

**Special Resolution dated 22<sup>nd</sup> September, 2015 for the City Beach Water Polo Club Inc to Affiliate with the University of Western Australia to become a University Sporting Club by amending the Rules of Association as shown in strike through text and red text amendments in this document.**



**Rules of Association for  
~~City Beach~~ UWA City Beach Water Polo Club (Inc)**



THE UNIVERSITY OF  
WESTERN AUSTRALIA



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## Rules of Association

### 1 Name, Colours & Mascot

#### 1.1 Name

The name of the Club is '~~City Beach Water Polo Club Inc~~ **UWA City Beach Water Polo Club Incorporated**.

1.1.1 ~~At the commencement of season 2018.19 the name of the club will be University of Western Australia Water Polo Club Incorporated.~~

#### 1.2 Club colours

The official colours of the Club are ~~red, black and white~~ **dark green (pantone 347), navy blue (pantone 286) and gold (pantone 109).**

#### 1.3 Mascot

The mascot of the Club is the Polar Bear.

### 2 Definitions

2.1 In these Rules unless the context otherwise requires:

**Act** means the Associations Incorporation Act 1987 (WA) as amended;

**Club** means the ~~City Beach~~ **UWA City Beach** Water Polo Club Inc;

**Committee** means the Committee of the Club;

**FINA** means Federation International de Nationale Amateur;

**Financial Member** means a member whose subscriptions have been paid;

**General Meeting** means a general meeting of the Club and includes the Annual General Meeting and a Special General Meeting;

**Junior Member** means a person under the age of 18 years who participates in competition for the Club.

**Senior Player** means a person over the age of 18 years who participates in competition for the Club.

**Senior Member** means a current committee member, or a person who has played at least 150 games for the club and is no longer playing water polo, or has been a committee member for at least five cumulative.

**Social Member** means a person who is not a playing member who has paid their annual subscription fees.

**Sponsor Member** means a person who provides financial or other support or sponsorship to the Club.

**Rules** means these Rules of Association of the Club;

**Senate** means the University's governing body, empowered with the authority to make statutes, regulations and by-laws as initiated from time to time;

**Sports Council** means the student council representing the University's sporting clubs;

**State** means the State of Western Australia;

**Subscription** means the fee payable annually for each category of membership;

**Unfinancial** means, in relation to a member of the Club, a member who has not paid the annual membership subscription within one month of the due date for payment;

**University** means the University of Western Australia;

**UWA Sports** means UWA Sports Pty Ltd the controlling sporting body of the University;

**WPA** means Water Polo Australia Limited;

**WPWA** means Water Polo Western Australian Incorporated.

### **3 Objects**

3.1 The objects of the Club are:

- 1.3.1 to promote and develop the sport of water polo;
- 1.3.2 to affiliate and co-operate with WPWA and abide by its Rules and By-laws;
- 1.3.3 to affiliate with UWA Sport or the controlling sporting body of the University;
- 1.3.4 to promote and develop elite level competition.
- 1.3.5 to foster and encourage a culture within the Club of fair play and good sportsmanship;
- 1.3.6 to promote and develop social interaction amongst members, players and supporters;
- 1.3.7 to promote water polo as a spectator sport,
- 1.3.8 To provide for the adequate representation of the Club in all Interfaculty and Intervarsity activities and the activities of water polo,

1.3.9 To promote the playing of Intervarsity and Interfaculty water polo,

1.3.10 To encourage and promote co-operation between the club and other affiliated societies representative of interests of the University.

## **4 Powers**

4.1 For the purpose of achieving or furthering the objects set out in clause 0, the Club shall, in addition to the powers conferred by the Act, have the power to:

1.3.11 join or affiliate with any other Club, Clubs or Federations having similar interests or objects, including WPWA, WPA and FINA;

1.3.12 do all such things which are, in the reasonable opinion of the Committee, necessary or incidental to the attainment of the objects.

## **5 Income and Property**

1.4 The income and property of the Club shall be applied solely in the promotion of the objects of the Club.

1.5 No part of the income or property shall, directly or indirectly, be paid or otherwise transferred or distributed to any member of the Club other than in the proper exercise of the powers of the Club or the Committee.

## **6 Membership**

### **6.1 General**

Membership of the Club is open to all persons interested in water polo.

Any person wishing to become a member must apply in writing to the Committee in such form as the Committee from time to time directs.

### **6.2 Refusal of application**

The Committee may at its discretion refuse to admit to membership of the Club any person whom they consider would not be desirable to have as a member of the Club.

If the Committee refuses any application for membership under this clause, the General Meeting next following such refusal must be advised of that fact. Any motion to admit to membership the person whose application was refused, shall be determined by a simple majority of Members present and voting at the meeting and such decision shall be final and binding on the Committee and members.

### **6.3 Member's rights**

Each person admitted to membership of the Club will:

- 6.3.1 be liable to pay such fees or other payments as is determined by the Committee from time to time;
- 6.3.2 be bound by the Rules and any notice, order or direction of the Committee made from time to time; and
- 6.3.3 be entitled to the privileges of the facilities of the Club as determined by the Committee from time to time.

#### 6.4 **Categories of membership**

Membership of the Club is comprised of the following categories:

- 6.4.1 Senior and Junior Playing Members;
- 6.4.2 Sponsor Members;
- 6.4.3 Supporter members;
- 6.4.4 Official members;
- 6.4.5 Honorary Members;
- 6.4.6 Life Members;
- 6.4.7 **Current students, former students, graduates (alumni) and staff of the University;**
- 6.4.8 **Associates and Honorary Life Associates of the UWASRA;**
- 6.4.9 **Members of the University Senate;**

#### 6.5 **Sponsor membership**

Persons who contribute financial support to the club by way of business sponsorship may enjoy the use of the facilities of the Club and will not be required to pay an additional entrance fee or subscription fee.

#### 6.6 **Honorary membership**

The Committee may confer Honorary Member status upon any person that it sees fit for such periods as it may determine.

Honorary members may enjoy the use of the facilities of the Club and will not be required to pay an entrance fee or subscription fee.

#### 6.7 **Life membership**

The Committee may recommend to members at any General Meeting that in recognition of outstanding voluntary service to the Club, a member of the Club be made a life member.

Voting on a recommendation for a member to be made a life member shall be by secret ballot and requires a majority of not less than two thirds (2/3) of the members present and eligible to vote, to be carried.

A life member:

- 6.7.1 may be elected to the Committee;
- 6.7.2 will not be required to pay any further membership fees or subscriptions;  
and
- 6.7.3 will have all the rights and privileges of a Senior Playing Member.

## 6.8 Cessation of membership

A member ceases to be a member, if the member:

- 6.8.1 resigns;
- 6.8.2 becomes unfinancial, or
- 6.8.3 is expelled.

## 7 The Committee

### 7.1 General

- 7.1.1 The management of the Club shall be vested in a Committee comprising the officers set out below.
- 7.1.2 The Committee may exercise all the powers of the Club and do anything which it considers necessary or expedient to carry out the objects of the Club.

### 7.2 Powers

Without limiting the other powers that may be conferred on the Committee by these Rules, the Committee may, without further authorisation of the members:

- 7.2.1 control the financial affairs of the Club and for that purpose, borrow money upon such terms and conditions as the Committee thinks fit, provided that the Committee may not borrow in excess of \$50,000 in any one financial year without the prior approval of a majority of the members at a general meeting;
- 7.2.2 engage, control and dismiss any employee of the Club;
- 7.2.3 limit the number of members in each category and, subject to these Rules, prescribe qualifications for, conditions of and the rights and benefits attaching to each category of membership;



- 7.2.4 determine entrance fees, annual subscriptions, levies, debentures, calls and other charges payable by members or users of the Club's facilities and the date by which they will be due for payment, including the power to remit in whole or in part the payment of the fees, subscriptions and charges;
- 7.2.5 regulate standards of conduct and dress of members and other users of the Club's facilities;
- 7.2.6 discipline members for breaches of the Rules, any order or direction of the Committee or for inappropriate conduct;
- 7.2.7 suspend a member from the use of the Club facilities for such period as the Committee considers appropriate having regard to the circumstances;
- 7.2.8 move to expel a member in accordance with these Rules where the Committee considers such action to be appropriate having regard to the circumstances and to the interests of the Club and its members;
- 7.2.9 reimburse any officer or member of the Club for out of pocket expenses properly incurred in connection with the discharge of duties as a member of the Club or the Committee;
- 7.2.10 grant an indemnity in favour of the officers of the Committee in respect of all contracts and engagements entered into in good faith on behalf of the Club;
- 7.2.11 appoint delegates as may be required to represent the Club's interests at organisations with which the Club is affiliated;
- 7.2.12 appoint sub-committees (which may include members who are not officers of the Club) and delegate to any sub-committee the powers and functions that the Committee thinks fit, provided that the chair of any sub-committee so appointed must always be a member of the Committee;
- 7.2.13 make, amend and revoke By-Laws, codes of conduct, policies as and when it sees fit in accordance with these Rules; and
- 7.2.14 generally do all things necessary for carrying out the objects of the Club, including the setting and enforcement of all necessary policies and procedures of the Club.

### 7.3 **Election of committee**

- 7.3.1 The Committee shall be elected at the Annual General Meeting.
- 7.3.2 Persons nominating for election to the Committee must do so in writing. The nomination form must be signed by the proposing member and the nominee and must be received by the Committee at least fourteen (14) days prior to the Annual General Meeting.

- 7.3.3 Only Financial Members and Life Members are eligible for election as officers of the Club. Junior members cannot be elected to the committee.
- 7.3.4 Each position on the Committee shall be separately voted on at the Annual General Meeting subject to clause 7.5
- 7.3.5 Subject to clause 7.5 a Member elected to be an officer of the Club holds office until the conclusion of the following Annual General Meeting. A retiring office bearer shall be eligible for re-election.
- 7.3.6 Voting for the election of the Committee shall be by ballot, using the preferential system if there are more than 2 candidates for any position. If a nomination has not been received for any Committee position by the prescribed time, nominations may be accepted from the floor of the meeting.

#### 7.4 **Committee officers**

The Committee shall be comprised of the following:

- 7.4.1 President
- 7.4.2 Vice President
- 7.4.3 Secretary
- 7.4.4 Treasurer
- 7.4.5 **Club Captain**
- 7.4.6 no more than 8 General Committee Members with a minimum of 6 Members whose responsibilities will be determined from time to time by the Committee.

#### 7.5 **Rotation of the Committee**

- 7.5.1 Commencing from the 2014 Annual General Meeting, the following rotation of the Committee will apply.
  - (a) The President and Secretary shall be appointed for an initial three (3) year term and thereafter rotated for re-election every two (2) years thereafter, and
  - (b) The Vice President, Treasurer and **Club Captain** shall be appointed for an initial two (2) year term and rotated for re-election every two (2) years thereafter.

#### 7.6 **Removal of committee member**

- 7.6.1 The members may by ordinary resolution passed at a general meeting, remove an Officer before the expiration of his period of office.

- 7.6.2 Should any vacancy in the Committee so arise, the Committee may appoint another member to fill such vacancy and such member shall hold office until the next Annual General Meeting.

#### 7.7 **Casual vacancy**

A casual vacancy occurs in the position of a Committee member, and that office becomes vacant, if a Committee member:

- 7.7.1 dies;
- 7.7.2 resigns;
- 7.7.3 is convicted of a criminal offence the nature of which after consideration of the interests of members and the reputation of the Club, is deemed by the Committee to be unacceptable;
- 7.7.4 without obtaining leave of absence, is absent from more than three consecutive meetings of the Committee; or
- 7.7.5 ceases to be a member of the Club.

#### 7.8 **Notice of committee meetings**

- 7.8.1 Committee members shall be given 7 days notice of each and any committee meeting of the Club.
- 7.8.2 Any notice of a committee meeting under these Rules may be given by electronic transmission to a committee members email address or by post to a committee members last known postal address.

### **8 Finance**

- 8.1 The Committee shall cause true and accurate accounts to be kept of moneys received and expended, including but not limited to the provision of a profit and loss statement and balance sheet, to be presented at meetings of the Committee at least each quarter or at such other intervals as the Committee may determine.
- 8.2 At the Annual General Meeting, the Committee shall provide to members an audited annual statement of accounts and balance sheet and a report on the finances of the Club.
- 8.3 The funds of the Club shall be kept in an account with an Australian bank or other financial institution in the name of the Club.
- 8.4 Accounts approved for payment by the Committee shall be authorised in writing or electronic transmission by any two (2) of the following:
  - 8.4.1 President

- 8.4.2 Vice President
- 8.4.3 Secretary
- 8.4.4 Treasurer
- 8.4.5 Such other Officer as is approved by the Committee from time to time.

## **9 Secretary**

### **9.1 The Secretary shall:**

- 9.1.1 Receive reports from the Committee and prepare the agenda for Committee meetings
- 9.1.2 Co-ordinate the correspondence of the Club;
- 9.1.3 Maintain full and correct minutes of meetings of the Committee and the Club;
- 9.1.4 Ensure the Club complies with the relevant provisions of the Act including the obligation to maintain an up to date register of members of the Club, a record of office holders of the Club and a copy of the Rules of the Club; and
- 9.1.5 Retain custody of all books, documents, records and registers of the Club at the Secretary's place of residence or such other place as the Committee approves from time to time.
- 9.1.6 Perform such other duties as are required by the Rules or the Committee from time to time.

## **10 Treasurer**

### **10.1 The Treasurer shall:**

- 10.1.1 be responsible for the receipt, recording and payment into the Club's accounts all money received on behalf of the Club;
- 10.1.2 oversee the books of accounts detailing the financial transactions of the Club;
- 10.1.3 prepare the annual statement of accounts and balance sheets of the Club;
- 10.1.4 arrange for the annual auditing of the accounts of the Club;
- 10.1.5 arrange the circulation to members of the annual statement of accounts and balance sheets with the notice of the Annual General Meeting of the Club;

- 10.1.6 comply on behalf of the Club with sections 25 and 26 of the Act in respect of the accounting records of the Club;
- 10.1.7 retain custody of all securities, books and documents of a financial nature and accounting records of the Club;
- 10.1.8 perform such other duties as are required of the Treasurer by the Act, the Rules or the Committee;
- 10.1.9 provide to the Committee a profit and loss statement and balance sheet when requested.

## **11 Club Captain**

### **11.1 The club Captain shall;**

- 11.1.1 be a current student member of the University,
- 11.1.2 represent the club's interest on the Sports Council;
- 11.1.3 represent the playing members of the club on the committee

## **12 Subscriptions**

- 12.1 Subscriptions will be determined annually by the Committee.
- 12.2 Subscriptions must be paid on or before the 1st of October in each year or on such other date as the committee shall direct from time to time.
- 12.3 If a member has not paid his or her subscription within one month of the due date, that member will not be entitled to the privileges of membership of the Club.
- 12.4 A member of the Club whose subscription is in arrears three (3) months after the due date for payment, will cease to be a member of the Club and his or her name will be deleted from the Register of Members, but the person may be reinstated by the Committee as a member of the Club upon acceptable explanation and payment of all arrears.

## **13 Club Year**

- 13.1 The Club year shall be from 1st May in one year to the 30th April in the subsequent year.

## **14 Meetings of members**

- 14.1 Members shall be given 21 days notice of each and any meeting of the members of the Club.

- 14.2 All meetings of the Club are to be chaired by the President or a Committee member appointed from those Committee members present, or a person, who need not necessarily be a Club member, requested to chair the meeting at the direction of the Committee.
- 14.3 Any notice of a meeting of the members under these Rules may be given by electronic transmission to a members email address or by post to a members last known address, but if a member has not provided the Club with an address, notice of the meeting shall be deemed to have been given by the placing of a copy of the notice of meeting on the Club's web site.

## **15 General Meetings**

### **15.1 Annual general meeting**

An Annual General Meeting shall be held at a time and place to be determined by the Committee between the 1st July and 30th July each year.

The business at an Annual General meeting is:

- 15.1.1 to receive a report from the President;
- 15.1.2 to receive a report from the Treasurer, including the audited balance sheet and supporting accounts;
- 15.1.3 to elect the officers of the Club;
- 15.1.4 to appoint an Auditor;
- 15.1.5 to deal with any items of general business; and
- 15.1.6 to deal with any item of special business as may be raised by any member who has given to the Committee, not later than 21 days before the notice of meeting is issued, written notice of the special business to be dealt with at the meeting.

### **15.2 Quorum**

- 15.2.1 The quorum for any General Meeting shall be nine (9) financial members including at least two Committee members. No business may be transacted at any meeting unless a quorum is present.

### **15.3 Adjournment of meeting**

- 15.3.1 If within 15 minutes of the time appointed for the meeting a quorum is not present, the President shall adjourn the meeting to a time and place to be determined by the Committee provided that the meeting must be held within two weeks of the date of the adjourned meeting.

- 15.3.2 If at the adjourned meeting, a quorum is not present within 15 minutes from the time appointed for the meeting, the members present may proceed with the business of that General Meeting as if a quorum was present.

## **16 Special General Meetings**

- 16.1 A special general meeting may be convened at any time by the Committee.
- 16.2 If at least nine (9) financial members, by notice in writing signed by them and given to the Committee, request that a special general meeting be called for any specified purpose, the Committee must convene the meeting no later than 30 days after the request is made.
- 16.3 No business may be transacted at a special general meeting except the business specified in the notice.
- 16.4 Should a quorum not be present within 15 minutes of the time appointed for a Special General Meeting, the meeting shall be abandoned.

## **17 Voting at General Meetings**

- 17.1 Subject to any express provision of these Rules, all decisions of a general meeting will be determined by a majority of votes on a show of hands, but if a poll is demanded then by at least a majority.
- 17.2 Only Senior Playing Members, Senior Members and Life Members shall be entitled to vote at any general meeting of the club.
- 17.3 If a poll is demanded at a general meeting, it shall be taken in such manner as the chairman of the meeting directs.
- 17.4 The chairman of every general meeting will have a deliberative vote, but in the event of an equality of votes, the question will be decided so as to preserve the status quo.
- 17.5 No voting by proxy shall be permitted at any meeting of the Club.
- 17.6 A Junior Member has no voting rights at a General Meeting.

## **18 Committee Meetings**

- 18.1 The Committee shall meet periodically as the requirements of the Club dictate, but at least every two months.
- 18.2 A Committee meeting may be called by the President or the Secretary at any time, upon reasonable notice being given to other members of the Committee.

- 18.3 The quorum for any Committee meeting shall be five (5) Committee Members present in person.
- 18.4 Any matter to be determined at a Committee Meeting shall be decided by a majority of votes, but if there is an equality of votes, the chairman of the Committee Meeting shall have a second or casting vote.
- 18.5 Any motion resulting in the Club needing to borrow funds must be passed by a unanimous decision of those Committee Members present and voting at the meeting.
- 18.6 Any officer of the Club who has a pecuniary or other interest in a matter that the Committee may be considering, must declare that interest and not vote on any motion relating to that matter.

## **19 Patrons**

- 19.1 At any general meeting, the Club may, on the recommendation of the Committee, elect a person or organisation willing to accept the position, as a patron of the Club.
- 19.2 Life membership may be conferred upon Patrons of the Club in accordance with these Rules.

## **20 Resignation of Members**

- 20.1 Any person wishing to resign from the Club must give notice to the Secretary in writing to that effect.
- 20.2 Resignation shall not relieve the member from any liability to the Club for payment of subscriptions, financial obligations or otherwise, in respect to the period up to the receipt of notice of resignation.

## **21 Expulsion of Members**

- 21.1 The Committee may, by notice in writing, request any member of the Club to resign from the Club within the time specified in the notice, if the Committee is of the opinion that the interests of the Club require the resignation.
- 21.2 If the member refuses to resign, the Committee will submit the question of the expulsion of the member to a special general meeting to be held within 30 days from the date of expiry of the notice issued by the Committee under this clause.
- 21.3 At the special general meeting, the member whose expulsion is under consideration may make written or oral submissions.



- 21.4 After the member's submissions are heard, if not less than two thirds of the votes cast by members present are in favour of expulsion, the member shall be expelled and forfeits all privileges of membership.
- 21.5 Voting at the special general meeting must be by a secret ballot of the members present.
- 21.6 The Committee may, in its discretion, exclude the member from the Club until the special general meeting is held.
- 21.7 The Committee may issue a notice to expel a member under this clause even if the member has been previously suspended under any other provision of these Rules.

## **22 The Rules**

### **22.1 Interpretation**

- 22.1.1 Any question as to the meaning of any clause of these Rules will be decided by the Committee and the Committee's decision will be binding on the members.

### **22.2 Amendment of rules**

- 22.2.1 The Rules of the Club may be amended by a special resolution passed at a general meeting, or at a special general meeting of the Club called for that specific purpose. The notice of the meeting that is given to members must set out the proposed special resolution in full.
- 22.2.2 Unless the special resolution is passed by at least three quarters (75%) of the votes cast by the members present and voting, the special resolution is lost.
- 22.2.3 The Secretary must ensure compliance with the requirements of the Act and if required, the *Liquor Act 2008* (WA), so that any amendment to the Rules will have effect.
- 22.2.4 As soon as is practical after the making of any proposal for a change to the Rules, the Secretary must if required, provide to the Director of Liquor Licensing, particulars of the change proposed. No effect will be given to the change without the prior approval of the Director.

## **23 Common seal**

- 23.1 The Club must have a common seal on which its corporate name appears in legible characters.
- 23.2 The common seal of the Club must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary

- 23.3 The affixing of the common seal of the Club must be witnessed by any two of the President, Vice President, Secretary or the Treasurer.
- 23.4 The common seal of the Club must be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.
- 23.5 Any contract, agreement or document not requiring the affixing of the common seal may be made by or on behalf of the Club and be signed by any two of the President, Vice President, Secretary or the Treasurer, who are expressly authorised to act in that behalf.

## **24 Inspection of Club's documents**

- 24.1 A member may at any reasonable time, with at least seven days written notice, inspect without charge, the books, documents, records and securities of the Club.

## **25 Indemnity**

- 25.1 Every officer or other duly elected or appointed official of the Club shall be indemnified, out of the assets of the Club, against any costs or other liability that they may incur arising out of the proper and lawful execution of their duties.

## **26 Winding up the Club**

- 26.1 The Club may be wound up by a special resolution passed by not less than three fourths of the votes cast by members present and voting at a general or special meeting called for the purpose of winding up the Club.
- 26.2 If, on winding up of the Club, any property of the Club remains after satisfaction of the debts, liabilities, costs, charges and expenses of that winding up, and are settled, any remaining moneys shall be distributed –
  - 26.2.1 to another incorporated water polo club incorporated under the act; or
  - 26.2.2 for charitable purposes, as the case requires, and shall be determined by resolution of the members, when authorising and directing the Committee under section 33 (3) of the Act, to prepare a distribution plan for the distribution of the surplus property of the Club.