

THE CONSTITUTION
of
THE LEVEN SCUBA CLUB Inc.

1. NAME:

The name of the Club is

"THE LEVEN SCUBA CLUB Inc."

hereinafter called **"THE CLUB"**

2. OBJECTS:

The objectives of the Club are to promote, advance and foster recreational diving by:

2.1 Practising and encouraging safe diving.

2.2 Conservation and enhancement of the marine eco system.

3. POWERS OF THE CLUB:

3.1 To acquire, hold, deal with and dispose of any real or personal property;

3.2 To open and operate bank accounts;

3.3 To invest the Clubs money:

(1) In any security in which trust moneys may be invested; or

(2) In any other manner authorised by the rules of the Club

3.4 To borrow money upon such terms as the Club thinks fit;

3.5 To give such security for the discharge of liabilities incurred by the Club as the Club thinks fit;

3.6 To appoint agents to transact any business of the Club on its behalf:

3.7 To enter into any other contract the Club considers necessary or desirable.

4. MEMBERSHIP:

- 4.1 Membership shall be open to any person who wishes to further the interests of the Club and recreational Diving;

- 4.2 **Nominations**
 - 4.2.1 Any person seeking membership shall be nominated to the Committee, and the Committee shall determine whether the application is successful or not. Applicants denied membership shall be advised in writing.

 - 4.2.2 **Nominations for membership:**
 - 4.2.2.1 Shall be made in writing and signed by one member of the Club.

 - 4.2.2.2 Shall be accompanied by the written consent of the person nominated (Which may be endorsed on the form of nomination)
and

 - 4.2.2.3 As soon as is practicable after receipt of a nomination, the Secretary shall refer the nomination to the Committee

- 4.3 **Each person admitted to membership shall be;**
 - 4.3.1 Bound by the constitution and by-laws of the Club;

 - 4.3.2 Come liable for such fees and subscriptions as may be fixed by the Club;

 - 4.3.3 Entitled to all advantages and privileges of membership;

 - 4.3.4 Accept that the Club cannot be held responsible for any loss or damage to member's equipment or injury to members incurred at any of the Clubs functions and will, if called upon to do so by the Secretary, sign an indemnity declaration in whatever form determined by the Club.

- 4.4 **MEMBERSHIP CATEGORIES:**
 - 4.4.1 **FULL MEMBER**
Any Certified Diver who is a financial member of the Club is entitled to hold any office and enjoy the privileges of the Club plus free tank fills

- 4.4.2 **STANDARD MEMBER**
Shall receive all benefits of Membership but will have to pay a nominal price for tank fills.
- 4.4.3 **FAMILY MEMBER**
May consist of any combination of immediate family
- 4.4.4 **SOCIAL MEMBER**
Persons other than ordinary members who are interested in promoting the Club, but who do not wish to participate in the diving activities of the Club may become a Social Member;
- 4.4.5 **JUNIOR MEMBER**
Any Certified Diver under the age of 18 years may become a Junior Member. Such shall have no voting rights nor be entitled to hold any office;
- 4.4.6 **LIFE MEMBERSHIP**
Any member who has given outstanding service to the Club may be elected by the Committee as a Life Member. Any member may nominate a person to the Committee for consideration for Life Membership;
- 4.4.7 **PATRON**
The Cub may, at its discretion elect a Patron or Vice Patron of the Club for such period as may be deemed necessary. Such Patron or Vice Patron shall not be eligible to vote unless they are current members of the Club under another category of membership;
- 4.5 The Committee shall appoint a member of the committee to maintain an up to date register of members of the Club;
- 4.6 A member may at any reasonable time inspect the records and documents of the Club:

5. TERMINATION OF MEMBERSHIP:

- 5.1 The Committee may terminate any persons membership by any one the following events;
 - 5.1.1 Resignation:
 - 5.1.2 False or inaccurate statements in the member's application for membership of the Club:
 - 5.1.3 Breach of any rule, regulation or By-law of the Club:
 - 5.1.4 Committing any act detrimental to the Club:

5.1.5 Becoming unfinancial:

- 5.2 The Committee shall have the power to suspend any member of the Club for any of the events listed in Item 5.1 above;
- 5.3 Any member who is expelled, suspended or has their membership terminated shall have the right to appeal, within fourteen [14] days in writing to the Secretary, against their suspension or expulsion by presenting their case to a General Meeting called for such purpose, and the decision of the General Meeting shall be final;

6. COMMITTEE:

- NB** (1) Committee persons are sometimes referred to as Office Bearers.
- (2) The main Office Bearers (i.e. President, Vice President, Secretary and Treasurer) are often referred to as The Executive.

- 6.1 Management of the Club shall be vested in the Committee elected by the members at the Annual General Meeting and consisting of:
- 6.1.1 President
 - 6.1.2 Vice President
 - 6.1.3 Secretary
 - 6.1.4 Treasurer
 - 6.1.5 Editor
 - 6.1.6 Assistant Editor
 - 6.1.7 Property Officer
 - 6.1.8 Three (3) Committee members
- 6.2 No person shall hold more than one position on the Committee at any one time. A person shall cease to be a member of the Committee at the conclusion of the Annual General Meeting next following his / her election and will be eligible for re-election.
- 6.3 A quorum of the Committee shall be a half plus one.
- 6.4 If the President or Vice President is unable to attend, then a Chairperson nominated by that meeting shall Chair that meeting.
- 6.5 A member of the Committee may lose their seat on the committee for either of the following:
- (1) Absence from three or more meetings without leave of absence;
 - (2) Found not to be a financial member.
- 6.6 The term of office of any Executive Member (i.e. President, Secretary and Treasurer) shall not exceed three consecutive terms:

7. POWERS OF THE COMMITTEE:

- 7.1 The Committee shall carry out the day to day running of the Club and shall have the power to:
 - 7.1.1 Administer the finances, appoint bankers and direct the opening of banking accounts for specific purposes and to transfer funds from one account to another and to close any such account;
 - 7.1.2 Fix the manner in which such banking accounts shall be operated upon, providing all payments are passed by the Committee;
 - 7.1.3 Decide such levies, fines and charges as is deemed necessary and advisable and to enforce payment thereof;
 - 7.1.4 Adjudicate on all matters brought before it which in any way may affect the Club;
 - 7.1.5 Cause minutes to be made of all proceedings at meetings of the Committee and General Meetings of members;
 - 7.1.6 Make, amend and rescind rulings and By-laws;
 - 7.1.7 Have the power to form and appoint any Sub Committee/s as required for specific purposes;
 - 7.1.8 May at their discretion employ a person or persons to carry out certain duties required by the Club at salaries or remunerations for such period of time as may be deemed necessary;
 - 7.1.8 Should a vacancy occur on the Committee during the season, the Committee shall appoint a successor until the next Annual General Meeting;
 - 7.1.10 Appoint officer/s or agent/s of the Committee to have custody of the Clubs records, documents and other securities.

8. AUDITOR:

- 8.1 The Annual General Meeting shall elect or appoint an Auditor or Auditors;
- 8.2 If an appointment is not made at any Annual General Meeting the Committee shall appoint an Auditor of the Club for the then current financial year of the Club.

- 8.3 The Auditor/s shall examine and audit all the books and accounts of the Club annually and have the power to call for all books, papers, accounts, receipts etc. of the Club and report thereon to the Annual General Meeting;

9. MEETINGS:

9.1 Annual General Meeting

- 9.1.1 The Annual General Meeting of the Club must be held within three (3) months of the end of the Clubs financial year;
- 9.1.2 The Secretary shall give at least fourteen (14) days notice of the date of the Annual General Meeting, to members;
- 9.1.3 All financial members may attend the Annual General Meeting;
- 9.1.4 The quorum of the Annual General Meeting shall be a minimum of Eight (8) members. If at the end of 30 minutes after the time appointed in the notice for the opening of the meeting there be no quorum the meeting shall stand and adjourn for one week. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting;
- 9.1.5 The agenda for the Annual General Meeting shall be:-
- (1) Opening the meeting
 - (2) Apologies
 - (3) Confirmation of the Minutes of the previous Annual General Meeting
 - (4) Presentation of the Annual Report
 - (5) Adoption of the Annual Report
 - (6) Presentation of the Treasurer's Statement
 - (7) Election of the new Executive and appointment of the Auditor
 - (8) Vote of thanks to the outgoing Executive
 - (9) Determination of Annual Membership Fee/s
 - (10) Set the amount of petty cash
 - (11) Set hire rates for equipment
 - (12) Determination of General Meetings
 - (13) Notice/s of motion
 - (14) Urgent general business
 - (15) Closure

9.2 General Meetings

- 9.2.1 General Meetings Shall be held monthly
- 9.2.2 Members of all categories shall be entitled to attend and with the exception of Junior Members, shall be entitled to vote and put forward motions:
- 9.2.3 A quorum for a General meeting shall be Five (5) which will include Three (3) Committee Members

9.3 Special General Meetings

- 9.3.1 Special General Meetings may be called by the Committee or at the request of the President and Secretary or on the written request of five (5) members of The Club
- 9.3.2 The Secretary shall give at least seven(7) days notice in writing, of the date of the special General Meeting to the members. Notice of Special General Meetings shall set out clearly the business for which the meeting has been called. No other business shall be dealt with at that meeting.
- 9.3.3 A quorum for a Special General meeting shall be Five (5) which will include Three (3) Committee Members

10. VOTING:

- 10.1 Voting powers at the Annual General Meeting and General Meetings.
 - 10.1.1 The President shall be entitled to a casting vote only
 - 10.1.2 Every financial member present (Except Juniors) shall be entitled to one (1) vote
- 10.2 Voting powers at Committee Meetings;
 - 10.2.1 The President shall be entitled to a casting vote only
 - 10.2.2 Every Committee Member present shall be entitled to one (1) vote

11. FINANCE:

- 11.1 All funds of the Club shall be deposited into the Club's accounts at such bank or recognised financial institution as the Committee may determine.
- 11.2 All accounts due by the Club shall be payed by cheque after having been passed for payment at a General or Committee Meeting and when immediate payment is necessary, account/s shall be payed and the action endorsed at the next General / Committee Meeting
- 11.3 The Secretary shall not spend more than a set amount of Petty Cash without the consent of the Committee and shall keep a record of such expenditure in a Petty Cash Book.
- 11.4 A statement showing the financial position of the Club shall be tabled at each General / Committee Meeting by the Treasurer.
- 11.5 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual General Meeting. The Auditor's Report shall be attached to such financial report
- 11.6 The financial year of the Club shall commence on the 1st April of each year. The accounts, books and all financial records of the Club shall be audited each year.
- 11.7 The signatories to the Clubs account/s will be any two (2) of the following
 - (1) President
 - (2) Vice President
 - (3) Secretary
 - (4) Treasurer
- 11.8 All property and income of the Club will apply solely to the promotion of the objects of the Club and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to members, except in good faith in the promotion of these objects

12. COMMON SEAL:

(A rubber stamp on which is engraved the clubs name)

The common Seal of the Club shall be kept in the care of the Secretary. The seal shall not be used or affixed to any deed or other document except pursuant to a resolution of the Management Committee and in the presence of at least the President and two (2) of the Committee, both of whom shall subscribe their name as witnesses.

13. ALTERATIONS TO THE CONSTITUTION AND BY-LAWS:

- 13.1 No alterations, (repeal or addition), shall be made to the constitution except at the Annual General Meeting, or a General Meeting called for that purpose and notice of all motions to alter, repeal or add to the constitution shall be given to members fourteen (14) days prior to the Annual General Meeting, or seven (7) days prior to a General Meeting called for such purpose.
- 13.2 The Secretary shall forward such notices of motion to each Committee Member at least fourteen (14) days prior to the Annual General Meeting or seven (7) days prior to a General Meeting.
- 13.3 Alterations to the By-laws can only be made at Committee Meetings provided notice of the proposed alteration/s have been duly notified to Committee Members.
- 13.4 Such motions or any part thereof shall be of no effect unless passed by a seventy five percent (75%) majority (Special Resolution) of those present and entitled to vote at the Annual General Meeting, General Meeting or Committee Meeting, as the case may be.

14. DISSOLUTION:

- 14.1 In the event of the Club being wound up -
 - (A) Every member of the Club. **And**
 - (B) Every person, who within the period of twelve months immediately preceding the commencement of winding up, was a member of the Club,

Is liable to contribute to the assets of the Club for payment of the debts or liabilities of the Club and for the costs, charges and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, (not exceeding the annual subscription) as applicable for that member as may be required, but a former member is not liable to contribute in respect of any debt or liability of the Club after he ceases to be a member
- 14.2 If, on the winding up of the Club, any property of the Club remains after satisfaction of the debts and liabilities of the Club and the costs, charges and expenses of that winding up, that property shall be distributed as determined by the Club members.

SIGNED,

_____ (President)

_____ (Vice President)

_____ (Secretary)

_____ (Treasurer)

This day Thursday 7/3/2002

BY-LAWS **OF** **THE LEVEN SCUBA CLUB**

1 Club Dives;

- 1.1 A Club Dive shall be any dive which is held as a result of Forward Programming, or arranged at short notice by financial Club Member as a group activity. (2 members or more)
- 1.2 Each person shall supply his or her own personal safety equipment (Life jackets etc.)
- 1.3 Divers shall abide by current recognized safe diving practices applicable to their level of training and experience.

2 Compressors;

- 2.1 Shall only be used by trained personal.
- 2.2 The portable club compressor shall be available to go on all out of area club dives and such other dives as The Club deems fit.
- 2.3 The compressors shall be kept in such a place as The Club decides.

3 Hire Equipment;

- 3.1 The Club shall appoint a Property Officer who is empowered to hire out on behalf of the club, equipment to financial club members.
- 3.2 The Property Officer is to keep records of all equipment hired.
- 3.3 Hirers of club equipment shall be liable for any damage to equipment hired.