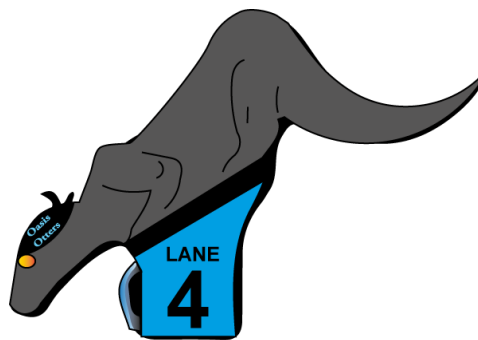


OASIS OTTERS SWIMMING CLUB INC

(Reg No A0040034S)



CONSTITUTIONAL RULES FOR OASIS OTTERS SWIMMING CLUB

Amended 4 October 2024
Approved at OOSC GM: 29 March 2025

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PART A - PRELIMINARY

1. NAME

- 1.1 The name of the Incorporated Association is Oasis Otters Swimming Club Inc (in these Rules called “the Club”).

2. PURPOSE

- 2.1 The purpose of the association is to:
- (a) Operate predominantly for the promotion and development of natatorial activities in Victoria and Australia, in accordance with the Objectives under Rule 5.

3. FINANCIAL YEAR

- 3.1 The financial year for the Club is the period of 12 months ending on 30 June.

4. DEFINITION

- 4.1 In these rules unless the contrary intention appears:

Absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting).

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46.

Committee means the Committee having management of the business of the Club.

Committee meeting means a meeting of the Committee held in accordance with these Rules.

Committee member means a member of the Committee elected or appointed under Division 3 of Part 5 of the Act.

Financial Members also means Committee Members who hold office and are not ordinary members of the Committee.

Financial Year means the 12-month period, year ending on June 30.

General Meeting means a general meeting of the Committee members convening and includes an Annual General Meeting or a Special General Meeting.

Hearings Tribunal means a Hearings Tribunal established under the rules of SV.

Member means a member of the Club.

Ordinary Member of the Committee means a member of the Committee who is not an officer of the Club under Rule 22.5 and referred to as General Committee Members.

OOSC means Oasis Otters Swimming Club Inc.

Registrar means the Enrolment Officer or committee member who holds office and has control and management of the members' Register.

Senior Member means a member over the age of 18 years who is entitled to vote at a General Meeting.

SAL means Swimming Australia Limited or its successor being the peak body for the administration of natatorial activities in Australia

SV means Swimming Victoria Inc or its successor being the peak body for the administration of natatorial activities in Victoria.

The Rules means the constitution, general rules and by-laws of the Club.

The Act means the *Associations Incorporation Reform Act 2012 (Vic)* and includes any regulations made under that Act

The Regulations means the *Associations Incorporation Reform Regulations 2023 (Vic)* which are the Regulations made under the Act.

4.2 In these Rules, words implying:

- (a) any gender includes the other gender; and
- (b) the singular shall include the plural and vice versa.

4.3 In these Rules, a reference to the Secretary of a Club is a reference:

- (a) where a person holds office under these Rules as Secretary of the Club, to that person; and
- (b) in any other case to the Public Officer of the Club.

5. OBJECTIVES

5.1 The Club is formed to promote natatorial activities in all of its forms, and to accomplish this, shall;

- (a) affiliate and otherwise liaise with the Swimming Victoria Incorporated ("**SV**") and such other bodies as may be desirable to achieve these Objectives;
- (b) conduct, encourage, promote, advance, control and administer natatorial activities in the Club for the benefit of the Members and the development of swimming;
- (c) act in good faith and loyalty to ensure the maintenance and enhancement of the Club and swimming, its standards, quality and reputation for the collective and mutual benefit of the Members and swimming;
- (d) at all times to act on behalf of, in the interests of and in conjunction with the Members;

- (e) promote the economic and sporting success, strength and stability of the Club and each Member, and to act interdependently with each Member in pursuit of these Objectives;
- (f) ensure compliance with the rules and by-laws as amended from time to time of SV;
- (g) apply the property and capacity of the Club towards the fulfilment and achievement of these Objectives;
- (h) strive for governmental, commercial and public recognition of the Club and swimming;
- (i) through or in association with other Clubs or other entities or of itself, promote the health and safety of all Members;
- (j) pursue through itself or others such commercial arrangements, including sponsorship and marketing opportunities are appropriate, to further these Objectives;
- (k) formulate or adopt and implement appropriate policies, including in relation to harassment, discrimination, equal opportunity, equity, drugs in sport, health, safety, junior and senior programs and other matters that may arise from time to time as issues to be addressed in swimming;
- (l) represent the interests of its Members and of swimming generally in any appropriate forum;
- (m) have regard to the public interest in its operation;
- (n) do all that is reasonably necessary to enable these Objectives to be achieved and to enable the Members to receive the benefits which these Objectives are intended to achieve;
- (o) adopt the Swimming Australia Member Welfare Policy and the Child Welfare Policy (as amended from time to time) and to comply with its requirements;
- (p) encourage and promote performance-enhancing drug free competition;
- (q) Undertake and or do all things or activities which are necessary, incidental or conducive to advance these Objectives.

5.2 Comply with the following Victorian Child Safe Standards:

- (a) Establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued.
- (b) Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- (c) Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.

- (d) Families and communities are informed and involved in promoting child safety and wellbeing.
- (e) Equity is upheld and diverse needs respected in policy and practice.
- (f) Staff and volunteers, families and committee members working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- (g) Processes for complaints and concerns are child-focused.
- (h) Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- (i) Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- (j) Implementation of the Child Safe Standards is regularly reviewed and improved.
- (k) Policies and procedures document how the organisation is safe for children and young people.

PART B - MEMBERSHIP

6. Application for Membership

- 6.1 A person who nominates for and is approved for membership as provided in these Rules is eligible to be a member of the Club on payment of the annual subscription payable under these rules
- 6.2 Membership Categories shall be:-
 - (a) "Wet" Member – any swimmer category
 - (b) "Dry" Member – Any member category not classified as a wet member
- 6.3 A nomination of a person for membership of the Club:
 - (a) Shall be made by using the on-line membership system offered by SV and completion of OOSC membership application forms as required
 - (b) Shall be accompanied by the appropriate annual subscription; and
 - (c) Shall be submitted by the applicant thereby acknowledging they are bound by the rules of the Club, SV, SAL and World Aquatics for the time being in force.
- 6.4 As soon as practicable after the receipt of the nomination the Secretary, or delegated representative, shall refer the nomination to the Committee

- 6.5 The Committee shall determine whether to approve or to reject the nomination, without having to give reasons.
- 6.6 Should the Committee reject the nomination; the nominee must be informed in writing of the Committee's decision, and the club annual subscription shall be refunded accordingly.
- 6.7 Swimming Victoria retains the right to decide whether to refund the Swimming Victoria membership.

7. Fee and Annual Subscription

- 7.1 The annual subscription shall be the amount set by the Committee each year and is due and payable at the beginning of each Swimming Year.
- 7.2 All Members will be forwarded a renewal notice and a request for payment of membership in subsequent years.
- 7.3 Any member who fails to pay his/her subscription, at the beginning of a new membership year, will have his/her name removed from the Registrar of Members.
- 7.4 A right, privilege or obligation of a person by reason of his/her membership of the club;
 - (a) Is not capable of being transferred or transmitted to another person; and
 - (b) Terminates upon cessation of his/her membership whether by death or resignation or otherwise.

8. Ceasing membership

- 8.1 The membership of a person ceases on resignation, expulsion or death.
- 8.2 If a person ceases to be a member of the Club, the Registrar/Enrolment Officer must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

9. Resigning as a Member

- 9.1 A Member of the Club who has paid all monies due and payable by a member of the Club may resign from the Club by giving one months' writing of his/her intention to resign.
- 9.2 A member may Transfer to another club during his/her currency of registration provided all obligations financial and otherwise have been discharged to the Club. The Member, shall make application on the SV membership system.
- 9.3 After meeting the conditions referred to in sub-rule [9.1 & 9.2]
 - (a) the member ceases to be a member; and
 - (b) The secretary must record in the register of members the date on which that member ceased to be a member

10. Register of Members

- 10.1 The Secretary or delegated representative is responsible for the maintenance of a register of members that includes:

For Current members:

- (a) the member's name
- (b) the address for notice last given by the member;
- (c) the email address last given by the member (if available);
- (d) the date of becoming a member;
- (e) if the member is an associate member, a note to that effect; and
- (f) any other information determined by the Committee.

For Former members:

- (a) the name of the person and the date on which the person ceased to be a member of the Club.

- 10.2 Any member may, at a reasonable time and free of charge, inspect the register of members. The register shall be available for inspection and copying by Committee members for the purposes of convening a special general meeting of the Club upon request unless prohibited by any relevant legislation.

- 10.3 All members must be registered with Swimming Victoria Inc. and Swimming Australia each year.

PART C - DISCIPLINARY PROCEDURES AND GRIEVANCES

11. Grievance

- 11.1 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.
- 11.2 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.

12. Grievance Officer

- 12.1 The Committee shall appoint a Club Grievance Officer at the beginning of each Swimming Season
- 12.2 The member shall contact, the Club Grievance Officer, who has been appointed by the Committee and advise that they have a grievance that they wish to discuss. The identity of the Club Grievance Officer will be communicated to all members of the Club in writing each year.

12.2 Where a grievance is to be submitted in writing it should be addressed clearly to the Club Grievance Officer and marked "Private and Confidential".

12.3 If the Club appointed Grievance Officer is unable to be unbiased against, or in favour of, the member concerned then the Committee shall appoint an alternate Grievance Officer without bias, specifically to hear the matter

13. Action by Grievance Officer

13.1 Where a grievance has been received by the Club Grievance Officer, he shall as soon as practicable, discuss the grievance with the aggrieved party. The Club Grievance Officer may take whatever steps and conduct whatever investigations necessary to determine whether a grievance is legitimate.

13.2 Where the Club Grievance Officer determines that the grievance is legitimate he shall take all necessary steps to resolve the grievance. He may recommend to the Committee what he considers an appropriate action.

13.3 Where the Club Grievance Officer determines that the grievance is not legitimate he shall advise the aggrieved party accordingly in writing. If the aggrieved party is not satisfied with the Club Grievance Officer's determination they may appeal to the Club Committee.

13.4 Where the Club Grievance Officer is unable to resolve a grievance or considers the grievance of a very serious nature, he shall report the grievance to the Secretary and/or the Committee.

13.5 All grievances received by the Club Grievance Officer, and all information surrounding the circumstances of a grievance which is discovered by the Club Grievance Officer on investigation shall be confidential and may only be communicated to the Secretary and/or the Committee.

14. Procedures by a Grievance Officer

14.1 In investigating a grievance and/or determining its legitimacy, the Club Grievance Officer shall observe the rules of natural justice and apply the procedures (if any) specified in the By-Laws.

15. Discipline of Members

15.1 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, a 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 SAL, or any other policy or rule of SAL; or any policy or rule of SV; or
- (v) committed an act of misconduct.

(b) The Members of the Hearings Tribunal

- (i) May be Committee members, members of the Club or anyone else; but
- (ii) Must not be biased against, or in favour of, the member concerned

15.2 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.

PART D - MEETINGS

16. Annual General Meeting

- 16.1 The Club shall in each calendar year convene an annual general meeting of its members.
- 16.2 The annual general meeting shall be held within 2 months of the end of the Financial Year. The actual date shall be determined by the Committee, prior to the 1st of June each year.
- 16.3 Written notification shall be provided to all members of the Club at least 21 days prior to the date of the annual general meeting setting out the agenda of the meeting.
- 16.4 The ordinary business of the annual general meeting shall be:
 - (a) apologies;
 - (b) to confirm the minutes of the last preceding annual general meeting;
 - (c) to confirm the minutes of any other general meetings held since the last preceding annual general meeting;
 - (d) to receive from the Committee a report on the activities of the Club during the last preceding financial year;
 - (e) to receive and consider an audited statement of the financial affairs of the Club during the preceding financial year;
 - (f) to elect the Officers of the Club, and the new Committee members to hold office until the next annual general meeting;

- (g) to consider and determine any proposed changes to the Constitution; and
- (h) to conduct any general business of which due notice has been given.

16.5 The annual general meeting is in addition to any other general meetings that may be held during the year.

17. General Meetings

17.1 All general meetings, other than the annual general meeting shall be called special general meetings.

18. Special General Meetings

18.1 The Committee may, if it thinks fit convene a special general meeting of the Club.

18.2 The Committee shall, on the requisition in writing of members representing not less than 20% of the total membership of the Club, convene a special general meeting of the Club. The special general meeting shall be held within 45 days of the date the requisition is received by the Secretary.

18.3 The requisition for a special general meeting shall state the objects of the meeting, shall be signed by the requisitioners and shall be delivered to the Secretary.

18.4 The same notice and method as is provided for the Annual General Meeting shall be given for Special General Meetings.

19. Voting at General Meetings

19.1 At any General Meeting:

- (a) Only current financial Senior Members are eligible to vote in person at a General Meeting
- (b) Proxy voting is not permitted at any General Meetings.
- (c) All votes shall be cast personally.
- (d) A member has one vote only
- (e) A vote shall be conducted by a show of hands or such other method as determined by the Chairperson. The result of the vote shall be declared by the Chairperson and shall be final.
- (f) In the case of an equality of votes on a question, the Chairperson is entitled to exercise a second or casting vote.

20. Proceedings at General Meetings

20.1 The quorum for General Meetings shall be at least 20% of the financial members of the Club who are eligible to vote at the Annual General Meeting.

- 20.2 Only current financial senior members who have attained the age of 18 years are eligible to vote in person at any General Meeting.
- 20.3 At General Meetings:
- (a) the President shall preside;
 - (b) in his absence the Vice President shall preside; or
 - (c) in the absence of both, the meeting shall appoint a Chairperson who is also an officer of the Club (ie Secretary or Treasurer).
- 20.4 If a quorum is not present within 30 minutes of the scheduled time for commencement of the meeting it shall be adjourned to the same time in the next week unless another place is specified by the Chairperson at the time of adjournment, at the same place. If a quorum is not attained within 30 minutes of the scheduled time for commencement the meeting shall lapse.

PART E - COMMITTEE

21. Committee

- 21.1 The affairs of the Club shall be managed by a Committee of Management constituted as provided in this clause.
- 21.2 The Committee:
- (a) shall control and manage the business and affairs of the Club
 - (b) may, subject to these Rules, the 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 these Rules, the Regulations and the Act, has power to perform all such acts as they deem essential for the proper management of the affairs of the Club.
 - (d) shall appoint a Public Officer to hold office in accordance with the Act.
 - (e) Shall appoint a Club Grievance Officer at the first meeting following the Annual General Meeting each year.
- 21.3 Employees of the club are not entitled to be nominated for or election to a position on the committee.
- 21.4 Any Committee member that obtains employment with the club during their term of office must resign their position on the Committee before commencing employment.
- 21.5 The Committee shall be comprised of at least five 5 members and must contain;
- (a) a President;
 - (b) a Secretary;

(c) Two (2) Treasurers;

(d) Purchasing Officer

Additional committee officers and roles will be determined on as needs basis as per club By-Laws.

21.6 Each officer of the Club shall hold office until the completion of the Annual General Meeting next held following their election or appointment. They shall be eligible for re-election.

21.7 In addition to the officers of the Club there shall be up to five (5) ordinary members of the Committee (General Committee Members) elected at the Annual General Meeting. Members shall hold office until the completion of the Annual General Meeting next held following their election or appointment. They shall be eligible for re-election.

21.8 In the event of a casual vacancy of any position on the Committee, whether caused by death, resignation or other cause, that position shall be filled by the Committee from the members of the Club.

21.9 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.

22. Election of Committee

22.1 The Chairperson may call for nominations at the Annual General Meeting for any position. Any such nominations must be made by a member, seconded by another member and accepted by the nominee. The Chairperson shall put the nomination to a vote.

23. Proceedings of the Committee

23.1 The Committee shall meet at least six (6) times in each year, at a place and time determined by the Committee.

23.2 The quorum for a Committee meeting shall be more than one half of the Committee membership and a minimum of one officer of the club shall be present.

23.3 If a quorum is not present within 30 minutes of the starting time for the meeting, the meeting shall be deferred for a week at the same place and time.

23.4 At meetings of the Committee:

(a) the President shall preside;

(b) in his absence the Vice President shall preside; or

(c) in the absence of both, the Committee shall appoint a Chairperson.

23.5 Each member of the Committee shall have one vote; in the event of a tie the Chairperson shall have a second or casting vote.

23.6 Notice of Committee meetings shall be given to each member of the Committee, in such form as the Committee determines.

23.7 The Committee may act on any matter, subject to sub-clause (2), notwithstanding the absence of any member or a vacancy on the Committee.

24. Secretary

24.1 The Secretary shall be responsible for keeping:

- (a) minutes of the resolutions and proceedings of all meetings, and
- (b) a record of the names of the members present at those meetings.

25. Treasurer

25.1 The Treasurer shall be responsible for:

- (a) collection of all monies due to the Club, and the making of all payments authorised by the Committee; and
- (b) keeping accurate accounts and books of the Club with full details of receipts and payments by the Club.

PART F - FINANCIAL MATTERS

26. Funds

26.1 The funds of the Club shall be derived from entrance fees, annual subscriptions, donations, squad training fees and any other sources that the Committee determines

PART G - GENERAL MATTERS

27. Custody of Records

27.1 Unless provided otherwise within these Rules, the Secretary shall keep in their custody and control all relevant documents and securities of the Club.

27.2 All relevant documents of the Club shall be available for inspection and copying by any member of the Club upon request having given reasonable notice.

27.3 A request for inspection may be refused by the Committee where it is unreasonable, or the Club is legally entitled or obliged to do so.

28. The Seal

28.1 The Club has elected not to use a Common Seal.

28.2 Any document that would have required the use of the Common Seal, shall be authorised by the Committee and shall be countersigned by two authorised members of the Committee.

29. Winding Up or Cancellation

- 29.1 The Club shall not be wound up unless a decision is taken at a General Meeting of which due notice has been given, and 75% of the financial members present, eligible to vote and voting have agreed to the proposal.
- 29.2 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.
- 29.3 Under no circumstances shall the assets of the Club be distributed amongst the membership of the Club.

30. Alteration of Rules and Statement of Purposes

- 30.1 This Constitution may only be amended at a General Meeting of the Club, where due notice of the proposed rule changes have been provided to the members.
- 30.2 To amend this Constitution a majority of 75% of the financial members present eligible to vote and voting in favour of the proposal is required.
- 30.3 Proposed amendments to this Constitution shall be approved by Swimming Victoria Inc before they are submitted to the Registrar as an authorised change to these Rules.

31. Acceptance of Authority

- 31.1 By signing the Application for Membership Form, the applicant acknowledges that they are bound by The Rules of the Club, Swimming Victoria Inc, Australian Swimming Inc and World Aquatics for the time being in force.