



SWIMMING MID NORTH COAST  
INCORPORATED

CONSTITUTION

This constitution of Swimming Mid North Coast Incorporated, is in accordance with Section 11 and contains those matters specified in schedule 1, of the Associations Incorporation Act 1984.

Date of Incorporation: Twentieth day of February 1997.

**PART 1 PRELIMINARY**

**C1 NAME**

(a) The name of the Association shall be "Swimming Mid North Coast Incorporated".

(b) The objects of the Association shall be:

- (i) to promote swimming in all it's disciplines within the Area;
- (ii) to encourage the active participation of all clubs within the Area;
- (iii) to control and conduct the Area Championships and Winter Meets as set out in the By-Laws, and to assist in the control and conduct of Inter-Area and other Meets;
- (iv) to encourage officials to become competent and qualify by examination to be included in the panel of officials

**(C) DEFINITIONS AND INTERPRETATIONS**

(i) In this constitution, except in so far as the context or subject matter otherwise indicates or requires;

ALEC - means Area Association Appointments, Lecture and Examination Committee.

ASSOCIATION means Swimming Mid North Coast Incorporated.

BY-LAWS - means Association By-Laws.

CLUB - means Club within the Association area as defined in Clause 2.

DELEGATE - means person authorized to represent a Club, the Delegate to Swimming NSW Ltd. authorized to represent the Association.

AREA - means the Mid North Coast Area as defined in the constitution of Swimming NSW Ltd.

MEMBERS - means members as defined in the Constitution of Swimming NSW Ltd. the and includes Clubs, and elected Life Members of the Association.

Swimming NSW Ltd.- means Swimming New South Wales Company Limited.

The ACT - means the Associations Incorporation Act 1984

The MODEL RULES means the Model Rules under the Act and the Regulation.

The REGULATION means the Associations Incorporation Regulation 1985 and any other regulation under the Act.

- (ii) Words of the masculine gender shall include the feminine gender and vice versa.
- (iii) Words in the singular shall include the plural and vice versa.
- (iv) Where, in this Constitution a matter, thing or event is not provided for and where the Act, the Regulation or the Model Rules makes provision therefore then the Act, the Regulation and the Model Rules shall apply mutatis mutandis, as if the same matter, thing or event were fully set out herein.
- (v) Any matters not covered by a Clause in this Constitution or the Constitution, Articles and rules of Swimming of Swimming NSW Ltd, or the Associations Incorporation Act 1984, and Associations Regulation 1985, then those matters shall be decided by the Association.

**PART II MEMBERSHIP**  
**MEMBERSHIP QUALIFICATIONS**

**C2 COMPOSITION AND BOUNDARIES**

- (a) The Association shall consist of an unlimited number of Mid North Coast Clubs affiliated to Swimming NSW Ltd. and operating within the Area, and being Clubs that have signified their consent to be governed by this Constitution by applying for affiliation to this Association.
- (b) The boundaries of the area shall be defined and assigned to the Association by Swimming NSW Ltd.

**HEADQUARTERS**

- (c) The headquarters of the Association shall be as determined from time to time by vote of the Club Delegates at the Annual General Meeting.

**C3 APPLICATION FOR AFFILIATION TO ASSOCIATION**

- (a) The Annual Affiliation Fee set by the Association for the relevant year must accompany each application for, or renewal of, affiliation by Clubs.
- (b) Each application shall also state the list of Office Bearers.
- (c) Where for any reason, an application is rejected, either by the Association or Swimming NSW Ltd. any fee paid shall be refunded.

#### **C4 CESSATION OF MEMBERSHIP.**

MEMBERSHIP OF THE ASSOCIATION SHALL CEASE WHERE:

- (a) A Club fails to renew its affiliation, and to pay the prescribed fees by the date due on an annual basis, to the Association and Swimming NSW Ltd. or
- (b) A member or club is expelled in accordance with Clause C8(b).

#### **C5 REGISTER OF MEMBERS**

- (a) The Association shall establish and maintain a register of Clubs specifying the name and address of the secretary of each Club on an annual basis.
- (b) 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.

#### **C6 FEES SUBSCRIPTIONS ETC.**

- (a) Clubs will pay to the Association an annual affiliation fee, together with a member registration fee, as determined at the Annual General Meeting. These fees being due on 1<sup>st</sup>. October in each year.
- (b) The financial year of the Association shall be from 1st April in one calendar year to 31st March the following calendar year.
- (c) If outstanding fees due to the Association and/or Swimming NSW Ltd. each year are not paid in full by the Association's Annual General Meeting the defaulting Club shall not be permitted to take part in any discussion or debate, or vote on any issue at that Annual General Meeting or at any subsequent meeting, or take part in any Area activities until the outstanding monies have been received by the Treasurer of the Association and/or Swimming NSW Ltd.

#### **C7 LIABILITY OF CLUBS**

No Club shall be held liable to contribute towards Payment of debts and liabilities of the Association Or the cost, charges and expenses of the winding up Association except to the amount of any unpaid Affiliation fees.

#### **C8 DISCIPLINING OF MEMBERS**

##### **SUSPENSION/DISQUALIFICATION**

- (a) Should any member or Club contravene and/or violate the provision of any clause of this constitution, or that of Swimming NSW Ltd, and/or misconduct themselves or act contrary to the general wishes of the Association, the member or Club may be penalised, suspended or expelled upon such hearing of the evidence by a disciplinary committee appointed by the Executive Committee for that purpose.

- (b) In the event that a member, or Club is expelled such expulsion shall occur by the votes of THREE QUARTERS(3/4) of the delegates present and voting at the Special General Meeting called for that purpose of which FOURTEEN (14) days notice shall be given to the member or Club concerned. A member or Club so expelled shall forfeit all claims on the Association's property and shall cease to be a member.
- (c) In the event that a Special General Meeting referred to in clause C8(b) does not expel the member or Club, the Special General Meeting may impose any penalty which in the circumstances of the case the Special General Meeting sees fit and appropriate.
- (d) Advice of any Disciplinary action taken shall be in writing, and shall include advice on the right of appeal.

#### **C9 RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- (a) A Right of Appeal lies to;
  - (i) A special meeting of the Jury of Appeal
  - (ii) Swimming NSW Ltd.
- (b) The Association shall notify Swimming NSW Ltd. in all cases where a member or Club is suspended or expelled pursuant to Clause C8.

### **PART III - THE COMMITTEE**

#### **C10 ADMINISTRATION**

- (a) The control of the affairs of the Association shall vest in the Association
- (b) Each Club shall be entitled to FOUR(4) Delegates. Each Delegate and Life member shall be entitled to one(1) vote. The President will be also entitled to a casting vote, if required.

#### **C11 POWERS, ETC OF EXECUTIVE COMMITTEE**

- (a) The Executive committee shall have the power to make recommendations and, if warranted, make decisions on matters of urgency, provided that such recommendations and decisions are presented to the next General Meeting for ratification by the Association.
- (b) The Executive Committee may submit notices of motion for discussion at **Area** meetings.
- (c) An Executive Committee quorum shall consist of no less than THREE(3) of the officers, as defined in clause C12.

## **C12 CONSTITUTION AND MEMBERSHIP**

The Executive Committee shall consist of:

1. President
2. Secretary
3. Treasurer
4. Registrar
5. Competition Secretary

## **C13 OFFICERS AND ELECTIONS**

### **(a) The Officers**

The elected Officers of the Association shall be:

1. President
2. Vice Presidents - to be Presidents of each Affiliated Club.
3. Secretary
4. Treasurer
5. Registrar
6. Competition Secretary
7. Publicity Officer
8. Convener - ALEC

### **(b) Elections:**

(i) The Officers defined in clause C13 (a) and members to:

1. Delegate to Swimming NSW Ltd.
2. ALEC Committee
3. Selection Committee - Minimum THREE (3)
4. Jury of Appeal (any THREE (3) of SIX (6) elected members
5. Auditor

shall be elected by those members present and entitled to vote at the Annual General Meeting of the Association.

(ii) Nominations for all elected positions will be accepted from the floor on the day of the meeting.

(iii) If a nominee is not present, then his written acceptance of that nomination shall be available at the time of the election.

(iv) Should there be no nomination/s for any office or position OR any casual vacancies occur after the Annual General Meeting, then these positions may be filled by the Executive Committee.

(v) All Officers, Delegates and/or Committees/groups must be of the age of EIGHTEEN (18) YEARS or over at the date of the Annual General Meeting.

(vi) All Officers, Delegates and/or Committees/groups referred to in clause C13 (b)i shall be elected at the Annual General Meeting and they shall hold office until the close of the next Annual General Meeting.

#### **C14 SECRETARY**

(a) The Secretary shall:

(i) Keep the records of the business of the Area Association including the Rules, minutes of all Annual, General and Committee Meetings and a file of Correspondence. These records shall be held in the custody of the Secretary and shall be open for inspection free of charge, by any member of the Association at any reasonable hour.

(ii) Issue notices of meetings and Deal with any Correspondence from Meetings and any such correspondence which requires attention between meetings.

(ii) The Secretary shall be an ex-officio member of all Committees without vote.

#### **C15 TREASURER**

(a) The Treasurer shall:

(i) Ensure that all monies received by the Area Association are paid into an account in the Association name. Payment shall be made through a petty cash system or by cheque signed by two (2) signatories authorized by the committee. Major or unusual expenditures shall be authorized in advance by the Committee or a General Meeting.

(ii) Produce at each Annual General Meeting an audited Statement of Income and Expenditure for the past financial year.

(iii) Shall, as soon as practical after receiving monies, issue an appropriate receipt.

(iv) Ensure that correct books and accounts are kept showing the financial affairs of the Area. These records be held in the custody of the Treasurer and shall be open for inspection free of charge, by any member of the Association at any reasonable hour.

- (b) In the absence of the Treasurer, the President, Secretary or an Executive Committee member shall carry out the duties of this office.

## **C16 DUTIES OF OTHER ASSOCIATION OFFICERS**

### **THE REGISTRAR**

(a) The Registrar shall:

- (i) Receive MNC registration from Clubs and keep a record of membership.
- (ii) Check membership against NSW records and report any discrepancies.
- (iii) Keep a true and complete record of all Association competition results.
- (iv) Present to the Association a complete record of results from all Association Championships and Area conducted meets.
- (v) Verify that all competitors in all Association conducted competitions are registered with the NSWSA Inc. and MNCDASA Inc.
- (vi) Set standard qualifying times, as required, for all Association Competitions.
- (vii) Arrange for the maintenance and storage of all Association trophies.
- (viii) Be responsible for the allocation and return of all Association trophies.
- (ix) Operate in conjunction with the Competition Secretary to produce results and maintain records.

### **COMPETITION SECRETARY**

(b) The Competition Secretary shall:

- (i) Receive and process entries for MNCDASA Championships and Area conducted carnivals.
- (ii) Prepare results of these meets for the Registrar
- (iii) Allocate points for the various point scores conducted
- (iv) Record the details of the trophies of the Association and the annual recipients
- (v) Operate in conjunction with the Registrar to produce results and maintain records.

### **PUBLICITY OFFICER**

(c) The Publicity Officer shall:

- (i) Under the direction from the Association make available information pertaining to the Association.
- (ii) Deal with sponsorships and Publicity for the Executive Committee .

## **C17 CASUAL VACANCIES**

- (a) A Casual Vacancy in the office of Office Bearer of the Association occurs if the Officer:
- (i) Dies;
  - (ii) Ceases to be a member of the Association;
  - (iii) Becomes an insolvent under administration within the meaning of the Corporation Law;
  - (iv) Resigns office by notice in writing to the Association;
  - (v) Is removed from office under Clause C8;
  - (vi) 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.

## **C18 DELEGATION BY THE ASSOCIATION TO COMMITTEES**

### **AREA APPOINTMENTS, LECTURE AND EXAMINATION COMMITTEE**

- (a) The ALEC shall comprise all NSWSA Inc. Panel Referees, together with any other ALEC nominated Panel Officials. The Association shall elect at the Annual General Meeting a member of that Committee to act as:
- (i) Convener who shall:
    1. Act as the ALEC Secretary and, as and when requested by the Association appoint and notify the necessary Officials for the conduct of Championship and associated Meets;
    2. Act as Liaison Officer between the ALEC, Swimming NSW Ltd. and the Technical Committee in all matters concerned with Lectures, Examinations and the nomination and/or appointment of Area Officials to Swimming NSW Ltd. Meets.

### **(b) PANEL OF SELECTORS**

- (i) The panel of selectors shall consist of THREE
  - (3) members (minimum) elected at the Annual General Meeting.
- (ii) Selection of any Representative Team shall be made by the Panel of Selectors.

### **(c) OTHER COMMITTEES**

Committees may be formed, from time to time, for specific purposes as decided by the Association.

## **PART IV MEETINGS**

### **C19 ANNUAL GENERAL MEETING**

(a) The Annual General Meeting of which at least 28 days written notice shall be given to all Clubs, the ALEC and Life Members shall be held no later than 31st May in each year.

(b) The business of the Annual general Meeting shall be:

1. Apologies
2. Confirmation of the minutes from the last Annual General Meeting
3. Business arising therefrom
4. Correspondence
5. Reports
6. Statement of Income and Expenditure, statement of assets and Audit Report
7. Election of Patrons
8. Elections of Officers
9. Appointment of Person/s to Audit Accounts
10. Election of Delegate to Swimming NSW Ltd.
11. Election of Representative to Swimming NSW Ltd. Country Committee.
12. Election of ALEC Convener
13. Election of ALEC Committee
14. Election of members to Panel of Selectors
15. Election of members to Jury of Appeal
16. Notice/s of Motion
  - (i) Amendments to Constitution
  - (ii) Election of Life Member/s
  - (iii) Merit Award/s
  - (iv) Other Business
17. Allocation of Championship Meets
18. Allocation of Venue and date for the Annual General Meeting.

## **C20 SPECIAL MEETINGS**

- (a) Executive Committee may call a Special Meeting at any time.
- (b) A Special Meeting shall be convened by the Secretary, upon a request signed by a number of Clubs eligible to vote, equal to at least the number of Clubs and representing ONE less than ONE HALF (1/2) of the number of Clubs, and stating the reasons for the request.
- (c) All Special Meetings shall be called within FOURTEEN (14) days of requisition or resolution and all Clubs, the Alec and Life Members must be notified of the date, venue and Agenda, at least SEVEN (7) days prior to the date set down.
- (d) The Executive may call a Special Meeting to deal with any matter arising from clause C8.
- (e) Only the business for which the Special Meeting has been called shall be dealt with at that meeting.

## **C21 PROCEDURE AT MEETINGS**

- (a) No item of business shall be transacted at the Annual General Meeting, or at a Special Meeting unless a quorum of Members entitled under these Rules to vote, is present during the time the meeting is considering that item.
- (b) At all Meetings a quorum shall consist of a number of Delegates and Life Members eligible to vote, equal to the number of Clubs but representing not less than ONE HALF (1/2) of the Clubs.

### **(c) RESCISSION**

- (i) No resolution of the Association shall be rescinded or altered, except where a Notice of Motion to rescind has been given in writing to the Secretary before the Annual General Meeting OR Special General Meeting at which the Motion to rescind is to be decided.
- (ii) A resolution which required a simple majority, shall require a simple majority for those present and voting, for rescission.
- (iii) A resolution which required a THREE QUARTER (3/4) majority, shall require a THREE QUARTER (3/4) majority, of those present and voting for rescission.

## **C22 PRESIDING MEMBER**

### **(a) PRESIDENT**

- (i) The President shall preside at each meeting at which he is present.
- (ii) In the absence of the President or if he is unwilling or unable to act, a Vice President shall occupy the chair.
- (iii) The person occupying the chair shall be entitled to a casting vote irrespective of the right to vote as a Delegate or Life Member.
- (iv) The President shall be ex-officio member to all Committees.

## **PART V MISCELLANEOUS**

### **C23 INSURANCE**

- (a) The Association shall effect and maintain insurance pursuant to Section 44 of the Act.
- (b) In addition to the insurance required under Clause C24 (a), the Association may effect and maintain other insurance.

### **C24 SOURCE OF FUNDS**

The funds of the Association shall be derived from Annual Affiliation Fee of clubs, Members, donations and subject to any resolution passed by the Association, such other sources as the Association determines.

### **C25 MANAGEMENT OF FUNDS**

Subject to any resolution passed by the Association, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Association determines.

### **C26 AUDIT OF ACCOUNTS**

- (a) The appointment of a suitable person as Auditor shall be made at the Annual General Meeting.
- (b) The person nominated should be conversant with accounting procedures and compilation of balance sheets.
- (c) The appointed person shall not be a member of the Executive Committee, or an immediate relation of a member of the Executive committee.

## **C27 ALTERATIONS TO THE CONSTITUTION AND BY-LAWS**

- (a) This constitution and statement of objects as detailed in Clause C1 (b) (i) (ii) (iii) and (iv) shall not be amended unless Notice of Motion, in writing has been given to the Secretary at least 28 days before the Annual General Meeting OR Special General Meeting at which the amendments are to be discussed. An amendment shall be carried by a THREE QUARTER (3/4) majority of those present and voting at such meeting.
- (b) The By-Laws shall not be amended unless Notice of Motion, in writing, has been given to the Secretary at least 2g days before the Annual General Meeting OR Special General Meeting at which the amendments are to be discussed. An amendment shall be carried by a SIMPLE MAJORITY of those present and voting at such meeting.

## **C28 COMMON SEAL**

- (a) The common seal of the Association shall be kept in the custody of the Public Officer.
- (b) The Common Seal shall not be affixed to any instrument except by the authority of the Executive Committee and the affixing of the Common Seal shall be attested by the signatures either of TWO (2) members of the Executive or of ONE (1) member of the Executive and of the Public Officer.

## **C29 PUBLIC OFFICER**

- (a) The Association shall ensure that a person is appointed as Public Officer.
- (b) The appointee must be at least EIGHTEEN (18) years of age and reside in New South Wales.
- (c) The Association may at any time remove the Public Officer and appoint a new Public Officer.
- (d) The Public Officer shall be deemed to have vacated their position in the following circumstances:
  - (i) Death
  - (ii) Resignation
  - (iii) Removal by the Association at an Annual General Meeting OR Special General Meeting
  - (iv) Bankruptcy or financial insolvency
  - (v) mental illness
  - (vi) residency outside New South Wales.

- (e) Where a vacancy occurs in the position of Public Officer the Association shall within FOURTEEN (14) days notify the Business and Consumer Affairs on the prescribed form and appoint a new Public Officer.
- (f) The Public Officer may be an Office Bearer, Club Delegate or any other person regarded as suitable for the position by the Association, subject to the conditions as defined in Sub Clause (b).

### **C30 DUTIES OF PUBLIC OFFICER**

The Public Officer shall be familiar with the provisions of the Associations Incorporation Act, 1984, and perform the duties necessary to conform with the Act.

### **C31 DELEGATE TO Swimming NSW Ltd. Forums and Annual/Special General Conference.**

- (a) The Delegate duly elected at the Annual General Meeting to represent at the abovementioned, shall attend all Meetings respectively.
- (b) The Delegate shall act as directed by the Association.
- (c) The Delegate shall report to the Association Executive in writing following the Meeting at which they have represented the Association.

### **C32 REPRESENTATIVE To Swimming NSW Ltd. Country Committee.**

- (a) The Representative duly elected at the Annual General Meeting to represent at the abovementioned, shall attend all Meetings respectively.
- (b) The Representative shall act as directed by the Association.
- (c) The Representative shall report to the Association Executive in writing following the Meeting at which they have represented the Association.

### **C33 LIFE MEMBERS AND MERIT AWARDS**

#### **(a) LIFE MEMBERS**

Any member of the Association may be granted Life Membership of the Association in recognition of service rendered, provided that:

- (i) Such member has been a financial member of Swimming NSW Ltd. and an active member of the Area for a period in excess of TEN (10) years. A membership of TEN (10) years as a Delegate is not, in itself a qualification for Life Membership. It calls for more than due and proper performance of duties for and on behalf of the Association and the Nominee must have extended the scope of work beyond those duties, for the benefit of the Association and the sport.

- (ii) No more than THREE (3) Life m\Members may be elected in any ONE (1) year.
- (iii) Life Membership may only be granted by a THREE QUARTER (3/4) majority of Delegates and Life Members present and voting at the Annual General Meeting and shall be by secret ballot.
- (iv) A written notice of Motion to elect a Life Member shall be given to the Secretary prior to the Annual General Meeting at which the election is to be held.

**(b) MERIT AWARDS**

Any member of the Association may be granted a Merit Award by the Association in recognition of service to swimming and associated sports within the **Area**, provided that:

- (i) Such member has been a financial member of Swimming NSW Ltd. and an active member within the Area for a period of FIVE (5) years. A membership as a Delegate is not in itself a qualification for a Merit Award. A Merit Award may be granted for an extended period of service as a swimming Official both within and outside the **Area**, for performance of the duties of an Officer of the Association where such performance would not qualify the nominee for LIFE MEMBERSHIP of the Association, or such other service where Life Membership is not considered warranted.
- (ii) No more than FIVE (5) awards may be granted in any one year.
- (iii) A Merit Award may only be granted by a THREE QUARTER (3/4) majority of Delegates and Life Members present and voting at the Annual General Meeting and shall be by secret ballot.
- (iv) The granting of a Merit Award does not preclude the recipient from being made a Life Member should further service warrant such an award.
- (v) A written Notice of Motion to grant a Merit Award shall be given to the Secretary prior to the Annual General Meeting at which the decision is to be made.

**C34 COLOURS/BADGE/MEDALS**

- (a) The colours of the Association shall be Black and Gold.
- (b) The badge of the Association shall be a badge of approved design, bearing the words Swimming Mid North Coast Incorporated interwoven.

- (c) Medals are to embody the Association badge design except that the medal may be of approved shape. The word "Incorporated " can be abbreviated to Inc. The reverse of the medal can be of a design as required.
- (d) The Official Blazer of the Association shall be Black & Gold and shall have on it the official badge of the Association.

### **C35 AREA BY-LAWS**

- (a) A General Meeting may from time to time make such By-Laws as may be necessary for the purposes of obtaining the Objects of the Area.
- (b) A General Meeting may from time to time make, amend or repeal any By-Laws made pursuant to this Clause and such action shall take effect immediately or at such later time as the General Meeting shall determine.
- (c) A By-Law made pursuant to this clause shall not be with any rules adopted or recognised by Swimming NSW Ltd. or such body or corporation as may succeed that organization, unless the Association has given its prior written approval to the By-Law.

### **C36 WINDING UP AND CANCELLATION OF INCORPORATION**

The Association may be wound up in accordance with the Associations Incorporation Act, 1984.

### **C36 ADOPTION OF CONSTITUTION**

The foregoing constitution was adopted by resolution at a meeting of Delegates on 30th.November,1996.

Signed *L. Brook*  
Chairman

Signed *R. Guyer*  
Secretary

#### **AMMENDMENT OF CONSTITUTION**

The foregoing constitution was amended by resolution at Annual General Meeting of the Association 25<sup>th</sup>. May 2003.

Signed *E. Witchard*  
Chairman

Signed *R. Guyer*  
Secretary

#### **AMMENDMENT OF CONSTITUTION**

The foregoing constitution was amended by resolution at Annual General Meeting of the Association 7<sup>th</sup>. May 2006.

Signed *E. Witchard*  
Chairman

Signed *R. Guyer*  
Secretary

#### **AMMENDMENT OF CONSTITUTION**

The foregoing constitution was amended by resolution at Annual General Meeting of the Association 27<sup>th</sup>. May 2007.

Signed *E. Witchard*  
Chairman

Signed *R. Guyer*  
Secretary