

COLLARROY SWIMMING CLUB INC



STATEMENT OF OBJECTS AND RULES

ASSOCIATIONS INCORPORATION ACT 1984

Section 10 (1)

NEW SOUTH WALES



CORPORATE AFFAIRS COMMISSION

CERTIFICATE OF INCORPORATION

Registered No: Y 04231-08

This is to certify that COLLARROY AMATEUR SWIMMING CLUB INCORPORATED

is on and from the FIFTEENTH day of DECEMBER 19 87

incorporated under the ASSOCIATIONS INCORPORATION ACT, 1984.

Given under the seal of the Corporate Affairs Commission at Sydney,

This FIFTEENTH day of DECEMBER 19 87.

 S.C. 1688

J. Barnes
A person authorised by the
Corporate Affairs Commission of New South Wales





CHARITABLE COLLECTIONS ACT

Certificate of Exemption from Registration

No. CC15106

I HEREBY CERTIFY that the _____

_____ COLLARROY AMATEUR SWIMMING CLUB INC. _____

*has been exempted from registration under the provision
of the Charitable Collections Act, 1934.*

J. E. McDonald
under delegation
from the Minister

Sydney, 23 November, 1987

29827C 11.83 K3208



PRINTED BY
R.S.E. GRAPHIC DESIGN
AUSTRALIAN SWIMMING INC.



NEW SOUTH WALES AMATEUR SWIMMING ASSOCIATION

SPORTS HOUSE, 157 - 161 CLOUCESTER STREET, SYDNEY. TELEPHONE: 27.3246
Please address all mail to - P.O., Box No. 8,349, Grosvenor Street, Sydney, 2000
Telegraphic Code Address "SWIMMING" SYDNEY

REF:

Ref: JJS/BP/88/89/136

25th May, 1988.

Mr. R.K. Graham,
Hill, Thomson & Sullivan,
Solicitors,
4th Floor,
68 Pitt Street,
SYDNEY 2000

Dear Mr. Graham,

Re : Collaroy Amateur Swimming Club

Thank you for your letter of 1st December, 1987.

The Constitution as submitted is approved.

Yours faithfully,

J.J. Seddon
Executive Director



Major Sponsor of N.S.W. Swimming

COLLARROY SWIMMING CLUB INC.

STATEMENT OF OBJECTIVES AND RULES

ABBOTT TOUT
Solicitors
Level 42
MLC Centre
19-29 Martin Place
SYDNEY NSW 2000

DX 129 Sydney
TEL: (02) 9334 8555
FAX: (02) 9334 8585
REF:RKG

NAME OF CLUB

1. The name of the Club shall be "COLLARROY SWIMMING CLUB INC:" (hereinafter referred to as 'the Club').

Altered
23.10.11

OBJECTS

2. The objects for which the Club is incorporated are:
 - 2.1. To foster, support, teach and encourage swimming and water sports and water safety.
 - 2.2. To conduct intra and inter Club races, contests and championships from time to time as the Committee may determine and in accordance with rules from time to time published by the New South Wales Amateur Swimming Association or other appropriate Association or Body.
 - 2.3. To affiliate with the New South Wales Amateur Swimming Association or such other association or body from time to time responsible for the administration of amateur swimming and with such similar District Associations as may be considered desirable.
 - 2.4. To arrange youth activities and functions for members.
 - 2.5. To take over and acquire all of the funds, assets and liabilities of the unincorporated Association presently known as "COLLARROY SWIMMING CLUB"
3. Solely for the purposes of carrying out the aforesaid objects and not otherwise:
 - 3.1. To submit to, become a member of and co-operate with or amalgamate with any other Association or organisation whether incorporated or not whose objects are similar to those of the Club provided that the Club shall not subscribe to or support with its funds or amalgamate with an Association or organization which does not prohibit the distribution of its income and property among its members.
 - 3.2. To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property real and/or personal and any rights or privileges which may be requisite for the purposes of or capable of being conveniently used in connection with any of the objects of the Club.
 - 3.3. To enter into any arrangements with any government or authority, supreme, municipal, local or otherwise or any private corporation or individual that may seem conducive to the Clubs objects or any of them and to obtain from any such authority or corporation or individual any gifts, donations, rights, privileges or concessions which the Club or the Committee may think it desirable to obtain and to carry out, to exercise and comply with any such arrangements, rights, privileges or concessions.

Altered
23.10.11

- 3.4. To invest and deal with the money of the Club not immediately required in such manner as the Committee thinks fit and as may be permitted by law for the investment of trust funds.
- 3.5. To borrow or raise or secure the payment of money in such manner as the Club or the Committee may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way.
- 3.6. To make, draw, accept, endorse, discount, execute and issue cheques, promissory notes, bills of exchange and other negotiable or transferable instruments.
- 3.7. To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any of the property and rights of the Club.
- 3.8. To open, maintain and conduct such bank accounts, whether current, savings, deposit, investment or otherwise as the Committee may determine and upon such terms and conditions as the Committee may from time to time determine.
- 3.9. To take or hold mortgages, liens and charges to secure payment of the purchase price or any unpaid balance of the purchase price of any part of the club's property of whatsoever kind sold by the Club or any money due to the Club from purchasers and others.
- 3.10. To take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Club, in the form of donations, annual subscriptions or otherwise.
- 3.11. To print and publish any newspapers, periodicals, books or leaflets that the Club or the Committee may think desirable for the promotion of the objects of the Club.
- 3.12. To transfer all or any part of the property, assets, liabilities or engagements of the Club to any one or more of the organisations with which the Club is authorised to amalgamate or affiliate.
- 3.13. To insure against losses, damages, risks, accidents and liabilities of all kinds which may affect the Club whether in respect of contracts, agreements, advances or securities or in respect of members of the Club or in respect of property belonging to or leased to or hired by the Club or in respect of negligence of members of the Club or for any other risks whatsoever and to pay premiums on such insurances.
- 3.14. To appoint a coach or coaches or instructor or instructors to be responsible for the swimming, water sports and water safety tuition education and development of all members of the Club and others as the Committee may from time to time determine and upon such terms and conditions as the Committee in its absolute discretion shall from time to time determine.

- 3.15. To hold or arrange competitions and examinations and provide or contribute towards the provision of prizes, scholarships, awards and distinctions in connection therewith.
- 3.16. To do all such other things as are incidental to or conducive to the attainment of the above objects.
- 3.17. To do any act not otherwise illegal.

AND IT IS HEREBY DECLARED that in the interpretation of this clause the meaning of any of the club's objects or powers shall not be restricted by reference to any other object or power or by the juxtaposition of two or more objects or powers and that in the event of any ambiguity this clause shall be construed in such a way as to widen and not restrict the objects or powers of the Club.

- 4 The income and property of the Club, whencesoever derived, shall be applied solely towards the promotion of the objects of the Club as hereinbefore set forth and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise, to the members of the Club. Provided that nothing herein contained shall prevent the payment to any member of the Club for goods or services supplied in the ordinary course of business nor prevent the allocation of prizes, trophies, scholarships or awards to members of the Club but so that no member of the Committee of the Club shall be appointed to any salaried office of the Club or any office of the Club paid by fees and that no remuneration or other benefit in money or money's worth shall be paid or given by the Club to any member of such Committee except repayment of out-of-pocket expenses for money lent or reasonable and proper rent for premises demised or let to the Club.

COLLARROY SWIMMING CLUB INC.
RULES

INDEX TO RULES

RULE	SUBJECT	PAGE
	PART 1 - PRELIMINARY	9
1.	INTERPRETATION	9
	PART 2 - MEMBERSHIP	9
2.	CLASSES OF MEMBERSHIP	9
3.	MEMBERSHIP FEES	12
4.	MEMBERSHIP QUALIFICATIONS	12
5.	APPLICATION FOR MEMBERSHIP	13
6.	NOMINATIONS FOR LIFE MEMBERSHIP & ASSOCIATED MATTERS	13
7.	CESSATION OF MEMBERSHIP	14
8.	MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE	14
9.	RESIGNATION OF MEMBERSHIP	14
10.	REGISTER OF MEMBERS	14
11.	MEMBERS' LIABILITIES	14
12.	DISCIPLINING OF MEMBERS	15
13.	RIGHT OF APPEAL OF DISCIPLINED MEMBER	16
	PART 3 - THE COMMITTEE	16
14.	POWERS, ETC, OF THE COMMITTEE	16
15.	CONSTITUTION AND MEMBERSHIP	17
16.	ELECTION OF MEMBERS	17
17.	SECRETARY	18
18.	TREASURER	18
19.	CASUAL VACANCIES	18
20.	REMOVAL OF MEMBER	19
21.	MEETTNGS AND QUORUM	19

22.	DELEGATION BY COMMITTEE TO SUB-COMMITTEE	20
23.	VOTING AND DECISIONS	20
	PART 4 - GENERAL MEETINGS	21
24.	ANNUAL GENERAL MEETINGS - HOLDING OF	21
25.	ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT	21
26.	SPECIAL GENERAL MEETINGS - CALLING OF	21
27.	NOTICE	22
28.	PROCEDURE	23
29.	PRESIDING MEMBER	23
30.	ADJOURNMENT	23
31.	MAKING OF DECISIONS	23
32.	SPECIAL RESOLUTION	24
33.	VOTING	24
	PART 5 - MISCELLANEOUS	24
34.	APPOINTMENT OF PROXIES	24
35.	INSURANCE	25
36.	FUNDS - SOURCE	25
37.	FUNDS - MANAGEMENT	25
38.	ALTERATION OF OBJECTS AND RULES	25
39.	COMMON SEAL	25
40.	CUSTODY OF BOOKS ETC.	25
41.	INSPECTION OF BOOKS ETC.	26
42.	SERVICE OF NOTICES	26
43.	SURPLUS PROPERTY	26
	PART 6 - ADDITIONAL RULES APPLICABLE TO CHARITIES	26
44.	APPLICATION OF PART	26
45.	PAYMENT ETC. OF OFFICE BEARERS AND MEMBERS	26
46.	VACATION OF OFFICE	27

47.	SURPLUS PROPERTY	27
48.	NOTIFICATION OF PROPOSED ALTERATION OF RULES	27
49.	COMPLIANCE WITH CHARITABLE COLLECTIONS ACT, 1934	27
	PART 7 - FURTHER MISCELLANEOUS PROVISIONS	27
50.	SWIMMING HEADQUARTERS	27
51.	CLUB COLOURS	27
52.	CLUB BADGE	27
53.	CLUB BLAZER POCKET	27
54.	CLUB SEASON AND RACES	28
55.	FINANCIAL YEAR	28
56.	PATRON AND HONORARY AUDITOR	28
57.	AFFILIATION	28
	APPENDIX I - APPLICATION FOR MEMBERSHIP OF ASSOCIATION	29
	APPENDIX 2 - FORM OF APPOINTMENT OF PROXY	30

PART 1 - PRELIMINARY

1. INTERPRETATION

- (1) In these Rules, except insofar as the context or subject-matter otherwise indicates or requires -

"**The Club**" shall mean the Association known as "COLLARROY SWIMMING CLUB INC." and a reference to "the Association" or "Association" shall have the same meaning.

Altered
23.10.11

"**Ordinary member**" means a member of the Committee who is not an office-bearer of the Association, as referred to in Pule 15.2.

"**Secretary**" means

- (a) the person holding office under these Rules as a secretary of the Associations; or
- (b) where no such person holds that office - the public officer of the Association;

"**Special General meeting**" means a general meeting of the Association other than an Annual General meeting.

"**The Act**" means the Associations Incorporation Act, 1984.

"**The Regulation**" means the Association Incorporation Regulation 1985.

- (2) In these Rules

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

- (3) The provisions of the Interpretation Act, 1897, apply to and in respect of these Rules in the same manner as those provisions would so apply if these Rules were an instrument made under that Act.

PART 2 - MEMBERSHIP

2. CLASSES OF MEMBERSHIP

There shall be five classes of membership of the Club:

2.1 Junior Membership

Junior membership shall be open to all persons who are under the age of 16 years on 1 October in any particular year of membership. Junior members shall have the right to receive notice of and to attend at all general meetings of the Club but with

the exception of the right to vote for the election of Club Captains and Club Vice Captains, shall have no right to vote at any such meetings.

2.1(a) At the commencement of each season and when applying for junior membership of the Club junior members shall indicate in writing to the Club whether it is the intention of that junior member to make application to compete during the season in respect of which application for membership is then being made in any external swimming events (eg. at Inter-Club, District, State or National levels) in addition to competing in the regular handicap and championship events to be conducted by the Club throughout the season in respect of which application for membership is then being made. In the event that it is the intention of such member to so compete at other than Club events then the Club shall have the right to charge to that member any capitation or additional capitation fees or any other expenses which may, as a result, be payable by the Club to NSW Swimming Association Inc (formerly NSW Amateur Swimming Association) or such other Association or Body or Associations or Bodies as from time-to-time may be responsible for the administration of amateur swimming in New South Wales and Australia in respect of such competition and otherwise the rights, privileges and obligations of junior membership of the Club shall be as provided for in these Rules.

New
Rule
added
23.06.02

2.2. Senior membership

Senior membership shall be open to all persons who are aged 16 years and over on 1 October in any particular year of membership. Subject always to Rule 3.1(c) Senior members shall be classified as either competing or non-competing members. All Senior members whether competing or non-competing shall have the right to receive notice of and to attend and vote at all General Meetings of the Club.

2.2(a) At the commencement of each season and when applying for senior membership of the Club senior members shall indicate in writing to the Club whether it is the intention of that senior member to make application to compete or officiate during the season in respect of which application for membership is then being made in any external swimming events (eg. at Inter-Club, District, State or National levels) in addition to competing in the regular handicap and championship events to be conducted by the Club throughout the season in respect of which application for membership is then being made. In the event that it is the intention of such member to so compete or officiate at other than Club events then the Club shall have the right to charge to that member any capitation or additional capitation fees or any other expenses which may, as a result, be payable by the Club to NSW Swimming Association Inc (formerly NSW Amateur Swimming Association) or such other Association or Body or Associations or Bodies as from time-to-time may be responsible for the administration of amateur swimming in New South Wales and Australia in respect of such competition or officiation and otherwise the rights, privileges and obligations of senior membership of the Club shall be as provided for in these Rules.

New
Rule
added
23.06.02

2.3. Life membership

Life membership may be conferred upon senior members of the Club of not less than seven (7) years standing as Senior members who in the opinion of the Committee have rendered outstanding and valuable assistance and service to the Club in the achievement of its objects. Life membership shall only be granted:

2.3(a) following a resolution passed by not less than four fifths of those members of the Committee of the Club present at a meeting of the Committee at which the recommendation is put to recommend to the next Annual General Meeting of the members of the Club that such Life membership be granted; and

2.3(b) following a resolution passed by not less than four fifths of those members of the Club present at the Annual General Meeting and entitled to vote thereat at which the recommendation of the Committee is put to grant such life membership.

All voting under clause 2.3(a) and clause 2.3(b) for the nomination and election of life members shall be by way of secret ballot.

Life members shall be entitled to receive notice of all General Meetings of the Club and to attend and vote thereat and apart from payment of membership fees shall be subject to the Rules of the Club.

2.4 Associate Membership

Associate membership of the Club may be conferred by the Committee (and on an interim basis by the Office Bearers) upon such persons and for such duration as the Committee or the Office Bearers may determine. Such membership may be cancelled without notice by the Committee or the Office Bearers in its or their absolute discretion.

Associate members shall not be entitled to receive notice of General meetings of the Club. They may attend thereat but shall not have the right to vote thereat. Associate members shall, apart from payment of membership fees, be subject to the Rules of the Club.

2.5. Honorary Membership

The Committee may , by unanimous vote confer the status of Honorary member upon any person or body who or which, in the opinion of the Committee have by donation of funds, prizes, trophies or otherwise in the discretion of the Committee assisted the Club in the achievement of its objects. Honorary members shall not be required to pay any membership fees and the status of Honorary membership shall not confer the privilege of voting at any meetings of or holding any office in the Club. Honorary members shall be entitled to receive a presentation or memorandum of their original appointment as such. Such membership shall subsist for a period of 12 months and may be renewed by the Committee for ensuing periods of 12 months by unanimous resolution.

3. MEMBERSHIP FEES

- 3.1. Junior and senior members shall pay such annual subscriptions or membership fees as the Committee, in its absolute discretion shall determine as payable in any one year and without limiting the foregoing discretion vested in the Committee:
- 3.1(a) different fees may be fixed for different classes of membership.
 - 3.1(b) concessions may be granted where more than one member of a family applies for membership of the Club.
 - 3.1(c) different levels of fees may be fixed for competing and non-competing Senior members **PROVIDED ALWAYS** that no non-competing member shall be entitled to compete in Club events until the difference in competing and non-competing membership fees is paid.
 - 3.1(d) Life members shall be exempt from payment of membership fees.
 - 3.1(e) Associate members shall be exempt from payment of membership fees.
 - 3.1(f) Honorary members shall be exempt from payment of membership fees.
 - 3.1(g) Different fees may be fixed for junior and senior membership at the discretion of the Committee depending on whether the particular junior or senior member of the Club intends, in any one or more seasons in respect of which application for membership is made, to compete (or in respect of senior members, to compete and/or officiate) at external levels (eg. at Inter City, District, State or National Levels) other than in the regular handicap and championship events to be conducted by the Club during the particular season in respect of which membership is sought.

New Rule added 23.06.02

4. MEMBERSHIP QUALIFICATIONS

Notwithstanding the provisions of clauses 2 and 3 hereof, a person is qualified to be a member of the Club if, but only if

- 4.1(a) that person is a bona fide amateur within the Rules from time to time made by the New South Wales Amateur Swimming Association or other appropriate Association or Body; and
- 4.1(b) the person is a person referred to in Section 15(1) (a) (b) or (c) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act; or
- 4.1(c) the person is a natural person who:
 - (i) has applied for membership of the Association as provided by Rule 5; and
 - (ii) has been approved.

5. APPLICATION FOR MEMBERSHIP

- 5.1. An application by a person for membership of the Association
- (a) shall be made by that person in writing in the form set out in Appendix 1 to these Rules or in such form as from time to time shall be determined by the Committee; and
 - (b) shall be lodged with the Secretary of the Association or his nominee; and
 - (c) shall be accompanied by payment of the appropriate membership fees and thereupon that person shall subject to the following be a member of the Association for the ensuing year **PROVIDED ALWAYS** that the Committee may within 28 days of receipt of an application referred to in this clause and in its absolute discretion and without being required to give any reasons therefore and without being liable to incur any liability whatsoever as a result of so doing, reject an application for membership and upon so doing shall refund in full the membership fees tendered by the applicant whose application has been so-rejected.

Amended
23.06.02

6. NOMINATIONS FOR LIFE MEMBERSHIP & ASSOCIATED MATTERS

- 6.1. For the purpose of Rule 2.3 the requisite 7 years membership as a Senior member of the Club may be the aggregate of such membership prior to the incorporation of the Club of the previously unincorporated Association known as "COLLARROY SWIMMING CLUB" and of such membership of the Club since its incorporation.
- 6.2. All persons upon whom Life Membership of the unincorporated Association referred to in Rule 6.1 hereof was conferred prior to the date of incorporation of the Club shall be deemed to be Life members of the Club subject always to these Rules.
- 6.3. Any member of the Club may nominate another member for Life membership by written nomination signed by the nominating member and handed to the Secretary prior to 31 July in any year preceding the Annual General Meeting to be held in that year. Such nominations shall be submitted to the Committee and the Annual General Meeting for consideration as required by Rules 2.3(a) and 2.3(b).
- 6.4. Any member of the Committee or of the Club who has been nominated for Life Membership and who is present at any meeting referred to in Rules 2.3(a) and 2.3(b) hereof at which such nomination is considered shall absent himself from the meeting during such consideration and shall not take part in the voting thereon.
- 6.5. Life members appointed under these Rules shall at the next succeeding Club annual presentation of trophies receive a suitably inscribed gift in recognition of their outstanding assistance and service to the Club.

Altered
23.10.11

7. CESSATION OF MEMBERSHIP

7.1 A person ceases to be a member of the Association if the person:

- (a) dies;
- (b) resigns that membership; or
- (c) is expelled from the Association.

8. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

8.1 A right, privilege or obligation which a person has by reason of being a member of the Association -

- (a) is not capable of being transferred or transmitted to another person; and
- (b) terminates upon cessation of the person's membership.

9. RESIGNATION OF MEMBERSHIP

9.1. A member of the Association is not entitled to resign that membership except in accordance with this Rule.

9.2 A member of the Association who has paid all amounts payable by the member to the Association in respect of the member's membership may resign from membership of the Association by first giving notice (being not less than 1 month or not less than such other period as the Committee may determine) in writing to the Secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.

9.3. Where a member of the Association ceases to be a member pursuant to clause 9.2, and in every other case where a member ceases to hold membership, the Secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

10. REGISTER OF MEMBERS

10. 1. The public officer of the Association shall establish and maintain a register of members of the Association specifying the name and address of each person who is a member of the Association together with the date on which the person became a member.

10.2. The register of members shall be kept at the principal place of administration of the Association and shall be open for inspection, free of charge, by any member of the Association at any reasonable hour.

11. MEMBERS' LIABILITIES

11.1 The liability of a member of the Association to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the

winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by Rule 3.

12. DISCIPLINING OF MEMBERS

- 12.1 Where the Committee is of the opinion that a member of the Association:
- (a) has persistently refused or neglected to comply with a provision or provisions of these Rules; or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the Association
- the Committee may, by resolution:
- (i) expel the member from the Association; or
 - (ii) suspend the member from membership of the Association for a specified period.
- 12.2 A resolution of the Committee under clause 12.1 is of no effect unless the Committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause 12.3, confirms the resolution in accordance with this Rule.
- 12.3 Where the Committee passes a resolution under clause 12.1, the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
- (a) setting out the resolution of the Committee and the grounds on which it is based;
 - (b) stating that the member may address the Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
 - (c) stating the date, place and time of that meeting; and
 - (d) informing the member that the member may do either or both of the following
 - (i) attend and speak at that meeting;
 - (ii) submit to the Committee at or prior to the date of that meeting written representations relating to the resolution.
- 12.4. At a meeting of the Committee held as referred to in clause 12.2 , the Committee shall -
- (a) give to the member an opportunity to make oral representations;
 - (b) give due consideration to any written representations submitted to the Committee by the member at or prior to the meeting; and
 - (c) by resolution determine whether to confirm or to revoke the resolution.

- 12.5. Where the Committee confirms a resolution under clause 4 , the Secretary shall, within 7 days after that confirmation, by notice in writing inform the member of the fact and of the member's right of appeal under Rule 13.
- 12.6 (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period; or
- (b) where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution pursuant to Rule 13.4.

13. RIGHT OF APPEAL OF DISCIPLINED MEMBER

- 13.1 A member may appeal to the Association in general meeting against a resolution of the Committee which is confirmed under Rule 12.4 within 7 days after notice of the resolution is served on the member, by lodging with the Secretary a notice to that effect.
- 13.2 Upon receipt of a notice from a member under clause 13.1 , the Secretary shall notify the Committee which shall convene a general meeting of the Association to be held within 21 days after the date on which the Secretary received the notice.
- 13.3 At a general meeting of the Association convened under clause 13.2 -
- a. no business other than the question of the appeal shall be transacted;
 - b. the Committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - c. the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 13.4 If at the general meeting the Association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART 3 - THE COMMITTEE

14. POWERS, ETC, OF THE COMMITTEE

14. The Committee shall be called the Committee of Management of the Association and, subject to the Act, the Regulations and these Rules and to any resolution passed by the Association in general meeting -
1. shall control and manage the affairs of the Association;
 2. may exercise all such functions as may be exercised by the Association other than those functions that are required by these Rules to be exercised by a general meeting of members of the Association; and

3. has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Association.

15. CONSTITUTION AND MEMBERSHIP

15.1 Subject in the case of the first members of the Committee to section 21 of the Act, the Committee shall consist of -

- (a) the office bearers of the Association; and
- (b) not more than 25 ordinary members

each of whom shall be elected at the Annual General meeting of the Association pursuant to Rule 25.

15.2 The office bearers of the Association shall be

- (a) the President;
- (b) the Vice-President;
- (c) the Treasurer;
- (d) the Secretary;
- (e) the Chief Race Secretary.

15.3 Each member of the Committee shall, subject to these Rules, hold office until the conclusion of the Annual General meeting following the date of the member's election, but is eligible for re-election.

15.4 In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Association to fill the vacancy and the member so appointed shall hold office, subject to these Rules, until the conclusion of the Annual General meeting next following the date of the appointment.

16. ELECTION OF MEMBERS

16.1 Nominations of candidates for election as office-bearers of the Association or as ordinary members of the Committee -

- (a) shall be made in writing, signed by 2 members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination) ; and
- (b) shall be delivered to the Secretary of the Association not less than 7 days before the date fixed for the holding of the Annual General meeting at which the election is to take place.

16.2 If insufficient nominations are received to fill all vacancies on the Committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General meeting.

- 16.3 If insufficient further nominations are received, any vacant positions remaining on the Committee shall be deemed to be casual vacancies.
- 16.4 If the number of nominations is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- 16.5 If the number of nominations received exceeds the number of vacancies to be filled, a secret ballot shall be held.
- 16.6 The ballot for the election of office-bearers and ordinary members of the Committee shall be conducted at the Annual General meeting in such usual and proper manner as the Committee may direct.

17. SECRETARY

- 17.1. The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, lodge notice with the Association of his or her address.
- 17.2 It is the duty of the Secretary to keep minutes of -
- (a) all appointments of office-bearers and members of the Committee;
 - (b) the names of members of the Committee present at a Committee meeting or a general meeting; and
 - (c) all proceedings at Committee meetings and general meetings.
- 17.3 Minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.

18. TREASURER

- 18.1 It is the duty of the treasurer of the Association to ensure that -
- (a) all money due to the Association is collected and received and that all payments authorized by the Association are made;
 - (b) correct books and accounts are kept showing the financial affairs of the Association including full details of all receipts and expenditure connected with the activities of the Association.

19. CASUAL VACANCIES

- 19.1 For the purposes of these Rules, a casual vacancy in the office of a member of the Committee occurs if the member -
- (a) dies;
 - (b) ceases to be a member of the Association;
 - (c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;

- (d) resigns office by notice in writing given to the Secretary;
- (e) is removed from office under Rule 20;
- (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the Committee from all meetings of the Committee held during a period of 6 months.'

20. REMOVAL OF MEMBER

- 20.1 The Association in general meeting may by resolution remove any member of the Committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- 20.2 Where a member of the Committee to whom a proposed resolution referred to in clause 20.1 relates makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the Association, the Secretary or the President may send a copy of the representations to each member of the Association or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered

21. MEETINGS AND QUORUM

- 21.1 The Committee shall unless it otherwise determines meet at least once each month at such place and time as the Committee may determine.
- 21.2 Additional meetings of the Committee may be convened by the President or by any member of the Committee.
- 21.3 Oral or written notice of a meeting of the Committee shall be given by the Secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the Committee) before the time appointed for the holding of the meeting.
- 21.4 Any 5 members of the Committee shall constitute a quorum for the transaction of the business of a meeting of the Committee.
- 21.5 No business shall be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- 21.6 If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- 21.7 At a meeting of the Committee -

- (a) the President or, in the President's absence, the Vice-President shall preside;
or
- (b) if the President and the Vice-President are absent or unwilling to act such one of the remaining members of the Committee as may be chosen by the members present at the meeting shall preside.

22. DELEGATION BY COMMITTEE TO SUB-COMMITTEE

- 22.1. The Committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, other than -
 - (a) this power of delegation and
 - (b) a function which is a duty imposed on the Committee by the Act or by any other law.
- 22.2 A function the exercise of which has been delegated to a sub-committee under this Rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- 22.3 A delegation under this section may be made subject to such conditions and limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- 22.4 Notwithstanding any delegation under this Rule, the Committee may continue to exercise any function delegated.
- 22.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this Rule has the same force and effect as it would have if it had been done or suffered by the Committee.
- 22.6 The Committee may, by instrument in writing, revoke wholly or in part any delegation under this Rule.
- 22.7 A sub-committee may meet and adjourn as it thinks proper.

23. VOTING AND DECISIONS

- 23.1 Questions arising at a meeting of the Committee or of any sub-committee appointed by the Committee shall be determined by a majority of the votes of members of the Committee or sub-committee present at the meeting.
- 23.2 Each member present at a meeting of the Committee or of any sub-committee appointed by the Committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- 23.2 Subject to Rule 21.5 the Committee may act notwithstanding any vacancy on the Committee.

- 23.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-committee appointed by the Committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub-committee.

PART 4 - GENERAL MEETINGS

24. ANNUAL GENERAL MEETINGS - HOLDING OF

- 24.1 With the exception of the first Annual General Meeting of the Association, the Association shall, at least once in each calendar year and within the period of six (6) months after the expiration of each financial year of the Association, convene an Annual General Meeting of its members.
- 24.2 The Association shall hold its first Annual General Meeting -
- (a) within a period of 18 months after its incorporation under the Act; and
 - (b) within the period of 2 months after the expiration of the first financial year of the Association.
- 24.3 Clauses 24.1 and 24.2 have effect subject to any extension or permission granted by the Commission under section 26(3) of the Act.

25. ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS AT

- 25.1 The Annual General meeting of the Association shall, subject to the Act and to Rule 24 be convenes on such date and at such place and time as the Committee thinks fit.
- 25.2 In addition to any other business which may be transacted at an Annual General meeting, the business of an Annual General meeting shall be -
- (a) to confirm the minutes of the last preceding Annual General meeting and of any Special General meeting held since that meeting;
 - (b) to receive from the Committee reports upon the activities of the Association during the last preceding financial year;
 - (c) to elect office-beaters of the Association and ordinary members of the Committee; and
 - (d) to receive and consider the statement which is required to be submitted to members pursuant to section 26(6) of the Act.
- 25.3 An Annual General meeting shall be specified as such in the notice convening it.

26. SPECIAL GENERAL MEETINGS - CALLING OF

- 26.1 The Committee may, whenever it thinks fit, convene a Special General meeting of the Association.

- 26.2 The Committee shall, on the requisition in writing of not less than ten per cent (10%) of the total number of members, convene a Special General meeting of the Association.
- 26.3 A requisition of members for the Special General meeting:
- (a) shall state the purpose or, purposes of the meeting;
 - (b) shall be signed by the members making the requisition;
 - (c) shall be lodged with the Secretary; and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- 26.4 If the Committee fails to convene a Special General meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the Secretary, any one or more of the members who made the requisition may convene a Special General meeting to be held not later than 3 months after that date.
- 26.5 A Special General meeting convened by a member or members as referred to in clause 26.4 shall be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee.

27. NOTICE

- 27.1 Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post or otherwise in accordance with these Rules to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- 27.2 Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, the Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause 27.1 specifying, in addition to the matter required under clause 27.1, the intention to propose the resolution as a special resolution.
- 27.3 No business other than that specified in the notice convening a general meeting shall be transacted at the meeting, except, in the case of an Annual General meeting, business which may be transacted pursuant to Rule 25.2.
- 27.4 A member desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

28. PROCEDURE

- 28.1 No item of business shall be transacted at a general meeting unless a quorum of members entitled under these Rules to vote is present during the time the meeting is considering that item.
- 28.2 Fifteen members present in person (being members entitled under these Rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- 28.3 If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- 28.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present shall constitute a quorum.

29. PRESIDING MEMBER

- 29.1 The President or, in the President's absence, the Vice-President, shall preside as Chairperson at each general meeting of the Association.
- 29.2 If the President and the Vice-President are absent from a general meeting or unwilling to act, the members present shall elect one of their number to preside as Chairperson at the meeting.

30. ADJOURNMENT

- 30.1 The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 30.1 Where a general meeting is adjourned for 14 days or more, the Secretary shall give written or oral notice of the adjourned meeting to each member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 30.3 Except as provided in clauses 30.1 and 30.2, notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

31. MAKING OF DECISIONS

- 31.1 A question arising at a general meeting of the Association shall be determined on a show of hands and, unless before or on the declaration of the show of hands, a

secret ballot is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- 31.2 At a general meeting of the Association, a secret ballot may be demanded by the Chairperson or by not less than three (3) members present in person or by proxy at the meeting.

32. SPECIAL RESOLUTION

- 32.1 A resolution of the Association is a special resolution if –
- (a) it is passed by a majority which comprises not less than three-quarters of such members of the Association as, being entitled under these Rules so to do, vote in person or by proxy at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these Rules; or
 - (b) where it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in paragraph 1 the resolution is passed in a manner specified by the Commission.

33. VOTING

- 33.1 Upon any question arising at a general meeting of the Association a member has one vote only.
- 33.2 All votes shall be given personally or by proxy but no member may hold more than one (1) proxy.
- 33.3 In the case of an equality of votes on a question at a general meeting, the Chairperson of the meeting is entitled to exercise a second or casting vote.
- 33.4 A member or proxy is not entitled to vote at any general meeting of the Association unless all money due and payable by the member or proxy to the Association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

PART 5 - MISCELLANEOUS

34. APPOINTMENT OF PROXIES

- 34.1 Each member shall be entitled to appoint another member as proxy by notice given to the Secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- 34.2 The notice appointing the proxy shall be in the form set out in Appendix 2 to these Rules.

35. INSURANCE

- 35.1 The Association shall effect and maintain insurance pursuant to Section 44 of the Act.
- 35.2 In addition to the insurance required under clause 35.1, the Association may effect and maintain other insurance.

36. FUNDS - SOURCE

- 36.1 The funds of the Association shall be derived from entrance fees and annual subscriptions or membership fees of members, donations, proceeds of functions and fund raising activities and subject to any resolution passed by the Association in general meeting, such other sources as the Committee determines.
- 36.2 All moneys received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- 36.3 The Association shall , as soon as practicable after receiving any money, issue an appropriate receipt.

37. FUNDS - MANAGEMENT

- 37.1 Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Committee determines.
- 37.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall, be signed by any two of the Office Bearers referred to in Rule 15.2 authorised to do so by the Committee.

38. ALTERATION OF OBJECTS AND RULES

- 38.1 The statement of objects and these Rules may be altered, rescinded or added to only by a special resolution of the Association.

39. COMMON SEAL

- 39.1 The Common seal of the Association shall be kept in the custody of the public officer.
- 39.2 The Common seal shall not be affixed to any instrument except by the authority of the Committee and the affixing of the Common seal shall be attested by the signatures either of two of the Office Bearers referred to in Rule 15.2 or of one such office Bearer and the public Officer.

40. CUSTODY OF BOOKS ETC.

- 40.1 Except as otherwise provided by these Rules, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the Association.

41. INSPECTION OF BOOKS ETC.

41.1 The records, books and other documents of the Association shall be open to inspection, free of charge, by a member of the Association at any reasonable hour.

42. SERVICE OF NOTICES

42.1 For the purpose of these Rules, a notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

42.2 Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these Rules to have been served on the person at a time at which the letter would have been delivered in the ordinary course of post.

43. SURPLUS PROPERTY

43.1 At the first general meeting of the Association, the Association shall pass a special resolution nominating an incorporated association as the association in which it is to vest its surplus property pursuant to section 53(2) of the Act in the event of the winding up or the cancellation of the incorporation of the Association.

Amended 18.10.88

43.2 The incorporated Association so nominated shall be one which fulfils the requirements specified in section 53(2)(a)-(c) of the Act.

PART 6 - ADDITIONAL RULES APPLICABLE TO CHARITIES

44. APPLICATION OF PART

44.1 This Part applies where the Association is registered under or is exempted from registration by or under the Charitable Collections Act, 1934.

45. PAYMENT ETC. OF OFFICE BEARERS AND MEMBERS

45.1 A member of the Committee shall not be appointed to any salaried office of the Association or any office of the Association paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the Association to any member of the Committee except -

- (a) repayment of out of pocket expenses;
- (b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the Association's bankers for money lent to the Association; and
- (c) reasonable and proper rent for premises let to the Association.

46. VACATION OF OFFICE

- 46.1 Without limiting the operation of Rule 19, the office of a member of the Committee shall become vacant if -
- (a) the member holds an office of profit in the Association; or
 - (b) the member is directly or indirectly interested in any contract or proposed contract with the Association.

47. SURPLUS PROPERTY

- 47.1 Deleted 18.10.88

48. NOTIFICATION OF PROPOSED ALTERATION OF RULES

- 48.1 A proposed alteration of the Rules or of the statement of objects of the Association shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by the regulations under that Act.

49. COMPLIANCE WITH CHARITABLE COLLECTIONS ACT, 1934

- 49.1 The Association shall comply with such of the provisions of the Charitable Collections Act, 1934, and the regulations thereunder as are applicable to it.

PART 7 - FURTHER MISCELLANEOUS PROVISIONS

50. SWIMMING HEADQUARTERS

- 50.1 The Headquarters of the Club for the conduct of intra and inter Club races and championships shall be the rock pool owned by Warringah Shire Council situated at the southern end of Collaroy Beach in the Shire of Warringah.

51. CLUB COLOURS

- 51.1 The colours of the Club shall be Red, White and Black.

52. CLUB BADGE

- 52.1 The Club badge shall be a representation of a white seagull in flight within a white lifebuoy with four red insertions on a black background and may be worn by a member of the Club only.

53. CLUB BLAZER POCKET

- 53.1 The Club blazer pocket badge shall be identical to the Club badge and may be worn by members of the Club only.

54. CLUB SEASON AND RACES

54.1 The season of the Club shall commence on 1 October in any one year and conclude on 30 September in the next succeeding year. Races and championships shall be conducted on such dates or between such dates as the Committee may determine.

55. FINANCIAL YEAR

55.1 The Financial year of the Club shall commence on 1 September in any one year and shall conclude on 31 August in the next succeeding year.

56. PATRON AND HONORARY AUDITOR

56.1 In addition to the election of the office bearers of the Club referred to in Rule 15.2 the members of the Club in Annual General meeting may elect a Patron and an Honorary Auditor for the next ensuing year. The Patron need not be an ordinary member of the Club and shall not be an office bearer or member of the Committee. The Honorary Auditor shall not be an ordinary member, office bearer or member of the Committee of the Club.

57. AFFILIATION

The Club shall affiliate and remain affiliated with the New South Wales Swimming Association or such other body from time to time responsible for the administration of amateur swimming and with such similar District Associations as may be considered desirable at the discretion of the committee and based on a vote to be taken each year at the first committee meeting of the Club after the General Meeting.

Altered
23.10.11

**APPENDIX I
APPLICATION FOR MEMBERSHIP OF ASSOCIATION**

MEMBER'S SURNAME _____

TO: The Secretary
Collaroy Swimming Club Inc.

Altered
23.10.11

I, _____, request you to enrol myself/my child/my children, as members of the Club. I hereby declare that I am/my child/my children are bona fide amateurs under the Rules of the N.S.W. Amateur Swimming Association.

I acknowledge that you, the Club, its Committee, employees, agents, members, voluntary workers and successors (all hereinafter referred to as and included in the word "Club") do not accept any responsibility whatsoever for any damage or other loss whatsoever and howsoever occurring to myself, my child or children or mine, my child's or children's property whilst I, my child or children are under the control either directly or indirectly of the Club or otherwise engaged in its activities and procedures of any description.

In consideration of the acceptance of this application for membership I hereby, for myself, my child and children and my assigns release and indemnify the Club from all liability for all loss, injury, damages, costs or other claims whatsoever or howsoever arising which may be suffered or incurred by me, my child or children and whether personal damage or damage to property whilst I or my child or children are under the control directly or indirectly of the Club or otherwise engaged in its activities and procedures.

Member, Parent's or Guardian's Signature _____

Address _____

Post Code _____ Phone _____ Date _____

FULL NAME	SEX	DATE OF BIRTH	DO YOU BELONG BELONG TO ANOTHER CLUB	MEMBERS NO.

Amount paid _____

Date _____

Signed _____

Birth Certificate sighted _____

Received _____ Date _____

Signed _____ per C.A.S.C.Inc.

**APPENDIX 2
FORM OF APPOINTMENT OF PROXY**

(Rule 34(2))

I, _____ of _____
(full name) (address)

being a member of COLLAROY SWIMMING CLUB INC.

hereby

appoint _____ of _____
(full name of proxy) (address)

being a member of that incorporated Association, as my proxy to vote for me on my behalf at the general meeting of the Association (Annual General meeting or Special General meeting, as the case may be) to be held on the _____ day of _____ 20____, and at any adjournment of that meeting.

- * My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).
- * To be inserted if desired

Signature of member appointing proxy

Date _____

NOTE: A proxy vote may not be given to a person who is not a member of the Association.

Altered 23.10.11
