

MST Branch Constitution Amended 22 April 2020



# CONSTITUTION OF MASTERS SWIMMING TASMANIA

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# CONSTITUTION OF MASTERS SWIMMING TASMANIA

## 1 NAME OF ASSOCIATION

The name of the Association will be Masters Swimming Tasmania Incorporated, abbreviated in these rules to Masters Swimming Tasmania or 'MST'.

## 2 INTERPRETATION

“**The Act**” means the *Associations Incorporation Act* 1964 (Tas.).

“**Committee**” means the Branch Committee of Masters Swimming Tasmania.

“**Financial Year**” means the year ending on 31st December

“**Life Member**” means a person upon whom life membership is conferred in accordance with Rule 8(6)

“**Committee Meeting**” means a meeting of the Committee of Management of Masters Swimming Tasmania convened in accordance with Rule 15.

“**Ordinary Committee Person**” means a member of the Committee who is not an Officer of the MST but is a delegate of an affiliated Club.

“**The Regulations**” means regulations under the Act.

Words or expressions contained in these Rules will be interpreted in accordance with the provisions of the *Interpretation of Legislation Act* 1984 (Tasmania) as amended.

## 3 OBJECTS AND PURPOSES

3.1 The primary objects and purposes of MST are:

- (a) to encourage adults, regardless of age or ability, to swim regularly in order to promote fitness and improve their general health;

- (b) to co-ordinate the activities of individuals through clubs so that they may meet together for competition and social interaction at local, national and international levels;
- (c) to publish the results of these meetings so as to provide stimulus to others to take part in Masters Swimming activities and to measure their own performance against those of a similar age;
- (d) to initiate, promote and assist with research into the benefits derived from swimming and to publish the results of this research;
- (e) to develop accreditation of Masters swimming coaches and safe coaching practices; and
- (f) to train and develop administrators and officials.

3.2 Provided that such objects and purposes will not be so construed so that they are contrary to any provisions of the Act.

## 4 POWERS

In pursuance of its objects and purposes, the powers of MST will be deemed to include:

- (a) the purchasing, leasing, hiring or otherwise acquiring any real or personal property and the disposal of such property;
- (b) the buying, selling, supplying and dealing in goods of all kinds;
- (c) the opening and operating of banking accounts;
- (d) the borrowing or raising of money upon such terms and conditions as MST sees fit or as may be approved or directed by resolution passed at a General Meeting;
- (e) the accepting of any gift, whether subject to a special trust or not, for any one or more of the objects or purposes of MST;
- (f) the taking of such steps from time to time as the Branch Committee or the members in General Meeting may deem expedient for the purpose of procuring contributions to the funds of MST, whether by way of donations, subscriptions, or otherwise;

- (g) the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the Committee or the members in General Meeting may think desirable for the promotion of the objects and purposes of MST;
- (h) subject to the provisions of the *Trustee Act* 1898, the investment of money in any security in which trust moneys may be invested;
- (i) the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of sub-section (1) of Section 78 of the *Income Tax Assessment Act* 1936 as amended of the Commonwealth relates;
- (j) the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of MST or of any of the objects and purposes specified in the foregoing provisions of this sub-rule;
- (k) the adoption of a Code of Ethics or other By-Laws dealing with the conduct of members; and
- (l) the adoption of By-Laws dealing with matters relevant to the purposes of MST.

## 5 AFFILIATION OF CLUBS WITH MASTERS SWIMMING TASMANIA

- 5.1 Any Club may apply for affiliation with MST providing such details as the Committee requires are contained in the form, supplied by MST.
- 5.2 Upon the Committee approving the application for affiliation and the Club paying an affiliation fee set by MST, the Club will be affiliated with MST.
- 5.3 Each affiliated club will be bound by the Constitution and By-Laws of MST.

## 6 AFFILIATION WITH THE MASTERS SWIMMING AUSTRALIA

MST will affiliate each year with Masters Swimming Australia.

## 7 RELATIONSHIP TO MASTERS SWIMMING AUSTRALIA

- 7.1 Masters Swimming Tasmania, whilst it remains a member of the Masters Swimming Australia, will, unless such obligation is contrary to the Act or the Rules of MST:
- (a) observe, carry into effect and generally comply with the policy of Masters Swimming Australia;
  - (b) implement and carry into effect all resolutions of Masters Swimming Australia in so far as such resolutions require any act, matter or thing to be done or performed within Tasmania; and
  - (c) actively and with all due diligence, carry out and perform all such duties within Tasmania as may be vested in or delegated to it by resolution of Masters Swimming Australia.

## 8 MEMBERSHIP OF MASTERS SWIMMING TASMANIA

- 8.1 Membership is open to any person provided that:
- (a) the person has reached eighteen (18) years of age;
  - (b) the person is a member of a Club which is affiliated with MST; and
  - (c) the person wishes to participate in the activities, and further the objects and purposes of MST.
- 8.2 Membership of MST is acquired through joining an affiliated Club and paying the required fees using the approved registration system of Masters Swimming Australia.
- 8.3 An applicant must be accepted by a Club as a prospective member before being approved for membership by MST.
- 8.4 A right, privilege or obligation of a person by virtue of membership of MST:
- (a) is not capable of being transferred or transmitted to another person; and
  - (b) terminates upon the cessation of membership, whether by death, resignation or otherwise.

- 8.5 Masters Swimming Tasmania may confer the privilege of Life Membership in recognition of distinguished service or sustained excellence based on the following principles:
- (a) the person's contribution must be of sustained excellence to the furtherance of the ideals of MST;
  - (b) the person will normally have been a member of MST for at least 10 years;
  - (c) the nomination must come from at least two (2) Clubs and be endorsed by MST at an Annual General Meeting;
  - (d) any such nomination with a full history of service must be circulated to Clubs with the notice convening the Annual General Meeting; and
  - (e) no more than two (2) Life Members can be elected in any one year.
- 8.6 Life Members will be invited to such functions and activities as MST deems appropriate.
- 8.7 Life Members may attend General Meetings at their own expense, may have a voice, but are not eligible to vote.

## 9 ANNUAL AFFILIATION AND REGISTRATION FEES

- 9.1 The Club affiliation fee and individual registration fees will be set each year at the Annual General Meeting or at a Special General Meeting for the forthcoming financial year.
- 9.2 Clubs will pay the set affiliation fee by the 31st of January each year.

## 10 REGISTER OF MEMBERS

The Registrar will monitor the register of members and will provide a report of membership as required



## 11 RESIGNATION OF MEMBERS

Where a member has not paid their MST membership fee and for whom MST has not received a membership fee, their membership of MST lapses.

## 12 EXPULSION AND WITHDRAWAL OF AFFILIATED CLUBS

- 12.1 Subject to this rule, the Committee can expel a Club from MST or withdraw its affiliation if, in the opinion of the Committee, the Club has been guilty of conduct detrimental to the interests of MST.
- 12.2 The expulsion or withdrawal of affiliation of a Club pursuant to sub-rule (1) of this rule does not take effect:
- (a) until the expiration of fourteen days after the service on the Secretary of the Club of a notice under sub-rule (3) of this rule; or
  - (b) if the Club exercises its right of appeal under this rule, until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.
- 12.3 Where the Committee expels or withdraws affiliation of a Club from MST, the Secretary of MST will, without undue delay, cause to be served on the Secretary of the Club a notice in writing:
- (a) stating that the Committee has expelled or withdrawn affiliation of the Club;
  - (b) specifying the grounds for the expulsion or withdrawal; and
  - (c) informing the Secretary of the Club that if the Club so desires it can, within fourteen days after the service of the notice, appeal against the expulsion or withdrawal as provided in this rule.
- 12.4 A Club on whom a notice under sub-rule (3) of this rule is served may appeal against the expulsion or withdrawal to a Special General Meeting by delivering or sending by post to the Secretary of MST, within fourteen days after the service of that notice, a requisition in writing demanding the convening of such a meeting for the purpose of hearing its appeal.
- 12.5 Upon receipt of a requisition under sub-rule (4) of this rule, the Secretary will immediately notify the Committee of its receipt and the Committee will cause

a Special General Meeting of members to be held within twenty-one days after the date on which the requisition is received by the MST Secretary.

- 12.6 At a Special General Meeting convened for the purpose of this rule:
- (a) no business other than the question of the expulsion or withdrawal of affiliation will be transacted;
  - (b) the Committee can place before the meeting details of the grounds and the Committee's reasons for the expulsion or withdrawal of affiliation;
  - (c) the expelled or disaffiliated club will be given an opportunity to be heard;
  - (d) the members present will vote by secret ballot on the question whether the expulsion or withdrawal should be lifted or confirmed.
- 12.7 If at the Special General Meeting a majority of the members present vote in favour of the lifting of the expulsion or withdrawal, the expulsion or withdrawal will be deemed to have been lifted and the expelled or disaffiliated club is entitled to resume its affiliation with MSA.
- 12.8 If at the Special General Meeting a majority of the members present vote in favour of the confirmation of the expulsion or withdrawal, the expulsion or withdrawal takes effect, and the expelled or disaffiliated Club ceases to be an affiliated club of MSA.

## 13 AUDIT OF ACCOUNTS

- 13.1 Once in each financial year of MST, the accounts of MST will be examined by the auditor.
- 13.2 The auditor will certify as to the correctness of the accounts of MST and will report thereon to the members present at the Annual General Meeting.
- 13.3 In the auditor's report, and in certifying to the accounts, the auditor will state:
- (a) whether they have obtained the information required by them;
  - (b) whether, in their opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of MST according to the information at their disposal and the explanations given to them as shown by the records of MST; and

- (c) whether the rules relating to the administration of funds of MST have been observed.
- 13.4 The MST Treasurer will cause to be delivered to the auditor a list of all the accounts, books and records of MST.
- 13.5 The auditor:
  - (a) has a right of access to the accounts, books, records, vouchers, and documents of MST;
  - (b) can require from the servants of MST such information and explanations as may be necessary for the performance of the duties as auditor;
  - (c) can employ persons to assist them in investigating the accounts of MST; and
  - (d) can, in relation to the accounts of MST, examine any member of the Committee or any servant of MST.

## 14 ANNUAL GENERAL MEETING

- 14.1 Masters Swimming Tasmania will in each financial year hold an Annual General Meeting.
- 14.2 The Annual General Meeting will be held on such day as the Committee determines being not later than 3 months after the close of the financial year of MST.
- 14.3 The Annual General Meeting will be specified as such in the notice convening it.
- 14.4 The ordinary business of the Annual General Meeting will be:
  - (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting(s) held since that meeting;
  - (b) to receive written reports from the President, Recorder, Co-ordinator of Publicity and Publications, Co-ordinator of Coaching and Education, Co-ordinator of Safety and Health, Registrar, and National Board Delegate and each of the affiliated Clubs;
  - (c) receive and review the Treasurer's Report, comprising the audited financial statements for the preceding financial year and budget of revenue and expenses for the forthcoming year;

- (d) to elect and appoint the members of the Committee;
  - (e) to appoint the Auditor and the Public Officer.
- 14.5 The Annual General Meeting can transact special business of which notice is given in accordance with these Rules.
- 14.6 The Annual General Meeting will be in addition to any other Special General Meeting that will be held in the same year.
- 14.7 All General Meetings other than the Annual General Meeting will be called Special General Meetings.

## 15 SPECIAL GENERAL MEETINGS

- 15.1 The Committee can, whenever it thinks fit, convene a Special General Meeting of MST.
- 15.2 The Committee will, on the requisition in writing of not less than 2 clubs, convene a Special General Meeting of MST.
- 15.3 The requisition for a Special General Meeting will state the objects of the meeting and will be signed by the Secretary of the Clubs making the requisition and be sent to the address of the MST Secretary and may consist of several documents in a like form, each signed by one or more of the Club Secretaries making the requisition.
- 15.4 If the Committee does not cause a Special General Meeting to be held within one month after the date on which the requisition is sent to the address of the MST Secretary, the Clubs making the requisition, or any of them, may convene a Special General Meeting to be held not later than 3 months after that date.
- 15.5 A Special General Meeting convened by the Clubs in pursuance of these rules will be convened in the same manner as nearly as possible as that in which Management Meetings are convened by the Committee and all reasonable expenses incurred in convening the meeting will be refunded by MST to the Clubs incurring the expenses.

## 16 NOTICE OF MEETINGS

- 16.1 The MST Secretary will, at least 14 days before the date fixed for the holding of a General Meeting cause to be sent to all Clubs, and Committee members a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 16.2 Notice for the Annual General Meeting will be placed on the MST website , at least 21 days before the date fixed for the holding of the Annual General Meeting, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- 16.3 No business other than that set out in the notice convening the Annual General Meeting or Special General Meeting will be transacted at the meeting.
- 16.4 Any Club or Committee member desiring to bring any business before an Annual General Meeting or Special General Meeting will give notice of that business in writing to the MST Secretary, who will include that business in the notice calling the next Annual General Meeting or Special General Meeting after the receipt of that notice.
- 16.5 The MST Secretary will at least 14 days before the date fixed for the holding of a Branch Committee Meeting cause to be sent to all Committee members a notice stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

## 17 BUSINESS AND QUORUM AT MEETINGS

- 17.1 All business that is transacted at Special General Meetings and that is transacted at the Annual General Meeting, with the exception of that specially referred to in these Rules as being the ordinary business of the Annual General Meeting, will be deemed to be special business.
- 17.2 No item of business will be transacted at a Special General Meeting or Annual General Meeting unless a quorum of persons entitled under these rules to vote is present during the time when the meeting is considering that item.
- 17.3 A quorum for the transaction of the business of a General Meeting will comprise at least three (3) elected officers of MST and one (1) delegate from at least three (3) of the Affiliated Clubs.
- 17.4 If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting, if convened upon the request of Clubs, will be dissolved; and in any other case it will stand

adjourned to the same day in the next week, at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting may proceed or if those present resolve, it may be dissolved in the absence of a quorum.

- 17.5 No item of business can be transacted at a Committee Meeting unless a quorum entitled under these Rules is present during the time the meeting is considering this item.

## 18 PRESIDENT TO PRESIDE AT GENERAL MEETINGS

- 18.1 The President, or in the President's absence, such one of the remaining members of MST as may be chosen by the members present, will preside as Chairperson at each MST General Meeting.

## 19 ADJOURNMENT OF GENERAL MEETINGS

- 19.1 The Chairperson of a General Meeting at which a quorum is present can, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 19.2 Where a meeting is adjourned for fourteen days or more, the like notice of the adjourned meeting will be given as in the case of the General Meeting at least ten days before the date fixed for the holding of an adjourned meeting.
- 19.3 Except as provided in the foregoing provisions of this rule, it is not necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

## 20 DETERMINATION OF QUESTIONS ARISING AT GENERAL MEETINGS

A question arising at an MST General Meeting will be determined on a show of hands and unless before or on the declaration of the result of the show of

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

## 21 VOTES

- 21.1 Persons entitled to vote at any General Meeting or Committee Meeting are the elected Officers of MST and Ordinary Committee persons. Each affiliated Club is entitled to 2 Ordinary Committee persons and hence 2 votes at any meeting.
- 21.2 Upon any question arising at a General Meeting or Committee Meeting, a person entitled to vote has one vote only.
- 21.3 All votes shall be given personally.
- 21.4 In the case of an equality of voting on a question the Chairperson of the meeting is entitled to exercise a second or casting vote.

## 22 TAKING OF POLL

If at a meeting a poll on any question is demanded, it will be taken at that meeting in such manner as the Chairperson may direct, and the resolution of the poll will be deemed to be a resolution of the meeting as the Chairperson may direct.

## 23 WHEN POLL TO BE TAKEN

- 23.1 A poll that is demanded on the election of a Chairperson, or on a question of adjournment, will be taken immediately, and a poll that is demanded on any other question will be taken at such time before the close of the meeting as the Chairperson may direct.
- 23.2 Only voting members are entitled to vote at any General Meeting.

## 24 OFFICERS OF THE MASTERS SWIMMING TASMANIA

- 24.1 The affairs of MST will be managed by a Committee of Management.
- 24.2 The Committee:
- (a) will control and manage the business and affairs of MST;
  - (b) can, subject to these rules, exercise all such powers and functions as can be exercised by MST, other than those powers and functions that are required by these rules to be exercised by General Meetings of MST members; and
  - (c) subject to the Act and these rules, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of MST.
- 24.3 Any Code of Ethics or By-Laws made by the Committee will have immediate force and effect when approved by the Committee.
- 24.4 Any Code of Ethics or By-Laws made by the Masters Swimming Australia will have paramount force and effect over any Code of Ethics or By- Laws of MST.
- 24.5 The Committee will consist of:
- (a) MST Officers, both elected and appointed; and
  - (b) two (2) delegates from each affiliated Club or their alternate(s).
- 24.6 The Officers of MST will be
- (a) a President;
  - (b) a Secretary;
  - (c) a Treasurer;
  - (d) a Recorder;
  - (e) a Coordinator of Coaching and Education; and
  - (f) a Coordinator of Safety and Health.



who will be elected at the MST Annual General Meeting in each year and will hold office until the next Annual General Meeting.

24.7 The Officers of MST will further consist of:

- (a) a Registrar;
- (b) a Co-ordinator of Publicity and Publications
- (c) a Delegate to Masters Swimming Australia meetings

who will be nominated by the elected Officers of MST at the Annual General Meeting in each year and will hold office until the next Annual General Meeting.

24.8 Each MST Officer will be eligible for re-election and re-appointment at the Annual General Meeting next after the date of their election.

24.9 The President, Secretary and Treasurer will each retire from office upon the expiration of a four (4) year consecutive term, but any of them will be eligible for re-election upon one (1) year's absence from that office.

24.10 In the event of a casual vacancy occurring in the office of an MST Officer the Committee can appoint one of its members to the vacant office, and the member so appointed can continue in office until the next Annual General Meeting.

24.11 In the event of a casual vacancy occurring in the office of an Ordinary Committee person a new member is to be delegated by the affiliated Club from which the vacating member was previously delegated to fill that position, and the member so delegated can continue in office until the next Annual General Meeting.

## 25 DUTIES OF OFFICERS OF MASTERS SWIMMING TASMANIA

25.1 The President will:

- (a) preside at all meetings at which he/she is present;
- (b) uphold the Rules of MST, the Regulations, any Code of Ethics and By-Laws and the Act;
- (c) guide all other officers in the Committee of their duties; and
- (d) represent MST at official functions when available.

- (e) be the official spokesperson of MST;

25.2 The Secretary will:

- (a) be responsible for the day-to-day management and administration of MST;
- (b) advise Committee members of the date, time, place and agenda of approaching meetings;
- (c) keep the Minutes of meetings or delegate this function to a Minute Secretary;
- (d) circulate copies of the Minutes of meetings and reports received to Committee members no less than five working days before the approaching meeting;
- (e) conduct the correspondence of MST except when this is made the responsibility of other Officers;
- (f) make copies of correspondence available to Committee member;
- (g) compile and produce the MST Annual Report;
- (h) call for club affiliation details and fees;
- (i) generally contribute to the decision making process on administrative and related matters.

25.3 The Treasurer will:

- (a) conduct the receipts and payments of MST through a bank account or accounts;
- (b) ensure that receipts are issued for all money received and that copies are kept of those receipts;
- (c) bank money received promptly;
- (d) present accounts payable to the Committee for its approval at its regular meetings;
- (e) produce all books, accounts and vouchers to the Committee when requested;

- (f) not be liable for any default on the part of any Officer of an MST, Committee member or sub-Committee member;
- (g) not be liable for any money except that which they actually receive personally;
- (h) keep correct accounts or books of MST's receipts, payments, assets and liabilities;
- (i) prepare and present duly audited accounts of MST revenues and expenses during the financial year, and a balance sheet as at the end of the financial year, for inclusion in the Annual Report;
- (j) prepare a budget of income and expenditure for approval at each Annual General Meeting; and
- (k) generally contribute to the decision making process on financial and related matters.

25.4 The Recorder will:

- (a) keep all records pertaining to swimming events held by MST and/or forwarded by affiliated clubs;
- (b) keep, maintain and update Tasmanian long and short course records;
- (c) keep, maintain, update and publish swim meet for inclusion in-national Top Ten results; and
- (d) provide a report for inclusion in the Annual Report

25.5 The Co-ordinator of Coaching and Education will:

- (a) establish, assist and educate coaches in all affiliated clubs in implementing programs for their members;
- (b) organise and implement coaching courses and seminars;
- (c) regularly distribute information to club coaches;
- (d) represent club coaches on the Committee;
- (e) regularly contribute to the MST newsletter;
- (f) provide a report for inclusion in the Annual Report; and,

- (g) Generally contribute to the decision-making process on coaching and related matters.

25.6 The Co-ordinator of Publicity and Publications will:

- (a) be responsible for increasing the membership of MST;
- (b) be responsible for establishing new clubs;
- (c) promote MST to the media and sponsors;
- (d) co-ordinate the publicity and public relation functions of MST;
- (e) seek favourable promotion MST's objectives and meet results in the media;
- (f) seek the approval of the President (or in their absence, the Secretary) before making, issuing or releasing media statements on behalf of MST;
- (g) be responsible for the production and distribution of, and the advertising in MST's newsletter, or can delegate any or all of these functions to a newsletter editor;
- (h) provide a report for inclusion in the Annual Report; and
- (i) generally contribute to the decision making process on marketing and related matters.

25.7 The Registrar will:

- (a) monitor the register of members;
- (b) provide reports of membership as required
- (c) provide details of fees to the Masters Swimming Australia;
- (d) provide a report for inclusion in the Annual Report; and
- (e) generally contribute to the decision making process on membership and related matters.

25.8 The Co-ordinator of Safety and Health will:

- (a) implement the national safety code of conduct of swimmers;
- (b) regularly liaise with Club Safety Officers as to the safety and first aid facilities available at their pools;
- (c) encourage and assist swimmers in obtaining life-saving awards and CPR Certificate;
- (d) Report incidents using the national forms;
- (e) ensure that Club Safety Officers maintain an up-to-date emergency contact list of Club members;
- (f) provide advice and implement guidelines of safety of conduct for swim meets and open water events.

25.9 The Delegate to Masters Swimming Australia will:

- (a) attend and represent MST at General Meetings, including Annual General Meetings;
- (b) vote at meetings in a manner to reflect MST's policies or views;
- (c) in any debate at such meetings, support MST's policies and views; and
- (d) present to the Committee a written Delegate's Report on each Masters Swimming Australia meeting attended.

## 26 ELECTION AND APPOINTMENT OF OFFICERS

26.1 Nominations for candidates for election as Officers of MST:

- (a) will be made in writing signed by two MST members and accompanied by the written consent of the candidate;
- (b) will be delivered to the MST Secretary not less than seven (7) days before the date fixed for the Annual General Meeting; and
- (c) will specify the position being nominated for.

26.2 If insufficient nominations are received to fill all vacancies for elected officers the candidates nominated will be deemed to be elected and further nominations will be received at the Annual General Meeting for the vacant positions.

- 26.3 If the number of received nominations for officers to be elected is equal to the number of vacancies to be filled, the persons nominated will be deemed to be elected.
- 26.4 If the number of nominations exceeds the number of vacancies to be filled, a ballot will be held.
- 26.5 The ballot for the election of members of the Committee will be conducted at the Annual General Meeting in such usual and proper manner as the Committee may direct.

## 27 VACATION OF OFFICE

For the purpose of these Rules, the office of an MST Officer or Ordinary Committee person becomes vacant if the Officer or member:

- (a) ceases to be an MST member;
- (b) becomes bankrupt or applies to take or takes advantage of any laws relating to bankrupt or insolvent debtors or compounds with his creditors, or makes any assignment of his estate for their benefit;
- (c) resigns their office by notice in writing given to the Secretary;
- (d) dies;
- (e) becomes of unsound mind;
- (f) fails, without leave granted by the Committee, to attend three (3) Consecutive meetings of the Committee; or
- (g) if the Club of which the Committee Officer or Ordinary member is a club member, fails to renew the Club affiliation fee by the due date.

## 28 MANAGEMENT MEETINGS OF THE COMMITTEE AND SUB-COMMITTEES OF MASTERS SWIMMING TASMANIA

- 28.1 The Committee will meet at least three (3) times in each year at such place and at such times as the Committee may determine.
- 28.2 The Committee will appoint a Meet Director for each of the Championships which it sanctions or organises after receiving nominations from the affiliated Clubs.
- 28.3 At Committee Meetings:-
- (a) the President; or
  - (b) in the President's absence, such one of the remaining members of the Committee as may be chosen by the members present, will preside.
- 28.4 Questions arising at Committee Meetings or of any sub-Committee appointed by the Committee will be determined on a show of hands or, if demanded by a member, by a poll taken in such manner as the person presiding at the meeting will determine.

## 29 SUB-COMMITTEES

- 29.1 The Committee can at any time appoint a sub-Committee from the Committee as it may think fit and will prescribe the powers and functions of the sub-Committee.
- 29.2 The Committee can co-opt as members of a sub-Committee such persons as it thinks fit, whether or not those persons are members of MST, but a person so co-opted is not entitled to vote.
- 29.3 Three appointed members of a sub-Committee or two thirds of its membership, whichever is the greater, will constitute a quorum at a meeting of the sub-Committee.
- 29.4 The President, the Treasurer and the Secretary will constitute an Executive sub-committee to deal with the day-to-day matters and matters of urgency during intervals between Committee Meetings and will report on their actions and have their actions ratified at each Committee Meeting.

## 30 DISCLOSURE OF INTEREST IN CONTRACTS, ETC.

- 30.1 A member of the Committee who is interested in any contract or arrangement made or proposed to be made with MST will disclose their interest at the first Committee Meeting at which the contract or arrangement is first taken into consideration, if their interest then exists, or, in any other case, at the first Committee Meeting after the acquisition of their interest.
- 30.2 If a member of the Committee becomes interested in a contract or arrangement after it is made or entered into they will disclose their interest at the first Committee Meeting after they became so interested.
- 30.3 No member of the Committee will vote as a member of the Committee in respect of any contract or arrangement in which they are interested and if they do so vote their vote will not be counted.

## 31 NOTICES

A notice can be served by or on behalf of MST upon any member either personally or by sending it by post to the member at their address shown in the register of members.

## 32 INCOME AND PROPERTY OF THE MASTERS SWIMMING TASMANIA

The assets and income of MST will be applied solely in furtherance of the objects and purposes of MST and no portion will be distributed directly or indirectly to MST members except as bona fide compensation for services rendered or expenses incurred on behalf of MST.

## 33 WINDING-UP OR CANCELLATION

- 33.1 In the event of the winding-up or cancellation of MST, no member will be liable to contribute towards payment of any debts or liabilities of MST or the costs, charges and expenses of the winding-up.
- 33.2 Upon the winding-up or cancellation of MST, any monies and assets which remain after the satisfaction of all debts, liabilities and obligations and any property whatsoever of MST will be disbursed to Masters Swimming



Australia (Inc.) which is a non-profit organisation and is exempt from income tax under section 23 of the *Income Tax Assessment Act 1936* (Cth.).

## 34 DISPUTES

- 34.1 Subject to this rule, a dispute between a member of MST in their capacity as a member, and MST will be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*, as amended.
- 34.2 Nothing in this rule affects the operation of the rule relating to the expulsion or withdrawal of affiliation of clubs.

## 35 ALTERATION OF RULES

MST in General Meeting may by special resolution alter, amend or add to the Rules of MST.

## 36 SEAL OF MASTERS SWIMMING TASMANIA

- 36.1 The Common Seal of MST will be kept in the custody of the Secretary.
- 36.2 The Common Seal will not be affixed to any instrument except by the authority of the Committee and the affixing of the Common Seal will be attested by the signatures of two Committee members.

## 37 CODE OF ETHICS AND BY-LAWS

Subject to these Rules, all members will be bound by and will comply with any Code of Ethics or By-Laws of MST and of Masters Swimming Australia.