iii) has been formally accused or convicted of an offence under Part 4 Division 3 or section 127 of the Act.

(iv) has been formally accused or convicted of an offense that is contrary to the safety of members, good governance or upright standing of the Club.

(9) Any outgoing Committee members, including those appointed under sub-rule (6) will, within 14 days, return all documents, material, property, records, logins and permissions however obtained, to the Club in good order.

President (11)

11. (1) Subject to this rule, the President shall preside at all general meetings and Committee meetings ensuring correct procedure and records and compliance to the Act is maintained, and the objects of the Club are supported.

(2) In the event of the absence from:-

(a) a general meeting of:

(i) the President, the Vice-President or

(ii) both the President and the Vice-President; then a member elected by the other members present at the general meeting; or

(b) A Committee meeting of:

(i) the President, the Vice-President; or

(ii) both the President and the Vice-President; then a member elected by the other Committee members present,

shall preside at the general meeting or Committee meeting as the case requires.

Vice President (12)

12. (1) Subject to this rule, the Vice President shall be the Presidents automatic delegate when the President is unavailable or otherwise not present.

Secretary (13)

13 (1) The Secretary shall:

(a) co-ordinate the correspondence of the Club;

(b) keep full and correct minutes of the proceedings of the committee and of the Club in the Minute Book

(c) comply on behalf of the Club, with the Act:

(i) in respect of the rules of the Club; and

(ii) in respect of the record of the office holders and any trustees of the Club;

(iii) in respect of keeping record of declarations of any member, including Committee members

(iv) in respect of retaining the books of the Club

(d) have custody of all books, documents; records and registers of the Club, including those referred to in paragraph

(c) other than those required by rule 13 and rule 14 to be kept and maintained by or in the custody of the Treasurer and Registrar respectively; and

(e) perform such other duties as are imposed by these rules on the Secretary.

Treasurer (14)

14. (1) The Treasurer shall:

(a) be responsible for the receipt of all moneys paid to or received by, or by him on behalf of the Club and shall issue receipts for those moneys in the name of the Club within 14 days of receipt;

(b) pay all moneys referred to in paragraph (a) into such account or accounts of the Club as the Committee may from time to time direct within 14 days of receipt;

(c) make payments from the funds of the Club with the authority of a general meeting or of the Committee and in so doing ensure that all payments are authorised by any two (2) of the President , the Secretary and the Treasurer;

(d) comply on behalf of the Club with the Act in respect of the accounting records of Swimming WA.

(e) whenever directed to do so by the President, Committee or any Authorised Entity,

(i) submit a report, balance sheet or financial statement in accordance with that direction;

(ii) arrange, coordinate and assist with any audit

(f) have custody of all securities, books and documents of a financial nature and accounting records of the Club, including those referred to in paragraphs (d) and (e), retaining past records as required by relevant authorities

(g) perform such other duties as are imposed by these rules on the Treasurer

(h) comply with record keeping and reporting of records in accordance with the appropriate Association Tier as set out in section 64 of the Act

Registrar (15)

15. (1) The Registrar shall:-

(a) comply on behalf of the Club with in respect of the register of members of the Club including but not limited to ensuring that

(i) all information is kept secure, and

(ii) only used in such a way as to promote the Objects of the Club with no detriment to any member of the Club

(b) be responsible for keeping a list of all members who are registered with the club

(c) complete all registration forms and forward them to the Registrar of "Swimming WA" as per 2(1) within 28 days.

(d) check all entries received for carnivals to ensure that all entrants are registered swimmers

(e) perform such other duties as are imposed by these rules on the Registrar.

Auditor (16)

16. (1) The Committee shall be responsible for the annual appointment of an auditor as per the Act, to report any deficiency or discrepancy to the Committee forthwith.

(2) The Treasurer must make every reasonable attempt to assist the Auditor performing their function.

Casual Vacancies in Membership of Committee (17)

17. (1) A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:

(a) dies;

(b) resigns by notice in writing delivered to the President, or if the Committee member is the President, to the Vice-President;

(c) is convicted of an offence under the Act;

(d) is permanently incapacitated by mental or physical ill health;

(e) is absent from more than:

(i) three (3) consecutive Committee meetings; or

(ii) three(3) committee meetings in the same financial year, without tendering an apology to the person presiding at each of those Committee meetings; or

(f) ceases to be a member of the Club.

Proceedings of Committee (18)

18. (1) The Committee shall meet together for the dispatch of business not less than once in each 60 days and the President may at any time convene a meeting of the Committee.

(2) Each Committee member has a deliberative vote.

(3) A question arising at a Committee meeting shall be decided by a majority of votes, but if there is an equality of votes, the person presiding at the Committee meeting shall have a casting vote in addition to his or her deliberative vote.

(4) At a Committee meeting six (6) Committee members (excluding proxies) constitute a quorum.

(i) any business conducted by the Committee shall be accurately recorded in the Minute Book by the Secretary or delegate

(5) Subject to these rules the procedure and order of business to be followed at a Committee meeting shall be determined by the Committee members present at the Committee meeting.

(6) A Committee member having any direct or indirect pecuniary interest referred to in the Act shall comply with that section.

(7) An absent committee member may provide a written proxy to another committee member attending the meeting.

(8) Committee Members must not receive any remuneration for their services as Committee Members other than as described at subrule (9)

(9) The Club may pay a Member's reasonable and documented expenses properly incurred in connection with the Clubs authorised business.

General Meetings (19)

19. (1) The Committee:

- (a) may at any time convene a special general meeting;
 - (b) shall convene annual general meetings within the time limits provided for the holding of annual general meetings by Act; and
 - (c) shall within thirty (30) days of:
 - (i) receiving a request in writing to do so from not less than 7% of ordinary members, convene a special general meeting for the purpose specified in that request; or
 - (ii) the Secretary receiving a notice under rule 9(4) convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- (2) The ordinary members making a request referred to in sub-rule (1)(c)(i) shall:
- (a) state in that request the purpose for which the special general meeting concerned is required; and
 - (b) sign that request.
- (3) If a special general meeting is not convened within the relevant period of thirty (30) days referred to:
- (a) in sub-rule (1)(c)(i) the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
 - (b) in sub-rule (1)(c)(ii) the member who gave the notice convened may himself convene a special general meeting as if he or she were the Committee.
- (4) When a special general meeting is convened under sub-rule (3) (a) or (b):
- (a) the committee shall ensure that the members or member convening the special general meeting are supplied free of charge with particulars of all members; and
 - (b) the Club shall pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to sub-rule (8) the Secretary shall give to all members not less than fourteen (14) days notice of a general meeting and of any locations to be moved at the general meeting.
- (6) A notice given under sub-rule (5) shall specify:
- (a) when and where the general meeting concerned is to be held; and
 - (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- (7) In the case of an annual general meeting, the order in which business is to be transacted is:
- (a) first the consideration of the accounts and reports of the committee Including the appropriate Association Tier set out in section 64 of the Act
 - (b) second the election of Committee members to replace outgoing Committee members; and
 - (c) third the consideration of the distribution of moneys invested for the next twelve (12) months, on behalf of the Club in fixed term bank accounts' and a resolutions shall be put to the vote to make any such changes in respect of those investments as may be required by the club members.
 - (d) fourth any other business requiring consideration by the Club in a general meeting.
- (8) The Secretary shall give to all members not less than twenty one (21) days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.
- (9) The Secretary may give notice under sub-rule (5) or (8) by:
- (a) serving it on a member personally; or
 - (b) sending it to a member at an address of the member appearing in the register of members kept and maintained under the Act.
- (10) When a notice is sent under subrule (9)(b) sending of the notice shall be deemed to be properly effected if the notice is communicated in writing.
- (11) Associate members and other guests at any General Meeting
- (i) May not contribute to the discussion unless invited to by the President with the agreement of those members present by show of hands
 - (ii) May not make motions or influence the vote of members at a General Meeting.
- (12) The Secretary shall be responsible for the proper procedures and record keeping at all General Meetings in compliance with the Act, Swimming WA and the Club Rules.
- (i) the Secretary will collect, confirm and record all proxies at the commencement of any general meetings.

Quorum of General Meetings (20)

20. (1) At a general meeting ten (10) ordinary members present in person (excluding proxies) constitute a quorum.
- (2) If within thirty (30) minutes after the time specified for the holding of a general meeting in a notice given under rule 18 (5) or (8):
- (a) as a result of a request or notice referred to in rule 19(l)(c) or as a result of action taken under rule 18 (3) a quorum is not present, the general meeting lapses; or
 - (b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- (3) If within thirty (30) minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the ordinary members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
- (4) The President may with the consent of a general meeting at which a quorum is present and shall if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- (5) There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting is adjourned.
- (6) When a general Meeting is adjourned for a period of thirty (30) days or more the Secretary shall give notice under rule 18 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- (7) At a general meeting:
- (a) an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and
 - (b) a special resolution put to the vote shall be decided in accordance with the Act.
- (8) A declaration by the President at a general meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless during the general meeting at which the resolution is submitted a poll is demanded in accordance with subrule (9).
- (9) At a general meeting a poll may be demanded by the President at the general meeting or by three (3) or more members present in person or by proxy and if so demanded shall be taken in such manner as the President directs.
- (10) If a poll is demanded and taken under subrule (9) in respect of an ordinary resolution a declaration by the President of the result of the poll is evidence of the matter so declared.
- (11) A poll demanded under subrule (9) on the election of a person to preside over a general meeting or on the question of an adjournment shall be taken forthwith on that demand being made.
- (12) At a general meeting the following persons shall be considered ordinary members and be entitled to one (1) vote:
- (a) One parent or legal guardian of any child under the age of eighteen (18) years and being a financial member of the Club;
 - (b) Any financial member of the Club over the age of eighteen (18) years;
 - (c) Any life member;

Minutes on Meetings of the Club (21)

21. (1) The Secretary shall cause proper minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within thirty (30) days after the holding of each general meeting or Committee meeting as the case requires in a minute book kept for that purpose.

(2) The President shall ensure that the minutes taken of a general meeting or committee meeting under subrule (1) are checked and signed as correct by the President of the general meeting or Committee meeting to which those minutes relate or of the new succeeding general meeting or Committee meeting as the case requires.

(3) When minutes have been entered and signed as correct under this rule they shall until the contrary is proved be evidence that:

- (a) the general meeting or Committee meeting to which they relate (in this subrule called "the meeting") was duly convened and held
- (b) all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
- (c) all appointments or elections purporting to have been made at the meeting have been validly made.

Voting rights of Members of the Club (22)

22 (1) Subject to these rules each ordinary member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) When two (2) or more candidates are nominated for a particular office a secret ballot may be held to fill such a position.

Proxies of Member of the Club (23)

23. (1) A ordinary member (in this rule called "the appointing member") may appoint, using an approved form, another ordinary member who is a neutral person to be the proxy of the appointing ordinary member and to attend and vote on behalf of the appointing ordinary member at any general meeting.

(2) The approved form will be confirmed and published by the committee at the same time the general meeting is announced.

(i) the Secretary will collect, confirm and record all proxies at the commencement of any general meetings.

(3) Associate members are not entitled to vote, vote by use of an ordinary members proxy or vote in any other way.

Rules of the club (24)

24. (1) The club may alter or rescind these rules or make rules additional to these rules in accordance with the procedure set out in the Act, that is

(i) by way of a general meeting where a special resolution amending the rules is passed

(ii) and that this document is updated and lodged with the Commissioner

(a) within 1 month of the general meeting or

(b) a longer period if the Commissioner allows

(iii) noting that an amendment to the Rules does not take affect until the required documents are confirmed by the Commissioner as being lodged and accepted.

(2) 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.

Common Seal of the Club (25)

25. (1) The Club shall have a common seal on which its corporate name shall appear in legible characters.

(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.

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

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

Inspection of Records etc of the Club (26)

26. (1) A Member may at any reasonable time inspect without charge the books documents records and securities of the Club without copying or removing the items from the Club premises.

(2) A Member must lodge the request in writing to the appropriate committee member, who shall make every reasonable effort to facilitate the request

Distribution of Surplus Property on Winding up of Club (27)

27. (1) If on the winding up of the Club any property of the Club, not including the books of the Club, remains after satisfaction of the debts and liabilities of the Club and the costs charges and expenses of that winding up that property shall be distributed:-

(a) to another incorporated club or association having objects similar to those of the Club; or

(b) for charitable or benevolent purposes,

which incorporated association or purposes as the case requires shall be determined by resolution of the members when authorising and directing the Committee under the Act to prepare a distribution plan for the distribution of the surplus property of the Club.

(2) Members are not liable, by reason of their membership, for the liabilities, costs or charges of winding up the Club.

Colours of the Club (28)

28. (1) The colours of the Club shall be as the Committee may from time to time decide and shall be subject to the approval of the "Swimming WA" as per 2(1).

Delegates to "Swimming WA" as described in 2(1). (29)

29. (1) The Committee may appoint delegates to attend meetings of the "Swimming WA" if and when the committee so resolves and such delegates shall act or vote in accordance with the direction of the Committee.

Registration (30)

30. (1) All members registered with the Club shall register with "Swimming WA" as required under the rules of "Swimming WA".

Rules for Competitions (31)

31. (1) The Committee may from time to time make rules as to the conduct of competitions, the appointment of officials of competitions and the award of prizes. Any rules so made shall be of effect until rescinded by the Committee or the Club in general meeting.

Rules for Life Membership (32)

32. (1) The Annual General Meeting may elect three (3) Honorary Life Members, but there shall not be more than three (3) in every three (3) years.

(2) Life Membership shall only be awarded for service rendered to the club.

(3) Life Membership is not transferable to any other person, and ceases when the Life Member dies.

Entitlements of a member (33)

33. (1) A right, privilege or obligation that a person has because he or she is a Member of the Club is not capable of being transferred to any other person; and ends when the person's membership ceases.

Membership Protection Officer (34)

34. (1) In order to comply with the Act the Committee must appoint a member to act as the Member Protection Information Officer who shall be available to the Members for Members to discuss and voice their complaints and concerns in relation to the Club and the activities of the Club.

(2) The Member Protection Information Officer does not have any legal obligation to report any matter disclosed to them in their capacity as Member Protection Information Officer, the Member Protection Information Officer shall keep all matters disclosed to them confidential.

(3) The Member Protection Information Officer shall complete, at the Clubs expense, any training course which the Club or Swimming WA requires Member Protection Information Officers to have completed, from time to time.

(i) including reasonable out of pocket expenses pre-agreed and minuted by the Committee.

Disputes Arising under the Rules (35)

35. (1) This Rule applies to:

- (i) disputes between Members; and
- (ii) disputes between the Club and one or more Members that arise under the Rules or relate to the Rules of the Club.

(2) In this Rule "Member" includes any former Member whose membership ceased not more than six months before the dispute occurred.

(3) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

(4) If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this Rule by giving written notice to the Secretary of the parties to, and details of, the dispute.

(5) The Secretary must convene a Committee Meeting within 30 days after the Secretary receives notice of the dispute under Rule 35.4 for the Committee to determine the dispute.

(6) At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.

(7) The Secretary must inform the parties to the dispute of the Committee's decision in writing and the reasons for the decision within 7 days after the Committee Meeting referred to in Rule 35.5.

(8) If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Rules.

(9) If the dispute being considered by the Committee relates to a matter concerning the welfare of a child, the Committee must have regard to the process set out to such disputes in the Swimming Australia Limited Member Welfare Policy and Swimming Australia Limited Child Welfare Policy (as updated from time to time).

(10) If the dispute relates to a Committee Member, it shall be considered that with respect to such dispute, the Committee Member has a material personal interest and therefore the Committee Member must not:

- (i) be present (in his or her capacity as a Committee Member) while the matter is being considered at any Committee Meeting; or
- (ii) vote on the matter.

Mediation (36)

36. (1) This Rule applies where a person is dissatisfied with a decision made by the Committee under Rule 35

(2) Where the dispute relates to a proposal for the suspension or expulsion of a member this Rule does not apply until the procedure under Rule 9 in respect of the proposed suspension or expulsion has been completed.

(3) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 35.3, or a party to the dispute is dissatisfied with a decision made by the Committee under Rule 35.7 a party to a dispute may:

- (i) Provide written notice to the Secretary of the parties to, and the details of, the dispute;
- (ii) Agree to, or request the appointment of, a mediator.

(4) The party, or parties requesting the mediation must pay the costs of the mediation.

(5) The mediator must be:

- (i) a person chosen by agreement between the parties; or
- (ii) in the absence of agreement:

if the dispute is between:

- (A) a Member and another Member: a person appointed by the Committee; or
- (B) a Member or more than one Member and the Club, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.

(6) A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least 5 days before the mediation session.

(9) The mediator, in conducting the mediation, must:

- (i) give the parties to the mediation process every opportunity to be heard;
- (ii) allow all parties to consider any written statement submitted by any party; and
- (iii) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(10) The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

Inability to Resolve Disputes (37)

37. (1) If a dispute cannot be resolved under the procedures set out in the Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act or otherwise at law.

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