

**CONSTITUTION**  
**OF**  
**SWIMMING A.C.T. INC**

(Originally Adopted 4/8/81, Last Amended AGM 26/05/2010)

**NAME AND COMPOSITION**

1. The Association shall be known as "Swimming A.C.T. Inc." and shall consist of three or more clubs which are located within the boundaries of the Australian Capital Territory area as defined by the By-laws of SNSW and which have been admitted to affiliation with and have paid the prescribed affiliation fee to the Association.
2. All clubs within the boundaries of the Australian Capital Territory area and affiliated with SNSW shall be under the administration of the Association as provided in the Constitution of SNSW.
3. Any association, society or institution which is located within the boundaries of the Australian Capital Territory area and which incorporates as part of its activities the encouragement of swimming may be granted affiliation with the Association by a vote of the Association Annual or Special General Meeting such affiliation to be on such terms and conditions as are determined by such Annual or Special General Meeting. The members of any association, society or institute granted affiliation pursuant to this clause shall not be entitled to compete in any Association competition or event unless otherwise qualified to do so.

**INTERPRETATIONS**

4. Unless the contrary intention appears from the context

"Association" means Swimming A.C.T. Inc.;

"By-Laws" mean any by-laws made by the Association as prescribed in the Constitution.

"club" means a club affiliated with the Association;

"Constitution" means this Constitution of the Association as amended from time to time in accordance with its provisions;

"delegate" means a member duly appointed by an affiliated body to represent it at an Annual General Meeting or a General Meeting in accordance with the Constitution;

"Executive" means the Executive Committee as constituted by the Constitution;

"member" means a person who is a duly qualified and registered member of a club;

"meet" means any swimming meet; race, match or competition of one or more events, at or in which more than one club competes;

"Policies" mean any policies made by the Association as prescribed in the Constitution.

"Rule" means a Rule of the Association made in accordance with the Constitution;

"SNSW" means Swimming New South Wales Swimming Limited;

"Secretary" means the Secretary of the Association.

“Writing” means any form of written communication such as letter, fax or email.

### **AFFILIATION**

5. The Association shall be affiliated with SNSW.

### **OBJECTS**

6. The objects of the Association shall be:
- (i) to promote, teach and encourage the art of swimming;
  - (ii) to stimulate public opinion in favour of providing proper accommodation and facilities for acquiring the art of swimming;
  - (iii) to encourage members to become competent swimming officials and gain national technical officials accreditation.

### **POWERS**

7. The powers of the Association shall be to do all things necessary to attain the objects of the Association and shall include:
- (i) the institution, regulation and control of all Association championships in swimming and the conduct of such other meets as may from time to time be found expedient within the Australian Capital Territory area;
  - (ii) the collection, maintenance and preservation of authentic records of all matters pertaining to the sport of swimming as controlled by the Association;
  - (iii) the co-ordination and submission to the appropriate bodies of submissions for grants and sponsorships to the Association;
  - (iv) the acquisition by purchase, lease, construction or otherwise of property and goods and services for the benefit of the Association, clubs and members, and for the encouragement of swimming.

### **COMMON SEAL**

8. The Association shall have a Common Seal, which shall accord with the requirements of the Associations Incorporation Act with the provisions of that Act and Rules of the Association.

### **COLOURS**

9. (a) the colours of the Association shall be Royal Blue and Gold;
- (b) each club may register and secure the approval of the Association for the design of colours on the costume which is required by the club to be used by its members;
- (c) the club first registering a costume of such colour design shall have the exclusive right to use it subject to the approval of the Association.

## **BADGE OF THE ASSOCIATION**

10. The badge of the Association shall be the Australian Capital Territory Coat of Arms enclosed in a shield.

## **MEMBERS LIABILITIES**

11. The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expense of the winding up of the association is limited to the amount ( if any ) unpaid by the member in relation to membership of the association as required by Clause 20.

## **OFFICE BEARERS**

12. (a) The office bearers of the Association shall be the President, two Vice-Presidents, Secretary, Minutes Secretary, Competitions Director, Treasurer, Registrar, and ALEC Convenor.
- (b) Subject to (f) below, office bearers shall be elected annually at and by the Annual General Meeting.
- (c) Subject to (g) below, no more than two (2) members of any club may be office bearers of the Association at any given time.
- (d) At least 60 days prior to the Annual General Meeting, the Secretary shall invite clubs in writing to nominate members as office bearers. Such nominations shall be in writing and forwarded to reach the Secretary at least 40 days before the Annual General Meeting. Nominations received by the Secretary shall be notified to clubs with the notice of the Annual General Meeting.
- (e) Where no nomination for a particular position of office bearer is received in accordance with (d) above, the Chairman shall accept nominations of members at the Annual General Meeting.
- (f) Should a particular position still remain vacant the appointment of a member to that position shall be determined by the Executive.
- (g) Where a position of office bearer is vacant and no nomination of a member of another club is received a member of a club whose members already hold two positions of office bearer may be elected or appointed to the vacant position.
- (h) All Office Bearers of the Association shall carry out the duties of their respective positions as set down in the By-Laws subject to the direction of the Annual General meeting, a General Meeting or the Executive.

## **VACANCIES**

13. A vacancy in a position of office bearer happens if the office bearer
- (a) dies; or
  - (b) resigns the office; or
  - (c) Is removed from office under Clause 14;
  - (d) Is absent without the consent of the Executive from all meetings of the association held during a period of six months.

## **REMOVAL OF OFFICER BEARERS**

14. The Association in general meeting may by resolution, subject to the section 50 of the Associations Incorporated ACT 1991, remove any office bearer from office before the end of the member's term of office.

## **PUBLIC OFFICER**

15. (a) There shall be a Public Officer of the Association for the purposes of the Associations Incorporation Act 1991.
- (b) The Public Officer shall be a member of a club affiliated with the Association, resident in the ACT, and shall be appointed by the Executive.
- (c) The Public Officer shall do all such things as by the Associations Incorporation Act 1991 the Public Officer of an incorporated association is required to do.
- (d) The position of Public Officer shall be deemed to be vacant and shall forthwith be refilled in any of the circumstances specified in Section 64 of the Associations Incorporation Act 1991.

## **OFFICIALS**

16. The following shall be officials of the Association:
- (i) a Referee appointed in accordance with the Rules to control a meet under the jurisdiction of the Association, and
- (ii) all other swimming officials appointed in accordance with the Rules to act as a swimming official at a meet under the jurisdiction of the Association.

## **LIFE MEMBERSHIP**

17. (a) Life membership of the Association may be conferred by resolution of a majority of three-fourths of the voting members of an Annual General Meeting upon a member who complies with the following principles:
- (i) the nominee must be an acceptable member of the community;
- (ii) the nominee shall have reached a standard of sustained excellence in application and attendance to allotted duties at Association level.
- (b) Not more than two Life members shall be elected in any one Association year.

## **MANAGEMENT**

18. Subject to the Constitution the management of the affairs of the association shall be conducted by:
- (i) the Annual General Meeting;
- (ii) General Meetings;
- (iii) Special General Meetings;
- (iv) the Executive;

- (v) duly constituted committees as provided for in the Rules or appointed by a resolution of a General Meeting.
19. The Association year shall commence on the first day of April in each calendar year and end on the thirty-first day of March in the following calendar year.

### **ANNUAL GENERAL MEETING**

20. (a) The Annual General Meeting for an Association year shall be held on a date and at a place determined by the previous Annual General Meeting, but no later than the thirty-first day of May in that year.
- (b) The business of the Annual General Meeting for inclusion in the agenda shall be:
- (i) a report by the Executive, office bearers and committees on the activities of the previous Association year;
  - (ii) a duly audited balance sheet and statement of receipts and payments for the period from the date of such statement presented to the previous Annual General Meeting until a date determined by the Treasurer, such date being not earlier than the 31 December preceding the Annual General Meeting;
  - (iii) the election of office bearers;
  - (iv) the appointment of an auditor;
  - (v) motions on notice;
  - (vi) other items submitted by the Executive or a club which are required by the Constitution or the Rules to be decided by the Annual General Meeting;
  - (vii) the date and venue of the first General Meeting for the ensuing year;
  - (viii) the date and venue of the next Annual General Meeting;
  - (ix) general business.
- (c) At least 60 days prior to the Annual General Meeting, the Secretary shall by notice in writing to the Secretary of each club, invite clubs to submit motions on notice for consideration at the Annual General Meeting and to nominate the delegates for their club who will attend the Annual General Meeting. Such motions on notice, items submitted in accordance with sub clause (b) (vi) above and delegate nominations shall be forwarded in writing to reach the Secretary at least 40 days before the Annual General Meeting.
- (d) The Secretary shall forward notice in writing of the Annual General Meeting to the Secretary of each club, each nominated delegate, each Life Member and each Office Bearer not less than 30 days prior to the meeting. Such notice shall include an agenda of business including nominations for office bearers received in accordance with the Constitution and motions on notice received in accordance with (c) above or submitted by the Executive.
- (e) A quorum at an Annual General Meeting shall consist of not less than one half of the delegates entitled to be present who shall be representative of at least one half of the clubs affiliated with the Association.
- (f) At an Annual General Meeting:

- (i) each club shall be entitled to be represented by two delegates;
- (ii) a delegate but not an office bearer may be represented by an alternate delegate appointed by written authority of the delegate or the Secretary of the club s/he represents;
- (iii) no delegate shall have more than one vote, provided that in the case of equal votes the Chairman shall have the casting vote;
- (iv) an office bearer or Life Member if s/he is not a delegate, shall have a vote in all matters other than motions to change the Constitution.

### **GENERAL MEETINGS**

21. (a) General Meetings of the Association shall preferably be held at monthly intervals, with no more than two months lapsing between consecutive meetings.
- (b) The business of a General Meeting shall be:
- (i) confirmation of the minutes of the preceding General Meeting;
  - (ii) correspondence and business arising there from;
  - (iii) reports from office bearers and committees on matters affecting the affairs of the Association occurring since the previous General Meeting;
  - (iv) motions on notice from clubs or Executive, including matters required by the Constitution, the By-Laws or the Rules to be decided by a General Meeting;
  - (v) general business;
  - (vi) date and venue of the next General Meeting.
- (c) Motions on notice submitted by clubs for consideration at a General Meeting shall be forwarded to reach the Secretary not less than 20 days before the General Meeting at which they are proposed to be discussed.
- (d) The Secretary shall forward in writing notice (not less than 10 days prior to the meeting) to the secretary of each club, each club delegate as notified from time to time by the club, each Life Member and to each Office Bearer motions on notice received in accordance with (c) above or by the Executive.
- (e) A quorum at a General Meeting shall consist of persons entitled to vote representative of at least one-half of the clubs affiliated with the Association and shall include at least two members of the Executive.
- (f) At a General Meeting:
- (i) each club shall be entitled to be represented by two delegates;
  - (ii) a delegate but not an office bearer may be represented by an alternate delegate appointed by written authority of the delegate or the Secretary of the club s/he represents;
  - (iii) no delegate, Life Member or office bearer shall have more than one vote provided in the case of equal votes being cast the Chairman shall have the casting vote.
- (g) A Special General Meeting of the Association may be convened by the President at any time or shall be convened by the President or the Secretary within 21 days upon the written requisition of not less than three clubs or twenty members who are members of more than

two clubs; such requisition to set out the nature of business for which the meeting is required.

- (h) The Secretary shall forward notice in writing of a Special General Meeting to the Secretary and the delegates of each club and to each office bearer not less than 14 days prior to the meeting. Such notice shall state the business for which the meeting has been convened.
- (i) The business of a Special General Meeting shall be confined to the business for which it has been convened and to matters arising from the business.

### **THE EXECUTIVE**

- 22. (a) The Executive shall consist of the President, two Vice Presidents, Secretary, Treasurer, Registrar and Competitions Director and retain the power to co-opt any member to assist it in specific matters.
  - (b) The Executive shall meet as often as required to:
    - (i) conduct Association business;
    - (ii) carry out specific tasks given it by a General Meeting.
  - (c) A quorum at a meeting of the Executive shall be a majority of the Executive members.
23. Powers and Duties of the Executive.
- (a) The Executive will manage the day to day operations of the Association. It will decide any matter which may arise and which is not within the scope of the Constitution or any question arising as to the interpretation of the Constitution.
  - (b) The Executive may formulate, approve, issue, adopt, interpret and amend such By-Laws, Rules and Policies as it deems necessary or desirable for the proper advancement, management and administration of the Association and the advancement of the Objects of the Association. Such By-Laws, Rules and Policies must be consistent with this Constitution.
  - (c) All By-Laws and Policies made under this Clause shall be binding on the Association and its Members.
  - (d) Amendments, alterations, interpretations or other changes to By-Laws, Rules or Policies shall be advised to Clubs by notices approved by the Executive and prepared and issued by the Association. Clubs shall be obliged to draw such notices to the attention of its respective members. Subject to Clause 23 sub-clause e, such notices are binding on all members of the Association.
  - (e) Any action of the Executive made in accordance with this Clause may be amended, added to or rescinded by formal motion to that effect, tabled and passed at a General Meeting of the Association in accordance with Clause 21 of this Constitution.

### **SUBSCRIPTION**

- 24. (a) The annual subscription to the Association shall be such amount as is decided by the Annual General Meeting and payable within 30 days of the issue of the invoice for such annual subscription.

- (b) Only clubs that have paid the annual subscription as set down in (a) above shall be entitled to vote at any Association meeting.

### **SOURCE OF FUNDS**

- 25. (a) The funds of the association must be derived from annual subscriptions of members, donations, sponsorships and any other sources that are approved by a resolution at a General Meeting.
- (b) All money received by the association must be deposited as soon as practicable to the credit of the association's bank account.
- (c) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

### **MANAGEMENT OF FUNDS**

- 26. (a) Subject to any resolution passed by the association in general meeting, the funds of the association must be used for the objects of the association in the way that the association decides.
- (b) All cheques and other negotiable instruments must be signed by any two (2) members of the executive or employees authorised to do so by the executive.

### **INSURANCE**

- 27. Each year the Executive will ensure that the Association is insured against Public Liability claims to the extent of at least one million dollars (\$1,000,000).

### **RULES, BY-LAWS AND POLICIES**

- 28. Subject to this Constitution, the Association may make Rules, By-Laws and Policies, which are not contrary to the Constitution or the Constitution, By-laws and Rules of SNSW, to govern the organisation and activities of the Association, including all meets, events and competitions conducted by, on behalf of or with the approval of the Association.
- 29. As provided for in Clause 23, sub-clause e, the Rules, By-Laws and Policies may be added to, amended or rescinded by a General Meeting provided that notice of the motion for the proposed addition, amendment or rescission has been given in accordance with the Constitution.

### **SUSPENSION, DISQUALIFICATIONS AND JURISDICTION**

- 30. The jurisdiction over clubs and the power of suspension or disqualification over members of clubs within its jurisdiction, conferred on the Association by the Constitution of SNSW, or as provided for in the Member and Child Welfare Policies of the Association, shall be exercised in conformity with the provisions of that Constitution and Policies.

### **ALTERATION TO CONSTITUTION**

- 31. The provisions of the Constitution may be added to, amended or rescinded by an Annual General Meeting or a Special General Meeting provided that:
  - (i) notice of the motion for the proposed addition, amendment or rescission has been given in accordance with the Constitution; and

- (ii) the motion for the proposed addition, amendment or rescission is carried by a majority of at least three-fourths of the delegates present and voting.

### **CUSTODY OF BOOKS**

- 32. Subject to the Act and regulations, the secretary or an employee authorised to do so must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

### **INSPECTION OF BOOKS**

- 33. The records, books and other documents of the association must be open to inspection at a place in the ACT, free of charge, by a member of the association at any reasonable hour.