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| CONSTITUTION |
| - of – |
| The Gap State School Amateur Swimming Club |
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| **4/1/2016** |



**Constitution of The Gap State School Amateur Swimming Club**

1. **NAME AND CLUB COLOURS**
   1. The name of this club will be known as “The Gap State School Amateur Swimming Club” or “The Gap Gators”. For the purposes of this document “The Gap State School Amateur Swimming Club” or “The Gap Gators” shall be referenced as the “The Club”.
   2. The Gap Gators colours shall be purple and gold and this shall be as determined by the club’s Executive Committee.
2. **Governance**
   1. The Club is a sub-committee of The Gap State School P&C.
   2. There is a monthly reporting requirement of financials and operations of The Club to The Gap State Primary School through the P&C committee
   3. The Club has is own elected Executive Committee which has direct governance over the running of The Club. The Executive Committee members of The Club do not have to be parents of children that go to The Gap State Primary School but must have relation to a child that is a member of The Club.
   4. The content of this Constitution is to be reviewed every 4 years by The Club Executive Committee and is to be accepted as the governing document that decisions can be drawn from by Associate Members at the AGM at the time of this documents update.
3. **Objects**

**The Objects of the Club are to:**

* 1. Participate as an active member in the activities of Swimming Queensland and any Affiliated Region that Swimming Queensland may establish from time to time and to which the Association must be affiliated;
  2. To foster and promote the sport of swimming within our club and community;
  3. Providing development pathway opportunities for children in the sport of swimming;
  4. Facilitating an environment that encourages and assists our swimmers to develop their skills, fitness and confidence to the best of their ability and ensures fairness of competition;
  5. Encouraging and strengthening community interaction;
  6. Having fun and competing as a club at inter-club carnivals and external meets.

1. **APPLICATION OF INCOME AND PROPERTY**
   1. The income and property of The Club shall be applied solely towards the promotion of the Club.
   2. No portion of the income or property of The Club shall be paid or transferred, directly or indirectly by way of dividend, bonus or otherwise to any member.
   3. No remuneration or other benefit in money or money’s worth shall be paid or given by the Club to any member or other who holds any office of The Club.
   4. Nothing contained in rules 4 (2) or (3) shall prevent payment in good faith to any member:
      1. for any services actually rendered to The Club whether as an employee or otherwise
      2. for goods or services, professional or otherwise, supplied to The Club in the ordinary and usual course of business
2. **Classes OF Membership**

**Membership of The Gap State School Amateur Swimming Club consists of:**

* 1. **Full membership** shall be open to all persons of 17 years of age and under.
  2. **Associate membership** shall be open to all parents or guardians of children who are registered as full members.
  3. **Special membership.** Notwithstanding any of the conditions that apply above, The Club may, from time to time, grant special membership to any person or persons it considers may further the aims of The Club. In any such case, the conditions of such special membership will be determined by a general meeting of The Club.
  4. **Life membership.**
     1. Life membership may be granted to a person who has provided meritorious service to The Club in recognition of their efforts in furthering the interests of The Club.
     2. Each nomination received shall be considered by the Executive Committee and, if supported by the majority of members present and voting, shall be passed to the next AGM for consideration, except that no more than two (2) recommendations for life membership shall be passed to the annual general meeting in any one year.
     3. To be eligible for election he or she must have been a member or an Associate Member of The Club for at least five (5) years and must have served as an active Executive Committee member for at least three (3) years.
     4. Written nominations for life membership shall be received from associate member or a life members and must be in the hands of the Secretary before the last Club swim meeting of the season.
     5. Each nomination shall provide a statement justifying the proposal and shall bear the signatures of the proposer and at least two other associate membership or life members seconding the nomination.
     6. Notice of motion and supporting statements for election to life membership shall be given to members at an annual general meeting and will be deemed to have been passed if agreed to by three-quarters of the members present and voting at such a meeting.
     7. A life member shall receive a life membership badge and shall be entitled to all privileges of membership for life unless he or she ceases to be a member.

1. **Applications for Membership**
   1. Full and associate membership shall be for a yearly period commencing on the first Friday of School Term 4 each year.
   2. A register shall be kept of all members and will include the date of birth of all full, associate and where applicable, special members.
   3. All applications for special membership must be approved by The Club Executive Committee.
   4. A person may not be a member of another primary school swimming Club and The Gap State School Amateur Swimming Club at the same time.
   5. A person may be a member of a non-school swimming Club and The Gap State School Amateur Swimming Club at the same time if approved by the Executive Committee.
   6. Membership may be cancelled by the Executive Committee and by a three-quarters majority present at a Club general meeting, after such a member has been given two (2) clear days' notice to appear before the Executive Committee to show cause why his/her membership should not be terminated.
2. **Membership fees**

**The membership fees are:**

* 1. Fees are to be determined by The Club committee including Half Season Memberships which offered from 1 January onwards
  2. Membership fees for an individual are to be paid in full by the 2nd club night that the child swims.

1. **When membership ends**
   1. A member may resign from The Club by giving a written notice of resignation to the Secretary (or other Executive Committee member)?
   2. The resignation takes effect on:
      * 1. the day and at the time the notice is received by the Secretary (or other Executive Committee member) or
        2. if a later day is stated in the notice, the later day.
   3. The Executive Committee may terminate a member’s membership if the member:
2. is convicted of an indictable offence or
3. does not comply with any of the provisions of this Constitution or
4. has membership fees in arrears for at least 2 months or
5. conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of The Club.
   1. Before the Executive Committee terminates a member’s membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
   2. If, after considering all representations made by the member, the Executive Committee decides to terminate the membership, the Secretary of the Committee must give the member a written notice of the decision.
6. **Prohibition on use of information on register of members**
   1. A member of The Club must not:
      * 1. use information obtained from the register of members of The Club to contact, or send material to, another member of The Club for the purpose of advertising for political, religious, charitable or commercial purposes; or
        2. disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of The Club for the purpose of advertising for political, religious, charitable or commercial purposes.
   2. Sub Clause (1) does not apply if the use or disclosure of the information is approved by The Club.
7. **appeal against rejection or termination of membership**
   1. A person whose application for membership has been rejected, or whose membership has been terminated, may give the Secretary written notice of the person’s intention to appeal against the decision.
   2. A notice of intention to appeal must be given to the Secretary within one month after the person receives written notice of the decision.
   3. If the Secretary receives a notice of intention to appeal, the Secretary must, within 30 days after the day of receipt, call a General Meeting to decide the appeal.
   4. At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
   5. The Executive Committee and the committee members who rejected the application or terminated the membership must be given an opportunity to show why the application should be rejected or the membership should be terminated.
   6. An appeal must be decided by a vote of the members present at the meeting.
   7. If a person whose application has been rejected does not appeal against the decision within one month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable, refund the application fee paid by the person.
8. **DISCIPLINE OF MEMBERS**
   1. The Executive Committee may refer the following matters for investigation or determination in its sole discretion to such person or persons as may be constituted as a disciplinary tribunal which may make such finding of fact and impose such punishment, including reprimand, fine, disqualification, suspension or expulsion, as appears appropriate
      * 1. breach of Constitution: an allegation or grievance (not being vexatious, trifling or frivolous) by a complainant (who may be, but need not be, a member) that a member has breached, failed, refused or neglected to comply with a provision of this Constitution, the By-Laws or any other resolution or determination of the Executive Committee or duly authorised committee or
        2. breach of discipline: an allegation (not being vexatious trifling or frivolous) by a complainant that a member
9. acted in a manner unbecoming of a member or prejudicial to the objects and interests of The Club, Swimming Queensland, Swimming Australia and/or swimming or
10. brought The Club, Swimming Queensland, Swimming Australia and/or swimming into disrepute or
11. acted contrary to any standard or code of conduct [howsoever called] approved by Swimming Queensland or Swimming Australia.
    1. This clause is applicable to a member notwithstanding any action taken under the constitutions of Swimming Australia, Swimming Queensland or relevant Affiliated Region in relation to that member.
    2. For the purposes of this Clause the term “member” includes any person participating in any capacity in any swimming meet or other activity held under the auspices of The Club.
    3. For the purpose of this clause, the member will be subject to and agrees to submit unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of The Club as set out in its By-Laws or as provided in the By-Laws of Swimming Queensland or relevant Affiliated Region.
12. **NOTIFICATION OF DISCIPLINE**
    1. When a person has been suspended, disqualified or expelled as a result of disciplinary proceedings, notice shall be given by The Club to Swimming Australia, Swimming Queensland and all affiliated bodies.
    2. A swimmer, on being suspended, disqualified or expelled as a result of disciplinary proceedings, shall forfeit any fee paid or trophies won in any contest in relation to which the disciplinary proceedings have taken place.
    3. The Affiliated Club or other body conducting the contest in relation to which the suspension, disqualification or expulsion occurs shall confiscate all trophies or other awards, as are appropriate, and may distribute them in such manner as it thinks fit.
13. **APPEALS AGAINST DISCIPLINE**
    1. Any person, the subject of an adverse finding in proceedings in accordance with Clause 12 may appeal in relation to that adverse finding
14. initially to the relevant Affiliated Region in accordance with its Constitution
15. if dissatisfied with the appeal decision of the relevant Affiliated Region, to Swimming Queensland.
    1. Such appeal shall be dealt with in accordance with such policies and procedures as the relevant Affiliated Region and Swimming Queensland may from time to time determine.
16. **Management**

The Management of Club Activities shall be vested in the Executive Committee designated in Clause 1.

1. **Executive committee**

15.1The Gap State School Amateur Swimming Club requires the following official Office Bearer positions filled as part of its Executive Committee:

* + - * President,
      * Secretary,
      * Treasurer,
      * Vice President (optional, if deemed necessary)
  1. The Club shall constitute the Executive Committee with powers to act in matters of urgency, any action taken by the Executive Committee to be submitted for confirmation at the next General Meeting after the action has been taken.
  2. If The Club fails to fill the Executive Committee positions at the AGM:
     1. then any filled positions shall seek nominations and attempt to fill the vacant positions out of session and will be tabled at the first possible general meeting.
     2. If all positions are vacant then the current Executive Committee will maintain control until a stand in committee can be arranged and then these names will be tabled at the first possible general meeting

1. **Office Bearers**
   1. The Office Bearers shall be elected at each Annual General Meeting (AGM) and shall consist of President, Secretary, Treasurer and such others as shall be decided at the AGM.
   2. An Office becoming vacant may be filled by the Executive Committee outside of holding an AGM.
   3. Any Office Bearer shall not be precluded from holding one or more positions as an Official.
   4. The President or his/or her nominee shall be, ex-officio, a member of all Sub-Committees.
2. **Electing the EXECUTIVE Committee** 
   1. The Officials shall be elected at each Annua1 General Meeting and shall comprise such members and categories as deemed necessary for the efficient conduct of all Club Activities
   2. The Executive Committee shall be empowered to add to or decrease the number of officials or replace an official during its year of office
3. **Vacancies on EXECUTIVE Committee**
   1. If a casual vacancy happens on the Executive Committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next Annual General Meeting.
   2. The continuing members of the Executive Committee may act despite a casual vacancy on the Executive Committee.
   3. However, if the number of committee members is less than the number fixed under these rules as a quorum of the Executive Committee, the continuing members may act to:
      1. increase the number of Executive Committee members to the number required for a quorum or
      2. call a general meeting of the association.
4. **Resignation or removal from office of EXECUTIVE committee member**
   1. An Executive Committee member may resign from the committee by giving written notice of resignation to the Secretary.
   2. The resignation takes effect on­:
      1. the day and at the time the notice is received by the Secretary or,
      2. if a later day is stated in the notice the later day.
   3. A person may be removed from office at a Special General Meeting of the Association if 75% of the members present and entitled to vote at the meeting vote in favour of removing the person.
   4. Before a vote of members is taken about removing the person from office, the person must be given a full and fair opportunity to show cause why he or she should not be removed from office.
   5. A person has no right of appeal against the removal from office under this section.
   6. A member immediately vacates the office of member of the Management Committee in the circumstances mentioned in Section 64(2) of the Act. *(****Associations Incorporation Act 1981* *(Qld).)***
5. **EXECUTIVE Committee and Sub-Committee**
   1. The Executive Committee shall comprise all Office Bearers and Officials of The Club.
   2. Sub-committees deemed necessary for the efficient conduct of all Club activities shall be appointed at the Annual General Meeting each year, unless otherwise determined.
6. **Competitions and Carnivals**
   1. The Club will organise appropriate inter-club swimming competitions and carnivals each year.
   2. Participation in such competitions and carnivals will be confined to those holding Full Membership, and, where applicable, Special Membership.
   3. The Club will organise regular swimming meetings, to be called Club Nights, with participation open to all Club Members. These meetings will be held every Friday night during the swimming season.
7. **CLUB CHAMPIONSHIP, CLUB TROPHIES, AWARDS & ACKNOWLEDGEMENTS**

This will be determined by The Gap State School Amateur Swimming Club committee of the day and will be referred to in The Clubs Splash Booklet which is to be updated annually by the committee.

1. **Financial Year**

The financial year shall conclude on the 30th April of each year and a copy of the Audited Financial Statement be forwarded to the Principal and Parents' and Citizens' Association of The Gap State Primary School.

1. **Meetings**
   1. **General Meetings**

General Meetings of The Club shall be held at monthly intervals and earlier when deemed necessary by committee members.

* 1. **Annual General Meeting (AGM)**

An Annual General Meeting will be held at the end of that years swimming season with a date to be nominated by the Executive Committee of the day, at which time the Annual Report and Financial Statement shall be presented**.**

* 1. **Special General Meeting**
     1. Upon requisition in writing signed by ten percent of all registered Associate Members delivered to the President or Secretary, a Special General Meeting shall be called within one calendar month from the date of delivery of requisition. Should such meeting not be called within that period, the members may request the Principal and or The President of Parents' and Citizens' Association of The Gap State Primary School. (Clause 13).
     2. No business except that for which the meeting shall have been called may be transacted at any Special General Meeting.
  2. **Notice of Meeting**

Seven (7) clear days' notice shall be given to convene:

(a) A Special General Meeting

(b) An Annual General Meeting

* 1. **Quorum**
     1. The quorum for an Annual General Meeting and Special General Meeting shall be ten (10) Adult members.
     2. The quorum for any General or Executive Committee Meeting shall be two (2) of the Executive of The Gap State School Amateur Swimming Club Executive Committee
     3. Adjourned Meetings

At any Annual General Meeting or Special General Meeting, if within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to such other day and at such time and place as the Executive Committee may determine, and if at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the members present (being not less than two) shall be a quorum.

* 1. **Voting**

Only registered Associate and Life Members will have voting rights at meetings. The President will have a casting vote only. Motions will be deemed to have been carried if more than fifty percent (50%) of those present to vote for this motion.

1. **Funds**

The funds of The Club shall be banked with such bank as may be determined by the Executive Committee in the name of The Club, withdrawals to be made under any two signatures of the President, Secretary, and/or Treasurer or as delegated by the Executive Committee.

1. **Accounts**

Accounts shall be presented for approval etc. at all General Meeting and reported monthly to The Gap State School P&C**.**

1. **Finance**

The Club may raise, spend, or disperse funds in such manner as approved by the Executive Committee of The Club.

1. **Audit**

The Auditor or Auditors shall be link to the Parents' and Citizens' Association of The Gap State Primary School auditing governance.

1. **Dissolution**

The Club shall be dissolved upon the vote of three-quarters majority of members present at a Special Meeting convened to consider such a question. Upon dissolution, all assets and funds shall, after payment of all expenses and liabilities, be placed under the control of The Gap State Primary School Parents' and Citizens' Association for the benefit of the School.

1. **Amendment to Constitution**

The Constitution may be amended at a Special General Meeting convened for the purpose or at an Annual General Meeting. At such a meeting, an amendment to the Constitution may only be made if agreed to by two-thirds of the Associate and Life Members present and the President shall have a casting vote only. All proposed amendments must be notified to Club Members at the time the Special General Meeting or Annual General Meeting is called.

1. **Bylaws**

The Executive Committee shall have the power to make By-Laws not inconsistent with the Constitution, as it deems necessary. All By-Laws so made shall be notified to Members by the posting to The Club Website and shall remain in force until rescinded or altered by the Executive Committee or by The Club at a General Meeting.