

**RINGWOOD SWIMMING CLUB INC.**

**CONSTITUTION**

*(Version 5.0)*  
*(Adopted May 2005)*

**NAME:**

1. (1) The name of the Incorporated Association is RINGWOOD SWIMMING CLUB INCORPORATED (hereinafter called "the Club").
- (2) The principal place of activity of the Club is the Ringwood Aquatic Centre, Ringwood 3134.

**INTERPRETATION:**

2. (1) In these Clauses unless the contrary intention appears:-
  - "Committee" means the Management Committee of the Club.
  - "Financial Year" means the year commencing 1 April and ending 31 March each year.
  - "General Meeting" means a general meeting of members convened in accordance with Clause 18.
  - "Member" means a financial member of the Club.
  - "Senior Member" means a member of the Club who is 16 years of age or over and who has been a financial member for at least one month.
  - "Ordinary Member of the Committee" means a member of the Committee who is not an Officer of the Club under Clause 9.3.
  - "The Rules" means the constitution, general rules, and By-laws of the Club.
  - ."Swimming Victoria, Swim Vic, S.V." means Swimming Victoria Incorporated.
  - "The Act" means the *Associations Incorporation Act 1981*.
  - "The Regulations" means the Regulations under the Act.
  - "Executive Committee" means the officers of the Club as defined under Clause 9.3.
  - "Registrar" means the Registrar of Incorporations.
  - "Swimming Year" is the year commencing 1 May and ending 30 April each year.
  - Words implying the masculine shall include the feminine and vice versa.
  - Words implying the singular shall include the plural and vice versa
- (2) In the Rules, a reference to the Secretary of a Club is a reference:-
  - (a) where a person holds office under these Clauses as Secretary of the Club, to that person; and
  - (b) in any other case to the Public Officer of the Club.
- (3) Words or expressions contained in the Rules shall be interpreted in accordance with the *Interpretations of Legislations Act 1984* and the Act as in force from time to time.

**Objectives:**

3. (1) To promote and encourage, learn to swim, water safety activities, swimming and other natatorial sports for competitive and recreation purposes within the community.
- (2) To serve the community through social activities.
- (3) To affiliate with Swimming Victoria Inc. and other appropriate bodies.
- (4) To adopt the Australian Swimming Member Protection Policy, (as amended from time to time), and to comply with its requirements;
- (5) To encourage and promote performance-enhancing drug free competition;
- (6) The Club acknowledges that in affiliating with Swimming Victoria Inc., it agrees to be bound by the Constitution and Rules of Swimming Victoria Inc. as amended from time to time.

**Application for Membership:**

4. (1) Membership of the Club shall be open to people of any age who support the aims and objectives and the Rules of the Club.
- (2) Nomination of a person for membership of the Club:-
  - (a) shall be in writing in the form set out in Appendix 1;
  - (b) shall be lodged with the Secretary of the Club; and
  - (c) shall be accompanied by the relevant annual subscription.

- (3) As soon as practicable after receipt of the nomination, the Secretary shall refer the nomination to the Committee.
- (4) The Committee shall determine whether to approve or to reject the nomination, and shall provide in writing the reasons for any such rejection.
- (5) Should the Committee reject the nomination, the annual subscription shall be repaid. Notification will be given as soon as possible.
- (6) Upon acceptance by the Committee, the Secretary/Registration Officer shall, with as little delay as possible, enter the nominees name and details in the register of members.
- (7) On accepting membership of the Club, members shall be bound by the Rules of the Club.

**Entrance Fee and Annual Subscription:**

5. (1) No entrance fee is payable.
- (2) The annual subscription shall be the amount set down by the Committee and approved at the Annual General Meeting each year and is due and payable on or before 1 June each year.

**Register of Members:**

6. (1) The Secretary/Registration Officer shall keep and maintain a register of members in which shall be entered the full name, address and date of admission of each member and the register shall be available for inspection by members upon request.
- (2) Any request to inspect the register of members will be administered by the Public Officer.
- (3) All members shall be registered with Swimming Victoria Inc. each year.

**Life membership:**

- 7 (1) The Committee may at any time recommend life membership of a member who:-
  - (a) supports the aims, objectives and Rules of the Club;
  - (b) has been a member of the Club for a minimum of ten (10) consecutive years; and
  - (c) has given outstanding service to the Club.
- (2) Nominations will only take effect when approved by a three-quarters (75%) majority of voting members at the Annual General Meeting.
- (3) Only two life members may be elected in any one year.

**Resignation:**

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

**Committee:**

9. (1) The affairs of the Club shall be managed by a Management Committee constituted as provided in Clause 9.
- (2) The Committee:-
  - (a) shall control and manage the business and affairs of the Club;

- (b) may, subject to the Rules, Regulations and the Act, exercise all such powers and functions as may be exercised by the Club other than those powers which are required by these Rules to be exercised by a General Meeting;
- (c) subject to the Rules, Regulations and the Act, has the power to perform all such acts as they deem essential for the proper management of the affairs of the Club.

- (3) The officers of the Club (to be known as the Executive) shall be:-
  - (a) President;
  - (b) Vice-President;
  - (c) Secretary; and
  - (d) Treasurer.
- (4) The Executive Committee shall meet as required and give full reports to the Committee.
- (5) A Public Officer shall be appointed by the Club membership in the same manner as Committee members under Clause 10.
- (6) For the purposes of Clause 10.4, the position of Public Officer of the Club (as required by the *Incorporations Act 1981*) shall not be held by the Secretary of the Club.
- (7) In addition to the officers of the Club, there shall be ten (10) ordinary members of the Committee elected at the Annual General Meeting. Including the Executive, at least ten (10) members of the Committee must be parents.
- (8) Committee members shall hold office for twelve (12) months or until the completion of the next Annual General Meeting following their election or appointment. They shall be eligible for re-election.
- (9) The Club, by special resolution, may remove any member of the Committee before the end of his/her period of office and may appoint a member of the Club to that position. Any special resolution must follow normal guidelines for a Special General Meeting under Clause 18.
- (10) In the event of a casual vacancy on the Committee whether caused by death, resignation or other circumstance, that position shall be filled by appointment by the Committee from the members. The period of such appointment shall be until the next Annual General Meeting.
- (11) The Committee shall have the power to create or amend By-laws for the efficient operation of the Club. Such By-laws shall be published to the members from time to time for their information.

#### **Election of Committee:**

10. (1) The Executive and ordinary Committee members shall be elected at the Annual General Meeting as per Clause 17.
- (2) Senior members only are eligible for nomination or election to the Executive or ordinary Committee.
- (3) Executive and ordinary Committee positions may become vacant if the person holding the position:
  - (a) resigns as a member of the Club;
  - (b) resigns from office by notice in writing given to the Secretary;
  - (c) is removed from the Club by special resolution in accordance with Clause 18;
  - (d) fails to attend three (3) consecutive meetings without an apology being received;
  - (e) becomes an insolvent under administration within the meaning of the Companies (Victoria) code.
- (4) Nomination for positions on the Committee shall be in writing, signed by two (2) Senior members, and written acceptance by the nominee shall be endorsed on the nomination form.
- (5) The nomination form shall be delivered to the Secretary at least seven (7) days prior to the Annual General Meeting.
- (6) If the number of nominations received for a position is equal to or less than the number required, they shall be declared elected. If less nominations are received, further nominations may be received at the Annual General Meeting.
- (7) If more nominations are received for a position than the number required, a secret ballot shall be held.

- (8) Such a ballot shall be held at the Annual General Meeting each year.
- (9) An independent person who is not a member of the Club shall be known as the Returning Officer and preside over the proper conduct of the ballot. In the absence of an independent person, the Public Officer shall preside, or in his/her absence, the meeting shall nominate a suitable person.
- (10) Senior members only are eligible to vote in person for the election of Committee members.
- (11) The Returning Officer in deciding eligibility to vote shall be bound by the normal conventions of ballots and the register of members. All decisions by the Returning Officer shall be final.
- (12) The Returning Officer may at his/her discretion appoint one or more persons to assist the conduct of the election.

**Proceedings of the Committee:**

11. (1) The Committee shall meet at least four (4) times in each year, at a place and time determined by the Committee.
- (2) The quorum for a Committee meeting shall be five (5) members.
- (3) If at any stage the number of Committee members is reduced below five (5) members (a quorum), the remaining Committee members may act only for the purposes of convening a General Meeting of the Club.
- (4) If a quorum is not present within 30 minutes of the starting time for a meeting, no business shall be conducted and the meeting shall be deferred for one (1) week at a nominated time and place.
- (5) Any member of the Committee may at any time request a meeting of the Committee.
- (6) At meetings of the Committee:-
  - (a) the President shall preside;
  - (b) in his/her absence, the Vice President shall preside; or
  - (c) in the absence of both, the Committee shall appoint a Chairman.
- (7) Each member of the Committee shall have a vote and, in the event of a tie, the Chairman shall have a casting vote.
- (8) All meetings of the Committee shall be open to all Senior members and Life Members. However should the President feel that a member attending a Committee meeting is being a disturbing influence, the President may take sufficient action as necessary to have the person removed from the meeting.
- (9) Members other than Committee members who wish to attend Committee meetings shall inform the Secretary of their intention to attend at least seven (7) days prior to the meeting, and at the discretion of the Executive, may be required to submit in writing any business they wish to raise at that meeting.
- (10) No member of the Committee shall vote in respect of any contract or arrangement in which he/she has an interest. Such interest shall be stated at the first available meeting at which such matter is first taken into consideration.
- (11) Notice of Committee meetings shall be delivered to each Committee member at least two (2) days prior to the meeting.
- (12) The Committee may act on any matter, subject to Clause 11.3, notwithstanding the absence of any member or a vacancy on the Committee.

- (13) At the earliest opportunity following the Annual General Meeting, the Committee shall meet to appoint a Grievance Officer and other Committee roles as defined in the By-laws. The identity of the Grievance Officer will be communicated to all members in writing each year.
- (14) No members of the Committee shall receive any fees for their services. However, all necessary expenses incurred in the business of the Club may be reimbursed with approval of the Treasurer and/or President.
- (15) Any reimbursement made by the Treasurer to any member of the Committee under the provisions of Clause 11.14 shall be disclosed at the next meeting of the Committee after the reimbursement.
- (16) The Treasurer shall not authorise his/her own expenses.
- (17) At all Committee meetings, minutes shall be kept of all major decisions taken.
- (18) All sub-committees shall report to the Committee and these reports shall be entered into the minutes.
- (19) Any request by a member for access to the register of minutes shall be administered by the Secretary, or in the Secretary's absence, by the Public Officer.

**President:**

12. The President shall:
  - (a) subject to the Rules, preside at all meetings except for his/her own election;
  - (b) ensure he/she has a full overview of all operations of the Club;
  - (c) ensure all members are aware of matters concerning the Club;
  - (d) represent the Club where necessary; and
  - (e) carry out such other duties as directed by the Committee.

**Vice President:**

13. The Vice President shall:
  - (a) deputise for the President when necessary;
  - (b) assist the President when requested to do so; and
  - (c) carry out such other duties as directed by the Committee.

**Secretary:**

14. The Secretary shall:
  - (a) keep minutes of the resolutions and proceedings of all meetings, together with a record of the names of the members present at those meetings;
  - (b) keep the register of members;
  - (c) register all incoming and outgoing correspondence; and
  - (d) submit all annual returns to Swimming Victoria and to other relevant bodies.

**Treasurer:**

15. The Treasurer shall:
  - (a) collect all monies due to the Club and make all payments authorised by the Committee;
  - (b) keep accurate accounts and books of the Club with full details of receipts and payments;
  - (c) operate the Club's bank accounts; and
  - (d) ensure the accounts and books of the Club are audited annually.

**Public Officer:**

16. The Public Officer shall:
- (a) liaise with the Registrar of Incorporations as required under the Act; and
  - (b) in the event of the Secretary's position falling vacant, take on that responsibility until the position is filled.

**Annual General Meeting:**

17. (1) The Club shall convene an Annual General Meeting of its members during April or May each year on a date nominated by the Committee.
- (2) Written notification shall be provided to all members at least fourteen (14) days prior to the date of the Annual General Meeting setting out the agenda for that meeting.
- (3) The President, or in his/her absence the Vice-President, shall preside as Chairman at all Special and Annual General Meetings of the Club.
- (4) The ordinary business of the Annual General Meeting shall be:-
- (a) to receive apologies;
  - (b) to confirm the minutes of the last preceding Annual General Meeting;
  - (c) to confirm minutes of any other general meetings held during the year;
  - (d) to receive from the Committee reports on the activities of the Club during the preceding year;
  - (e) to receive and consider a statement of the financial affairs of the Club during the preceding financial year;
  - (f) to elect the Executive officers of the Club, the ordinary Committee members and the Public Officer for the forthcoming year;
  - (g) to appoint the auditor for the Club for the financial year;
  - (h) to set the annual membership fees for the forthcoming financial year;
  - (i) to consider and determine any proposed changes to the Constitution; and
  - (j) to conduct any general business of which due notice has been given.
- (5) Notices of special resolutions to be considered at an Annual General Meeting must be given to all members at least seven (7) days prior to the date of the Annual General Meeting.
- (6) The Annual General Meeting is in addition to any other general meetings which may be held during the year.

**Special General Meetings:**

18. (1) All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- (2) The Committee may, if it thinks fit, convene a Special General Meeting.
- (3) The Committee shall, at the request in writing of not less than ten (10) Senior members, convene a Special General Meeting.
- (4) The written request for a Special General Meeting shall state the objects of the meeting, shall be signed by all members requesting the meeting, and shall be sent to the Secretary.
- (5) No business other than the stated reason for the Special General Meeting may be conducted at that meeting.
- (6) The same notice and method as is provided for the Annual General Meeting in Clause 17.2 shall be given for Special General Meetings.
- (7) Resolutions at Special General Meetings must be passed by three-quarters (75%) of the members present.

**Proceedings at General Meetings:**

19. (1) The quorum for General Meetings shall be at least one third (33%) of current Senior members.
- (2) If within half an hour after the advertised start time of a General Meeting, a quorum is not present, the meeting shall be held over for the same time and place one week later, (unless another time and place is stated by the Chairman at the time of adjournment, or by written notification to the members prior to the meeting). If at the subsequent meeting a quorum is again not present within half an hour of the advertised start time, the Senior members present (not being less than ten (10) shall be regarded as being a quorum.
- (3) Senior members only are eligible to vote in person at any General Meeting.
- (4) Except where otherwise specifically stated, any decision at a General Meeting shall be by a majority of members present.
- (5) At General Meetings of the Club:-
  - (a) the President shall preside;
  - (b) in his/her absence, the Vice President shall preside; or
  - (c) in the absence of both, the meeting shall appoint a Chairman.

**Alteration of Rules and Statement of Purposes:**

20. (1) The Rules may only be amended at a General Meeting of the Club where due notice of the proposed changes has been provided to the members.
- (2) To amend the Rules, a majority of three-quarters (75%) of the members present must vote in favour of the proposal.
- (3) Proposed amendments to the Constitution shall be approved by Swimming Victoria Inc before they are submitted to the Registrar as an authorised change to the Rules.

**Winding Up or Cancellation:**

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

**Financial Management:**

22. (1) The funds of the Club shall be derived from entrance fees, annual subscriptions, donations and any other sources that the Committee considers.
- (2) The Management Committee may establish an Investment Fund, transfer monies and investments to and from that fund as thought fit, and arrange for interest on those investments to be accumulated. Monies in the Investment Fund may be used at the discretion of the Management Committee and the decision and purpose for use of such monies must be reported at the next Annual General Meeting.
- (3) The funds of the Club shall be lodged in such investments as are authorised by the Law for the time being in force for investment with Government Guaranteed Trust Funds/Investment Funds, or on deposit with a bank.
- (4) Sufficient and proper accounting and all other necessary records shall be maintained and left with the Treasurer, or at the offices of the Club, or at another place as directed by the Committee, for the purposes of the Club and to comply with the provisions of the *Associations Incorporated Act (1981)*.

- (5) The accounts of the Club shall be kept in a manner which will enable the whole income in the Club's Financial Year in which it accrues and the whole of the expenditure in the same Financial Year in which it is incurred to be taken into account.
- (6) A record shall be kept of the fixed assets of the Club and of the value of each.
- (7) All cheques shall be signed by the Treasurer and one of either the President, Vice President or Secretary.

**Custody of Records:**

23. (1) Unless provided otherwise within these Rules, the Secretary shall keep in his/her custody and control all relevant documents and securities of the Club.
- (2) All relevant documents of the Club shall be available for inspection by any member upon request having given reasonable notice.

**The Seal:**

24. (1) The Common Seal of the Club which shall contain the full name of the Club shall be kept in the custody of the Secretary or the Public Officer.
- (2) The Common Seal of the Club shall not be affixed to any document except by authority of the Committee, and the signatures of two (2) members, one being either the President or Secretary, the other being the Public Officer, shall attest to the affixing of the Common Seal.

**Indemnity:**

25. No officer or member of the Club shall have any claim, legal or otherwise, against the Club or any officers or members thereof for any act or omission performed or omitted by the Club or member or officer thereof providing that such act or omission was in the bonafide execution by the Club or member or officer thereof of its or his/her lawful duties under the Rules made thereunder.

**Grievance:**

26. (1) Where a member of the Club has a grievance arising from their involvement in the activities of the Club, whatever that may be, with another member, officer or employee of the Club, and that member considers that the grievance warrants investigation and action by the Club that member shall follow the procedure in this clause. If the grievance is a matter which is dealt with in the Member Protection Policy of Australian Swimming it shall be dealt with in accordance with the Member Protection Policy. Otherwise it shall be dealt with as provided under all of Clause 26.2.

**(2) Grievance Officer**

The member shall contact the Grievance Officer who has been appointed by the Committee under Clause 11.13, and advise that they have a grievance which they wish to discuss. Where a grievance is to be submitted in writing, it should be addressed clearly to the Grievance Officer, and marked "Private and Confidential".

**(3) Action by Grievance Officer**

- (a) Where a grievance has been received by the Grievance Officer, he/she shall, as soon as practicable, discuss the grievance with the aggrieved party. The Grievance Officer may take whatever steps and conduct whatever investigations necessary to determine whether a grievance is legitimate.
- (b) Where the Grievance Officer determines that the grievance is legitimate, he/she shall take all necessary steps to resolve the grievance and may recommend to the Committee whatever he/she considers an appropriate sanction.
- (c) Where the Grievance Officer determines that the grievance is not legitimate, he/she shall advise the aggrieved party accordingly in writing. If the aggrieved party is not satisfied with the Grievance Officer's determination, they may appeal to the Committee.

- (d) Where the Grievance Officer is unable to resolve a grievance or considers the grievance to be of a very serious nature, he/she shall report the grievance to the Secretary and/or the Committee.
- (e) All grievances received by the Grievance Officer and all information surrounding the circumstances of a grievance discovered by the Grievance Officer on investigation shall be confidential and may only be communicated to the Secretary and/or the Committee.

#### (4) Procedures by a Grievance Officer

In investigating a grievance and/or determining its legitimacy, the Grievance Officer shall observe the rules of natural justice and apply the procedures applicable to a proceedings before a Judiciary Committee under Clause 26.5 below, in so far as they are applicable.

#### (5) Procedure at Proceedings

- (a) The Judiciary Committee Chairman shall announce the opening of the proceedings, stating the Judiciary Committee's authority, jurisdiction, composition and the nature and purposes of the proceedings.
- (b) The procedure to be followed at proceedings shall be clearly explained by the Judiciary Committee Chairman. The Judiciary Committee Chairman shall state who is entitled to be present throughout the proceedings during evidence and submissions.
- (c) The matter(s) which is/are the subject of the proceedings shall then be read to the person(s) concerned. The body or person(s) reporting the matter(s) and the subject(s) of the proceeding shall be given the opportunity to report the circumstance of those matter(s). The person(s) concerned will be given the opportunity to respond to this report and present evidence/submissions as to their view of the circumstance(s) of the matter. Any witnesses called by either the reporting body or the person(s) concerned will be given the opportunity to give evidence or to make submissions. Witnesses may be questioned on their evidence. Evidence and/or submissions may be tendered in writing. The person(s) concerned may be assisted by another person at these proceedings.
- (d) The Judiciary Committee will consider the evidence presented and may adjourn the hearing if considered necessary. No other person(s) shall be present or participate in any discussion with the Judiciary Committee at this time. If the Judiciary Committee finds an offence has not been committed or not proven, it will advise the referring authority and dismiss the matter accordingly. The Judiciary Committee Chairman will declare the proceedings closed.
- (e) If the Judiciary Committee finds an offence has been committed or proven, it will report its findings to the referring authority with such recommendations as it considers appropriate. The Judiciary Committee Chairman will declare the proceedings closed.
- (f) The decision, any recommended penalties, the reasons for the decision and notice of the person's appeal rights shall be in writing and signed by the Judiciary Committee Chairman. The referring authority must advise the persons found guilty of an offence under these Rules of their rights of appeal.
- (g) If a decision cannot be given immediately after the proceedings, the relevant party(s) must be advised of the time and place at which the decision will be given.
- (h) Every decision of a Judiciary Committee appointed by a Committee under these Rules shall be conveyed in writing to the parties concerned.

#### Discipline of Members

27. The Committee may refer the following matters to SV with a request that they be investigated or determined by the Hearings Tribunal in its sole discretion:
- (a) an allegation or grievance (not being vexatious, trifling or frivolous) by a complainant (who may be, but need not be, an Member) that a Club or Member has:
    - (i) breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any other resolution or determination of the Committee or duly authorised committee; or
    - (ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Club and/or swimming; or

- (iii) brought the Club or swimming into disrepute; or
- (iv) breached the Member Protection Policy of ASI, or any other policy or rule of ASI; or any policy or rule of SV; or
- (v) committed an act of misconduct.

and any such Member will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of SV set out in the SV Constitution or By-Laws.

### Sanctions:

28. (1) Subject to these Rules and the provisions of Clause , the Committee may by resolution:-

- (a) expel a member from the Club;
- (b) suspend a member from membership of the Club for a specified period of time; or
- (c) fine a member of the Club in accordance with the Regulations.

if the Committee is of the opinion that the member -

- (i) has refused or neglected to comply with these Rules; or
- (ii) has been guilty of conduct unbecoming a member or prejudicial to the best interests of the Club.

(2) Following a Committee resolution under Clause 27.1, the Secretary shall, as soon as possible, send written notice to the member stating:-

- (a) the resolution of the Committee and the grounds on which it is based;
- (b) advise the member they have twenty one (21) days to serve a notice of appeal to the Secretary; and
- (c) advise the member they may be assisted by another person at the appeal.

(3) Any resolution of the Committee under Clause 27.1 shall not take effect until expiration of twenty one (21) days after the member has been served with the notice of the resolution of the Committee. This is the period provided for the member to serve a notice of appeal upon the Club.

(4) Where a member exercises the right of appeal to the Club under this clause, any sanction does not take effect unless the Club in a General Meeting confirms the resolution in accordance with this clause.

(5) Where the Secretary receives a notice of appeal under Clause 27.3, he/she shall convene a General Meeting of the Club to be held within twenty eight (28) days of receiving the notice of appeal. The notice of the General Meeting shall state the date, time and place of the meeting.

(6) At the General Meeting, the member may be assisted by another person.

(7) At the General Meeting convened under Clause 27.5:-

- (a) no business other than the question of the appeal shall be transacted;
- (b) the Committee shall place before the meeting details of the grounds for the resolution and the reasons for passing of the resolution;
- (c) the member shall be given every opportunity to be heard;
- (d) the members present shall vote by secret ballot on the question whether the resolution should be confirmed or revoked.

(8) If at the General Meeting convened under Clause 27.5:-

- (a) three-quarters (75%) of the members present vote in person in favour of confirmation of the resolution, the resolution shall be confirmed;
- (b) in any other circumstance, the resolution shall be revoked;

- (c) the President shall direct the Secretary to record in the minutes the number of votes for and against the resolution.
- (9) In determining the amount of the fine under Clause 27.1(c), the Committee shall consider the nature and seriousness of the breach of conduct and any mitigating circumstances, financial or otherwise, and in any case, the fine shall not exceed fifty dollars (\$50.00).
- (10) Any monies collected under Clause 27.9 shall be distributed to a charity(s) nominated by the Committee.
- (11) Subject to these Rules and in accordance with the principle of the *Privacy Act 1988*, no member shall:-
  - (a) publish, print or otherwise communicate confidential information pertaining to the swimmers, parents, staff or members of the Association; or
  - (x) publish, print or otherwise communicate confidential information discussed or presented to the Executive Committee, full Committee or sub-committee meetings without approval of the Executive or of the person to whom the information relates.

### **Acceptance of Authority**

- 29. By signing the Application for Membership form, the applicant acknowledges that he/she is bound by the rules of the Club, Swimming Victoria Inc, Australian Swimming Inc and FINA for the time being in force.

**Appendix 1**

**MEMBERSHIP APPLICATION FORM**

The Membership Application shall be in a form specified from time to time by the Committee and shall contain the following information as a minimum:-

- (a) the name and address of the applicant(s);
- (b) the date of birth of the applicant(s);
- (c) the Australian citizenship of the applicant(s);
- (d) the signature of the applicant(s); and
- (e) the following clause:-

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

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

*for the time being in force".*