

**AUSTRALIAN UNDERWATER FEDERATION INCORPORATED  
CONSTITUTION**

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## CONSTITUTION

(As at 18/11/00)

### **1. NAME**

The name of this incorporated association is the AUSTRALIAN UNDERWATER FEDERATION INCORPORATED (hereinafter in this Constitution referred to as the Federation).

### **2. INTERPRETATION**

2.1 Words or expressions contained in this Constitution shall be interpreted unless the context otherwise admits in accordance with the provisions of the Acts Interpretation Act 1958 and the act or such acts as in force from time to time.

2.2 Where a word term or clause imputes male gender this should be interpreted as including female gender and vice versa.

### **3. AIMS AND OBJECTIVES**

The aims and objectives of the Federation are as follows:

3.1 (a) To co-ordinate and organise underwater activities in all aspects within Australia.

(b) To establish or accept, subject to the provisions of this Constitution, membership of any organization which is responsible for and/or recognised within the provisions of this Constitution an organization representing an aspect or aspects of underwater activities on a State, Territorial or National level within territorial Australia or areas over which the Government of the Commonwealth of Australia has Territorial Jurisdiction or otherwise.

(c) To promote the conservation of marine flora and fauna.

(d) To promote and develop all aspects of underwater activities.

(e) To establish, promote and/or actively implement any safety measures applicable to underwater activities.

(f) To attempt to act as mediator in the event of disputes involving Commissions, and all other grades of member individually or collectively and as appropriate to settle such disputes.

(g) To establish and/or encourage uniformity of rules, regulations, standards and administrative control of the sporting or other aspects of underwater activities whether competitive or otherwise.

(h) To promote and/or arrange competitions amongst members of the Federation and to provide or organise for prizes and trophies in such aspects of underwater activities as considered desirable or appropriate from time to time.

(i) To gather record and distribute information pertaining to any and all aspects of underwater activities.

(j) To purchase, take on lease or acquire any lands, buildings, easements or properties, real or personal, which may be requisite for the purpose of any of the objects of the Federation.

(k) To establish, promote or assist in establishing or promoting and to subscribe to or become a member or provide for membership of this Federation or any organization whose objects are similar to, or in any part similar to the objects of this Federation or the establishment, promotion or membership of which may be or considered to be beneficial to this Federation.

(l) To obtain and/or promote any acts or legislature, provisional order or other official or government power or authority or licence which may be deemed requisite for the Federation, and to act in opposing any act of legislature, provisional order or other official or unofficial power or authority, whether by government or any other group or organization which may be deemed to be against the interests of this Federation or underwater activities.

(m) To accept subscriptions, donations or bequests (whether real or personal estate) for all or any of the objects of the Federation.

### **4. OFFICE**

4.1 The office of the Federation shall from time to time be as decided by the Federal Executive.

### **5. CHANGES TO CONSTITUTION**

5.1 The Constitution of the Federation may be altered or changed at a general meeting of the Federal board, an Extraordinary Meeting of the Federal board or by a Postal Vote of the Federal board subject to the following conditions:

(a) All proposed amendments or alterations shall be notified in writing by the Federal Secretary or his nominee to all the Federal Board not less than 35 days prior the meeting or postal vote to determine such change.

(b) Any change amendment or alteration to the Constitution shall only be made and valid when at least 60% (to the nearest whole vote) of all eligible votes as defined herein are in favour of such change, amendment or alteration.

(c) Eligible votes as referred to in Clause 5.1 (b) above are those votes, which may be cast by Board Members only of

the Federation in accordance with the provisions of clause 26.3 of this Constitution whether or not such votes are actually cast.

(d) Any change, amendment or alteration made in accordance with this provision shall only come into effect thirty (30) days after the date upon which such resolution was made, subject to all Board Members being advised in writing by the Federal Secretary or nominee within such period.

5.2 Notwithstanding the above, non-compliance with conditions 5.1(a) and (d) above shall not of itself render any such resolution invalid unless so directed by a subsequent Extraordinary Federal Board Meeting called specifically for this purpose.

## **6. GRADE OF MEMBERSHIP**

6.1 The following grades of membership shall be provided within the Federation.

- (i) Honorary Member
- (ii) Honorary Life Member
- (iii) Member
- (iv) Affiliate Member
- (v) Organizational Member.

## **7. HONORARY MEMBER**

7.1 The grade of honorary membership may be conferred from time to time by the Federal Board upon any person for a particular purpose subject to such conferring being approved by at least a two thirds majority (to the nearest whole vote) of the total votes that are cast at a meeting of the Federal Board as defined herein. Such membership shall be for a nominated period of time and solely in relation to that particular purpose.

7.2 A membership fee shall not necessarily be payable by the person so elected to such honorary membership.

## **8. HONORARY LIFE MEMBER**

8.1 The grade of Honorary Life Membership may be conferred upon any person for conspicuous service or contribution to underwater activities whether in a Sporting Technical Scientific or administrative role or otherwise subject to such conferring being approved by at least a two thirds majority (to the nearest whole vote) of the total votes that are cast at a meeting of the Federal Board as defined herein.

8.2 Such Honorary Life Membership shall continue for the life of the person so honoured.

8.3 No membership fee shall be paid or payable in respect to such grade.

8.4 The Federation shall maintain a register of persons holding the grade of Honorary Life Member.

## **9. MEMBER**

9.1 A natural person making application and being approved for membership under the provisions of this Constitution shall be eligible to be a "Member" of the Federation.

9.2 All persons (other than Honorary or Honorary Life Members) whose name and address appears on a register of members maintained by the Federation shall be deemed to be a "Member" of the Federation.

9.3 To be included and maintained on the register of "Members" a person shall pay all monies by way of membership fees, application fees, levies, or other monies as may be determined from time to time as being a charge against such membership by the Federation from time to time.

9.4 Application for and registration of membership may be made directly to and with the Federation Office or through an Affiliate Member and Commission

## **10. AFFILIATE MEMBER**

10.1 Any formally constituted group or club may be admitted as an Affiliate member of the Federation.

10.2 No group or club may become an Affiliate Member of the Federation unless formally constituted.

10.3 No group or club may become an Affiliate Member of the Federation other than as provided in this Constitution and herein.

10.4 No group or club may be affiliated with the Federation except through a State Commission of the Federation representing the State or Territorial area in which the applicant for affiliation is domiciled or located unless by other means determined by the federal board from time to time

10.5 No group or club may become an Affiliate Member of the Federation without also being deemed to be subject to the rules, conditions, obligations and benefits of the Federation as provided herein.

10.6 No group or club may affiliate with or become an Affiliate Member of the Federation without members or individuals forming such group or club becoming "Members" of the Federation and subject to the rules, conditions, obligations and benefits thereof.

## **11. ORGANIZATIONAL MEMBER**

11.1 Any formally constituted group or organization may be admitted to the Federation as an "Organizational Member".

11.2 An "Organizational Member" may or may not be directly involved in underwater activities but must fulfil requirements of interest or relationship set forth from time to time in the Aims and Objectives of this Federation.

11.3 Where the applicant for "Organizational Membership" is actively involved in or underwater activities then  
(a) Such involvement shall be restricted to representation and/or control of one or a limited number of such aspects  
(b) Such representation and/or control if within Australia is national, multi-State or single State or Territory.

11.4 Admission under the provisions of Clause 11.3(b) may then only be effected where a Commission or Commissions of the Federation having a commonality of geographical area representation to that of the applicant does or do not object to such Organizational Membership.

11.5 The rights and privileges of those persons forming or being members or part of such Organizational Member are limited to those as provided herein and do not extend to the general rights, benefits and privileges of the grade of "Member" of this Federation.

11.6 No group or organization whether on a State, Territorial, National or International basis may be admitted for Organizational Membership unless

(a) Insofar as is considered relevant by and at the sole discretion of the Federal Board, the Constitution, Articles of Association, Rules and other conditions of establishment management and/or control of the applicant complies or conforms with the provisions of this Constitution and/or the aims and objectives of this Federation.

(b) The group or organization formally undertakes to be bound by and comply with the relevant or specific sections of this Constitution and/or the aims and objectives as determined from time to time by the Federal Board and/or forming part of any specific agreement in respect to affiliation or membership as may be entered into at any time between the parties.

(c) Where considered appropriate by the Federal Board amalgamate, become a member of another group or groups with similar interests or activities, with a view to collectively as a single group or organization becoming an organizational member of the Federation.

(d) Organizational membership fee as determined from time to time by the Federation. Shall be paid by the Organizational Member.

(e) At the discretion of the Federal Board the group or organization executes an indemnity to the Federation in respect to any debts or liabilities which such group or organization may incur in its own name whether relying upon its membership or relationship with the Federation or not.

11.7 The Executive and/or nominated representatives of Organizational Members shall be responsible for liaison and representation between such Organizational Members and the Federation.

11.8 Notwithstanding the provisions contained in Clause 48 of this Constitution the Federation may withdraw any or all of the rights benefits and privileges of "Organizational Membership" of the Federation as provided herein and such membership at any time with or without notice subject only to any special conditions as to termination of membership as may be provided in any special agreement entered into by the Federation and the Organizational Member.

## **12. RIGHTS AND BENEFITS OF GRADES OF MEMBERSHIP**

### **12.1 “Honorary Member”**

(a) Subject to the provisions of this Constitution and the regulations set up from time to time, every “Honorary Member” shall be entitled to use all premises and facilities of the Federation.

(b) Every “Honorary Member” shall be eligible to compete in competitions conducted for and on behalf of the Federation upon payment of the appropriate registration fees, where such competition is related to the particular purpose of admission as “Honorary Member”.

### **12.2 “Honorary Life Member”**

(a) Subject to the provisions of this Constitution and the regulations set up from time to time, every “Honorary Life Member” shall be entitled to use all premises and facilities of the Federation.

(b) Every “Honorary Life Member” of the Federation shall be entitled to attend any meeting of the Federation with the exception of executive and protest meetings and may address the meeting with the permission of the Chair.

(c) An “Honorary Life Member” or “Honorary Life Members” nominated by a Commission shall be eligible to contest any election to any executive office or position of the Federation.

(d) An “Honorary Life Member” is entitled to use the title of “Honorary Life Member” in relation to the Federation.

### **12.3 “Member”**

(a) Subject to the provisions of this Constitution and the regulations set up from time to time, every “Member” shall be entitled to use all premises and facilities of the Federation.

(b) Every “Member” of the Federation shall be entitled to attend any meeting of the Federation with the exception of Board and protest or appeal (unless involved in such protest or appeal) meetings and may address the meeting with the permission of the Chair.

(c) A “Member” or “Members” nominated by a Commission shall be eligible to contest any election to any executive office or position of the Federation.

(d) Every “Member” shall, subject to compliance with the other provisions of this Constitution, be eligible to compete in all competitions conducted by or on behalf of the Federation upon payment of the appropriate registration fees.

(e) A member may use the term “Member” in relation to the Federation.

(f) A right privilege or obligation of a person by reason of Membership of the Federation:

(i) Is not capable of being transferred or transmitted to any other person,

(ii) Terminates upon cessation of membership whether by death resignation or otherwise,

(iii) may be limited or removed in whole or in part by any determination or order made under the provisions of Clauses of this Constitution.

### **12.4 “Affiliate Member”**

(a) A group or club which is an “Affiliate Member” of the Federation may use the term “Affiliate Member of the Australian Underwater Federation”.

(b) An “Affiliate Member” is entitled to representation at and may vote at any meeting of the relevant Commission of the Federation as provided herein.

(c) An “Affiliate Member” may propose to the relevant Commission any change addition or modification to the Constitution, Rules, Regulations or By-laws of the Federation.

(d) An “Affiliate Member” may nominate a person or persons to fill any position within the relevant Commission of the Federation and/or through the Commission any position on the Federal Executive or Federal Board of the Federation.

(e) An “Affiliate Member” may seek sponsorship or endorsement by the Federation of a particular activity competition or promotion carried out or to be carried out by the Affiliate Member.

### **12.5 “Organizational Member”**

(a) A group or organization, which is an “Organizational Member” of the Federation, may use the term “Organizational Member of the Australian Underwater Federation”.

(b) An “Organizational Member” is entitled to have a representative or representatives present at any meeting of the Federation and with the approval of the chairman of such meeting address the meeting or submit at any time proposals or information for the edification, support or involvement of the Federation.

## **13. MEMBERSHIP FEES, PAYMENTS AND PENALTIES**

13.1 Membership fees as determined by the Federal Board from time to time and recorded in the By-laws shall be paid annually for and by all categories of, membership (excluding Honorary or Honorary Life Members) as provided herein.

13.2 Duly completed registration, membership submission or record forms, together with appropriate fees shall be

forwarded by (as appropriate) Commissions, Affiliate Members or Organizational Members to the offices of the Federation within thirty (30) days of the end of the financial year or such other period as from time to time may be determined by the Federal Board.

13.3 Any Affiliate Member or Organizational Member required to submit a return under Clause 13.2 above and failing to do so within, seven (7) days of receipt of formal notice issued by the Federation after expiration of the thirty (30) days period referred to above may be subject to disaffiliation or withdrawal or cancellation of membership.

13.4 Any Affiliate Member or Organizational Member whose membership has been withdrawn or cancelled under the provisions of Clause 13.3 above may be readmitted subject to payment of monies due in accordance with the provisions hereof together with any fine or penalty as determined as appropriate by the Federal Executive or Federal Committee.

13.5 In the event of an Affiliate or Organizational Member remaining unfinancial for more than forty (40) days after the serving of the notice referred to above such Affiliate or Organizational Member shall be struck from the register.

13.6 The rights benefits and privileges as contained herein of any "Member" who is a member or forms part of any "Affiliate Member" whose affiliation or membership is withdrawn or cancelled in accordance with the provisions of Clause 13.3 hereof shall also be withdrawn or cancelled.

#### **14. STRUCTURE OF THE FEDERAL EXECUTIVE**

14.1 The Federal Executive shall consist of:

Federal President/Chairperson

(Federal Secretary)

( May be held by a single person)

(Federal Treasurer)

Federal Membership Officer

National Director of Coaching

The members of the Federal Executive are, for the purposes of representation and this Constitution, the OFFICE BEARERS of the Federation.

#### **15. AUTHORITY & RESPONSIBILITY OF THE FEDERAL EXECUTIVE**

15.1 When the Federal Board is not conducting the affairs of the Federation as provided in Clause 27 hereof the Federal Executive shall assume the general authority and power of the Federal Board.

15.2 The Federal Executive shall manage the affairs of the Federation between meetings of the Federal Board and carry out the directions arising out of those meetings.

15.3 The Federal Executive may appoint when considered necessary any person or persons, being members of the Federation or not, to assist the Federal Executive in the execution of its duties.

15.4 In exercising the authority and responsibility as provided herein, the Federal Executive may seek the advice or comment in camera of any or all of the Executive Officers set forth in Clause 16 or any other person or persons being a Member of the Federation or not, but may not make any determination which directly effects the role or function of any such Appointed Officer without including such Appointed Officer in any vote taken where such Officer shall have an equal vote to all other members of the Federal Executive (excluding the casting vote of the Federal President).

#### **16. EXECUTIVE OFFICERS**

The Federal Board may appoint or elect persons to the following positions. Such appointment or election shall be made on the sole discretion of the Federal Board, and the failure to appoint or elect any person to any of the nominated positions shall not contravene the provisions of this Constitution. Appointment or election shall be made at the option of the Federal Board for a period of not less than one year or not more than two years.

Federal Records Officer

Federal Public Relations Officer.

Membership of the Federal Executive under the provisions contained in Section 14.1 of this Constitution shall not preclude a person from being appointed or elected to any position contained within this section.

## **17. FEDERAL PRESIDENT**

17.1 The Federal President shall be the Chief Executive Officer and spokesman of the Federation with the authority to convene ordinary and special meetings of all or any committees, sub-committees or commissions.

17.2 The Federal President shall preside at all meetings of the Federal Executive and the Federal Board and superintend the discussions of such meetings and preserve order so that business may be conducted in due form and with propriety.

17.3 The Federal President shall authorise all statements for publication or general release pertinent to or involving the Federation as a whole, or on policy matters.

17.4 The Federal President shall act as the Federation's representative at all appropriate official functions of the Federation.

17.5 The Federal President shall have an ordinary and casting vote at meetings of the Federal Executive and the Federal Board.

17.6 The Federal President shall be responsible for and have the power to interpret or determine the intent or application of any of the provisions of this Constitution.

## **18. FEDERAL MEMBERSHIP OFFICER**

20.8 The Federal Membership Officer shall be responsible for the maintenance of a Register of Members as provided by the Constitution

## **19. FEDERAL SECRETARY**

19.1 The Federal Secretary shall be responsible for the keeping of a true and faithful record of all business transacted by the Federation.

19.2 The Federal Secretary shall be subject to the direction of the Federal Board and shall be responsible for the communication or promulgation of the directions and decisions of the Federation, including specifically any changes alterations or amendments to the Constitution.

19.3 The Federal Secretary shall among other things be responsible for:

- i. Maintenance and distribution of the Constitution of the Federation, Rules and By-laws and regulations as amended from time to time.
- ii. Conduct of all general correspondence of the Federation.
- iii. Preparation of all necessary and/or advised agenda and business for all meetings of the Federal Executive and Federal Board.
- iv. Compile an annual report of the activities of the Federation.

19.4 The Federal Secretary shall as and where relevant inform all of the relevant Commissions of the Federation of all protests, disputes, Notices of Motion and of any other matters as required under the provisions of this Constitution.

19.5 In the event of the Federal Secretary being unable to carry out his duties the Federal President or his nominee shall assume the authority and responsibility of the Federal Secretary until or unless the Federal Secretary resumes his duties or is replaced as provided herein.

19.6 The Federal Secretary may subject to the approval of the Federal Board carry out in addition the functions of Treasurer.

19.7 The Federal Executive may elect or appoint an assistant to the Federal Secretary and specify the duties of the assistant.

## **.20. FEDERAL TREASURER**

20.1 The position of Federal Treasurer may with the approval of the Federal Board be held conjointly by the Federal Secretary.

20.2 The Federal Treasurer shall be responsible for the maintenance of correct accounts and books showing the financial affairs of the Federation and submit an annual report including a budget to the Federation.

20.3 The Federal Treasurer shall be responsible for the banking of all monies received by or on behalf of the Board, Organizational Members, committees or otherwise as approved from time to time by the Federal Board.

20.4 The Federal Treasurer shall be responsible for the maintenance of accurate records of the payments of accounts and the payment of affiliation, membership and/or other fees or monies by the Commissions and all Grades of the Federation.

20.5 The Federal Treasurer shall register or confirm registration of all relevant signatures with the Federation's bankers at the commencement of the term of office of Office Bearers.

## **21. NATIONAL DIRECTOR OF COACHING**

21.1 The National Director of Coaching shall be responsible for all aspects of coaching and training in any and all areas of underwater activities under the jurisdiction of the Federation and/or in which the Federation is involved or active.

21.2 Where such activity forms or is within the scope of responsibility of any of the Commissions then such Commissions will establish and/or liaise with the National Director of Coaching to ensure and facilitate appropriate standards of coaching and/or training as mutually determined from time to time.

21.3 The National Director of Coaching shall be responsible for negotiations and/or liaison with such organizations, Government or semi-Government authorities as may from time to time be or have involvement or interest in aspects of training and/or coaching related to the Federation's activities.

21.4 The National Director of Coaching shall be responsible for implementing the Federation's policies in respect to training and coaching.

21.5 The National Director of Coaching may, subject to approval by if relevant the respective Commission, create appoint or facilitate the establishment of positions or persons within the Federation at Commission level or otherwise to assist or carry out any function pertaining to the office. Such approval shall not be unreasonably withheld.

## **22. RECORDS OFFICER**

22.1 The Records Officer shall be responsible for the recording of:

- i. All records relating to sporting events conducted by or under the auspices of the Federation.
- ii. All past and present holders of National Skindiving titles.
- iii. All past and present holders of Perpetual Trophies.
- iv. Donors of trophies and awards, deeds of gift or other relevant information in respect to such trophies or awards.
- v. Any other appropriate records and generally be the historian of the Federation.

22.2 The Records Officer shall recall all Perpetual Trophies which are the property of the Federation not later than forty (40) days before the date set down for any competition at which or as a result of which the Federation either directly or indirectly will be responsible for awarding or allocating such trophies or awards.

22.3 The Records Officer shall be responsible for the collection and/or delivery up to the Federation, organizers or recipients of Perpetual Trophies and for the cleaning maintenance and engraving of such awards or trophies.

22.4 The Records officer shall at his own discretion repair or have repaired any damaged trophies as he sees fit to the account of the Federation.

22.5 The replacement of lost or irreparable trophies shall be at the discretion of the Federal Board at the recommendation of the Records Officer.

22.6 All applications for Perpetual Awards shall be submitted in writing to the Records Officer in accordance with the Conditions, Rules or by-laws made from time to time in respect to such submissions.

22.7 The Records Officer shall maintain the sporting records of the Federation by continual revision from records claims

(a) In the case of fish the addition of new species which shall be scientifically classified with reference quotes, together with preferred common names and all other relevant information which shall be published from time to time to enable annual distribution to all Federation affiliates forty (40) days prior to the commencement of a National or Spearfishing Championship. The Federal Records Officer shall issue annual reports of application for Perpetual Trophies and details of any other records that may be of significance to members of the Federation.

(b) In the case of other sporting competitions.

22.8 The Records Officer shall distribute to the organizers, members or competitors in any sporting competition held by, or under the auspices of the Federation a list of all records relevant to the particular competition or event not less than forty (40) days prior to the date set down for such competition or event.

### **23. PUBLIC RELATIONS OFFICER**

The Public Relations Officer shall be responsible, in conjunction with or at the direction of relevant members of the Federal Executive, other Executive Officers and/or the Executive Director, for matters pertaining to relations of the Federation with the general public including but not restricted to publications, advertising and promotion.

### **24. EXECUTIVE DIRECTOR**

Under the provisions of Clause 40 and Clause 15 the Federation may employ or alternatively appoint as provided in this Constitution an Executive Director to conduct, apply and/or administer the business and/or administrative activities of the Federation under the direct control of the Federal Executive or a person or persons nominated Federal Executive.

### **25. FEDERAL COMMISSIONS**

25.1 For the purposes of this Constitution the, Commissions of the Federation are termed Principal Committees

i. THE FEDERAL SCUBA COMMISSION shall be responsible for the pursuance of all scuba, and technical matters including but not limited to the following. Scientific, research, investigation, publication and analysis related to any scuba diving activity or equipment or techniques, Education, Conservation, Professional Relationships, Cave Diving, Underwater Photography, Diving Standards, Marine Engineering, Instructor Standards, Training and techniques, Underwater Vehicles, Audio Visual, Medicine, Physiology and Psychology.

ii. THE FEDERAL FINSWIMMING COMMISSION shall be responsible for the pursuance of all physical sporting matters including but not limited to finswimming, scientific, research, investigation, publication and analysis related to any finswimming activity or equipment or techniques, Education, Conservation, and Professional Relationships.

iii. THE FEDERAL UNDERWATER HOCKEY COMMISSION shall be responsible for the pursuance of all physical sporting matters including but not limited to underwater hockey, scientific, research, investigation, publication and analysis related to any underwater hockey, activity or equipment or techniques, Education, Conservation, and Professional Relationships.

iv THE FEDERAL SPEARFISHING COMMISSION shall be responsible for the pursuance of all physical sporting matters including but not limited to spearfishing, scientific, research, investigation, publication and analysis related to any spearfishing activity or equipment or techniques, Education, Conservation, and Professional Relationships.

V THE FEDERAL SNORKEL COMMISSION shall be responsible for the pursuance of all physical sporting matters including but not limited to snorkel training, scientific, research, investigation, publication and analysis related to any snorkel training activity or equipment or techniques, Education, Conservation, and Professional Relationships.

25.2 The Commissions shall each consist of one (1) representative from each State Commission and a Chairman who may or may not also be a State delegate or representative and where applicable, under the provisions of Clause 28.6 herein, the chairman or a representative of any State commission forming part of such commissions.

25.3 Notwithstanding the provisions of Clause 25.2 above, a Commission may consist solely of the chairman or representatives of commissions as provided in Clause 28.6 herein where

(a) All of the activities of the Commission are carried out by or encompassed by collectively the various state commissions which form such Commissions

and

(b) Approval of the Federal Board is first obtained.

25.4 A Commission may form a sub-committee to deal with or control any particular matter or aspect within the jurisdiction of such Commission.

25.5 A majority of State Commissions represented shall constitute a quorum at all meetings of a Commission, or in the case of a Commission constituted as provided in Clause 25.3 above, a majority of commissions represented shall constitute a quorum.

25.6 A Commission may, subject to the provisions of this Constitution, create regulations or by-laws deemed necessary to control the particular aspect or aspects covered by the Commission as set forth in Clause 25.2 provided such regulations and by-laws do not otherwise breach any of the provisions of this Constitution.

25.7 A Commission may appoint, at its discretion, any person to a position as an officer of the respective Committee. Such appointed officers shall have no vote by virtue of such position.

## **26. FEDERAL BOARD**

26.1 The Federal board of the Federation shall consist  
Federal Executive (as defined in Clause 14)  
Executive Officers (as defined in Clause 16)  
Chairpersons of the commissions of the federations

26.2 The votes held by the members of the Federal board shall be as follows.  
Federal Executive and, chairpersons of the commissions - one vote each by virtue of position.

26.3 The majority of votes actually cast in favour or against a motion shall determine whether such motion is respectively carried or lost.

26.4 In the event of a tied vote the Federal President shall have a casting vote.

## **27. FEDERAL BOARD MEETING - OCCURRENCE & PROCEDURES**

27.1 At least one meeting of the Federal board shall be held annually (referred to herein as the Annual General Meeting), the business of such meeting to be the ratification of action taken during the year by the Federal Executive and any other business that any commission or the Federal Executive or any member thereof may cause to be placed on the agenda in accordance with Clause 27.9

27.2 All members of the Federal Executive, Executive Officers, commission chairpersons and honorary life members shall be eligible to attend, appoint proxies or have appointed proxies represent them.

27.3 A majority of Board members shall constitute a quorum.

27.4 A Commission must be represented by the Chairperson of that commission or a delegate appointed in writing over the signature of the Commission Chairperson or Executive Officer of that commission or by written proxy in order to record a vote.

27.5 In the event of a Commission not being represented, a letter over the signature of the Commission Chairperson or Executive Officer stating a vote on a particular agenda or notified item shall be received as a vote.

27.6 Commission Chairpersons or representatives to Federal meetings are assumed to have the authority to vote without necessarily consulting the Commissions and a vote so cast shall be accepted as representing the intention of the Commission and is final.

27.7 Each Commission Chairperson Executive officer or Executive Member to meetings of the Federal Board has the authority to exercise a veto on any motion that was not notified in accordance with Clause 27.1 of this Constitution.

27.8 At the Annual General Meeting all agenda items of business connected with the previous year's business, ratification of the actions of the Executive, correspondence, changes to the Constitution, reports, rules of competition, etc. shall be dealt with before the election of officers. Following the election of officers, the meeting shall deal with all items of new business. Non-compliance with this clause shall not necessarily invalidate such proceedings or elections, which shall only be reconsidered upon an objection being received within thirty (30) days from a Commission and subsequently being upheld by the Federal Board.

27.9 All items for inclusion on the agenda of any meeting of the Federal Board shall be submitted to the Federal Secretary in writing by the Federal Executive or member thereof, an Executive Officer, a Commission or an Organizational member not less than sixty (60) days prior to such a meeting. Any items received after this time may be excluded.

27.10 The Federal Secretary shall forward or cause to be forwarded the agenda of Federal Board Meetings to all Commissions, members of the Federal Executive and Executive Officers not less than thirty five (35) days prior to such a meeting.

27.11 Minutes of Meetings shall be confirmed as a true and proper record at the next formal meeting or a meeting called especially for the purposes of confirmation.

27.12 The Federal Secretary shall be responsible for the publication and distribution to Commissions of sufficient copies of Minutes.

27.13 Unless otherwise agreed conference discussion will be governed by the rules of debate as provided in the By-laws.

27.14 In the absence of the Federal President at any Meeting of the Federation which otherwise would be chaired by the Federal President those present shall elect a chairman.

27.15 Any meeting of the Federal Board may upon resolution be suspended to enable a meeting of the Federal Executive without prior notice for a particular purpose arising out of the immediate business of the Federal Board.

27.16 Any matters to be dealt with by vote in which a person removed under the provisions of Section 49.2 of this Constitution was entitled to take part by virtue of being a delegate may be delayed or adjourned until a replacement delegate or representative be appointed or elected.

27.17 Any Commission, Executive Officer or Executive Member appointed by the Federal Board to host any meeting of the Federation shall be responsible for the arrangements of all conference and meeting facilities.

27.18 Where a Commission or Commissions have approved or allowed the admission of an "Organizational Member" as provided in Clause 11 of this Constitution, such Commission or Commissions may also authorise a representative (called herein an authorised representative) of such "Organizational Member" to attend at any nominated meeting of a relevant Federal Commission in lieu of representation which would otherwise exist as a right to the Commission or Commissions under this Constitution with or without power to cast a vote or votes in accordance with the right of the Commission or Commissions to so do.

## **28. STATE COMMISSIONS**

28.1 Subject to the approval of the Federal Board, and Federal Commissions of the Federation a group of Members of the Federation may form a State Commission to control represent or act for and/or on behalf of a specific and identifiable aspect of underwater activities.

28.2 Such State Commission or Commissions shall be generally the responsibility of the Federal Commission of the Federation of which they form part.

28.3 A State Commission and/or members of such Commission shall be subject to and enjoy the rights, benefits and privileges of this Constitution.

28.4 A Commission may, subject to being bound generally by any relevant Aim or Objective within the constitution of the Federation, impose, elect, create or establish any rules, regulations, conditions of membership (of the Commission), means of administration and/or control financial or otherwise and to act with complete autonomy.

28.5 A State Commission shall have total responsibility for all activities and representation in respect to the particular activity covered by the Commission subject to the provisions herein.

28.6 A State Commission or Affiliate Member shall have an entitlement to representation on the Federal Commission of which it forms part, and at meetings of the Federal Commission shall have one vote.

28.7 Where an aspect of the sport or underwater activity covered by the State Commission has commonality of interest with other Commissions, the Board or executive, shall have authority for determination of overall policy or public representation shall vest in (as appropriate) the Federal Board of the Federationbb at the discretion of the Federal Executive.

## **29. PROXIES**

29.1 Proxies may only vote on matters specifically stated in their letter of appointment or subsequent official communications.

29.2 Commission representatives, members of the Federal Executive or Appointed Executives can hold only one proxy from a Commission or Executive Member at any meeting of the Federal Board.

## **30. VOTING**

30.1 A "Member" may not vote directly at any meeting of the Federal Board of the Federation other than by virtue of position or delegated authority.

30.2 A Commission or Executive member may delegate in writing its or their authority to some other person to act on their behalf as proxy as provided in Clause 29 above.

30.3 Proxies may not put motions unless they hold written instructions from a Commission or Executive Members/ Officers for whom they hold proxy.

30.4 A majority of allocated votes given in favour shall decide a motion carried or vice versa.

30.5 Members, authorised representatives of Organizational Members and co-opted members appointed to a committee or sub-committee shall have no vote unless otherwise qualified by virtue of position.

## **31. POSTAL VOTING**

31.1 Any Commission that requires any matter whatsoever dealt with between meetings of the Federal Board shall inform the Federal Secretary who will advise all Commissions of the matter in the form of a Notice of Motion.

31.2 Any Commission that requires any matter considered by the Federal Executive or Federal Board to be the specific responsibility of one of the Principal Committees dealt with between meetings of the Federal Board or Principal Committees shall inform the Federal Treasurer who will advise all Commissions of the matter in the form of a Notice of Motion.

31.3 Each Commission upon receiving Notice of Motion shall (unless abstaining) record its vote in an official letter to, the Federal Secretary

31.4 Any votes not received by the recipient referred to in Clause 31.3 above within forty five (45) days of the original despatch of such a motion in accordance with Clause 31.3 shall be invalid and not recorded as a vote in respect to this matter.

31.5 Results of all postal voting shall as soon as possible be notified in writing to all Commissions, Executive Officers and the Federal Executive. Formal votes shall be retained and produced at the next meeting of the Federal Board if requested by notice in writing from a Commission or Commissions submitted not less than sixty (60) days prior to such meeting.

31.6 A declaration by the Federal Secretary that a motion has been carried or lost shall be final subject to scrutiny as provided in Clause 31.5 above.

## **32. ELECTION OF FEDERAL EXECUTIVE**

32.1 An Office Bearer of the Federation is and shall be deemed to be any person holding by virtue of election or appointment any of the positions set forth in Clause 14 of this Constitution.

32.2 Unless otherwise provided election of persons to fill such offices of Federal Executive and Executive Officers as fall vacant shall take place at the Annual Meeting of the Federation.

32.3 All members of the Federal Executive shall hold office for a period of two (2) years from election unless membership of the Federation terminates under the provisions of Clause 12.3 or the person retires or is removed from office as provided herein.

32.4 Positions of the Federal Executive shall be filled in alternate years as follows.

First year -

Federal President

Federal Membership Liaison officer

Second year -

Federal Secretary

Federal Treasurer

National Director of Coaching

32.5 Nominations for such positions shall be received up to the time the Federal President declares nominations closed and declares all relevant offices vacant. A Returning Officer shall be appointed by the Federal President and shall be responsible for the conduct of an election and shall not be a nominee for a vacant position.

32.6 Election shall be by secret ballot unless otherwise determined by the Federal Board.

### **33. RESIGNATIONS AND/OR RELINQUISHING OF OFFICE**

33.1 Any member of the Federal Executive or Executive Officer upon relinquishing or being removed from office shall deliver or cause to be delivered to the Federal President or Federal Secretary or the person replacing him within thirty (30) days all records, reports, documents, property, correspondence and any other items of Federation property and furnish the Federation with a report of past activity.

33.2 Any member of the Federal Executive or Executive officer who resigns between meetings shall forward their resignation in writing to the Federal Secretary.

33.3 The Federal President may appoint a person to fill any position left vacant by a resignation or suspension until such time as an election is held to fill the position.

33.4 (a) Election of a person to a position on the Federal Executive or as an Executive Officer falling vacant for whatsoever reason between meetings of the Federal Board shall be by postal vote.

(b) Nominations shall be called in accordance with the provisions hereof by the Federal Secretary who shall act as Returning Officer.

(c) Nominations shall be circularised in writing by the Federal Secretary to all Commissions, Executive Members/Officers.

(d) Each Commission may vote in accordance with the provisions of this Constitution as to postal voting.

### **34. EXTRAORDINARY FEDERAL BOARD MEETING**

34.1 An extraordinary meeting may be called by the Federal President or Federal Executive at any time of their volition and shall be called upon receiving a request from a majority of Commissions.

34.2 Notice of an extraordinary meeting of the Federation shall be given to all Commissions not less than forty (40) days before the proposed date of such extraordinary meeting.

34.3 The Federal President shall at his sole discretion have the authority to call an extraordinary meeting of the Federation to deal with matters of extreme urgency and/or importance.

### **35. CORRESPONDENCE**

35.1 Correspondence between the Federation or any office bearers or the Federal Executive either individually or collectively and other Commissions, Members, Committees or Organizational Members may be classified by the sender as "urgent"

35.2 "Urgent" correspondence shall be considered to be of the greatest importance and shall be replied to by the recipient within fourteen (14) days of the receipt of the communication.

35.3 All correspondence within the Federation not classified as urgent shall be replied to within thirty (30) days of receipt of such communication.

35.4 Telegrams or email will be accepted as official correspondence only when subject to verification by official letter forwarded in confirmation within fourteen (14) days of lodgement of the telegram/email.

## **36. FINANCE**

36.1 All financial matters shall be under the control of the Federal Board and/or the Federal Executive.

36.2 Only members of the Federal Board or the Federal Executive so authorised by such Board or Executive may receive monies on behalf of the Federation.

36.3 All monies received by any Member on behalf of the Federation shall be paid in full to the Treasurer or as directed by the Federal Executive or the Federal Board in the authorisation referred to in Clause 36.1 above.

36.4 The Treasurer shall cause to be banked all monies received within fourteen (14) days of receipt in a bank or Government approved savings institution account or accounts established within the provisions of this Constitution.

36.5 All accounts for payment shall be approved or ratified by the Federal Board or Federal Executive and shall be paid by cheque. No payments by cash shall be made.

36.6 A financial report will be presented to each meeting of the Federal Board immediately following the conclusion of the financial year and, unless otherwise agreed, to each meeting of the Federal Executive.

36.7 All cheques drawn on the Federation's general account must be signed by the Federal Treasurer and countersigned by either any one of the Federal President or the Membership Liaison Officer.

36.8 For the purposes of the accounts of the Federation the financial year shall be from 1st May to 30th April.

36.9 The income and property of the Federation howsoever derived shall be applied solely towards the promotion of the objects of this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus as a profit to any member of the Federation providing that nothing herein shall prevent the payment in good faith of remuneration to any members or servants of the Federation in return for services rendered.

36.10 Monies received by the Federation on behalf of any Organizational Member or any Commission of the Federation shall be paid in accordance with the provisions hereof by the Federation to such member or group within seven (7) days of receipt by the Federation.

36.11 Notwithstanding anything to the contrary contained herein any, Organizational Member and/or Commission of the Federation may charge or levy any monies as determined solely at the discretion of such, Commission or Organization by way of membership fee, premium or otherwise. Such monies may be received by the Federation and remitted to the group, organization, or Commission in accordance with the provisions hereof.

36.12 Any monies received by any group, organization or Commission as provided for in Clause 36.9, 36.10, 36.11 above shall be the sole property of such group, organization or Commission to be dealt with at the sole discretion of such group, organization or Commission.

36.13 Notwithstanding the provisions of Clause 36.12 above the Federation may at any time apply any such funds received to the satisfaction in full or in part of any legitimate debt owing by any group or organization as provided herein (but excluding Commissions) to the Federation or for which the Federation may be responsible on behalf of or as agent for such group, or organization.

## **37. INDEMNITY**

37.1 In the event that for any reason the Federal Executive or an office bearer or authorised person is deemed or found to be liable as individuals in lieu of the Federation for a debt properly incurred by the Executive office bearer, or person or any one or more of them, then all Members (excluding only Honorary Members and Honorary Life Members) of the Federation collectively shall indemnify

such person or persons individually or collectively who contracts such debt or debts on behalf of the Federation acting within the constitutional power of office or in accordance with policy as determined by the Federation.

37.2 Any such contract or agreement giving rise to such debt or debts shall be deemed to be made by such person or persons acting as agent for all members of the Federation or the Federation at that time.

#### **38. REMUNERATION OF OFFICE BEARERS**

38.1 The Federal Executive or any one of them may receive upon the direction of the Federal Board payment for services as a condition of appointment or election, or reimbursement for travelling or other legitimate out-of-pocket expenses or costs incurred in carrying out the functions or responsibilities of office.

#### **39. LIABILITY OF FEDERAL EXECUTIVE AND EXECUTIVE OFFICERS**

39.1 If the Federal Executive as a whole, or any member of the Federal Executive or Executive Office as such has paid, or is liable to pay, money for any act, default or omission of themselves or any other person whether a member of the Federation or not where such person was acting as an agent for the Federation at the material time such money shall be refunded to him or them by the Federation, or paid by the Federation.

#### **40. EMPLOYMENT OF STAFF**

40.1 Upon the recommendation or determination of the Federal Executive staff may be employed on a full or part time basis to assist the Federal Executive in the carrying out of the function and responsibilities in respect of the Federation. Conditions of employment and payment and any and all other matters in respect of such employment shall be decided solely by the Federal Executive in their discretion.

#### **41. AUDIT AND AUDITORS**

41.1 The accounts of the Federation shall be audited annually and the report arising in respect to such audit shall be presented at the Annual General Meeting of the Federal Board immediately following such audit.

41.2 The Federal Board at each Annual General Meeting shall appoint as auditors any person, firm or incorporated body meeting the requirements of any appropriate legislature or registration in force from time to time in respect to such auditors.

41.3 Notwithstanding the provisions of Clause 41.1 above the Federal Executive may at their sole discretion order an audit of any or all accounts or aspects of the Federation's activities at any time.

41.4 The rights of the auditors to call for, peruse, investigate or question any member of the Federation, the Federal Executive, Federal Board, employees or appointees or any document, record, account or activity in the pursuance of any audit shall be unlimited and all members of the Federation shall be bound to comply with any request so made.

#### **42. PATRON OR PATRONS**

42.1 The Federal Board may from time to time appoint or adopt any person or persons as Patron or Patrons of the Federation for such period or periods as considered appropriate.

#### **43. SEAL**

43.1 The Common Seal of the Federation shall be kept in the custody of the Federal President.

43.2 The Common Seal shall not be affixed to any instrument except by authority of the Federal President and the affixing of the Common Seal shall be attested by either of the Federal President and one other member of the Federal Executive or two members of the Federal Executive and the Public Officer (whether or not the Public Officer is also a member of the Federal Executive).

#### **44. PUBLIC OFFICER**

44.1 The Public Officer of the Federation shall be appointed from time to time by the Federal Board and may be the Executive Director, a member of the Federal Executive or some other person being a member of the Federation.

## **45. LEVIES**

45.1 Levies may be placed on the Members of the Federation either directly or through or on Commissions when so determined by the Federal Board.

45.2 The amount and extent of levy shall be determined by postal vote or at a meeting of the Federal Board.

45.3 All monies required to be paid under these provisions shall be a legal debt owing to the Federation and subject to the normal provisions at law for recovery of such debt by the Federation.

## **46. WINDING UP, DISSOLUTION OR CANCELLING OF INCORPORATION**

46.1 The Federation may be wound up, dissolved or the incorporation cancelled voluntarily whenever a resolution is passed requiring the Federation to be wound up at an extraordinary meeting of the Federal Board called for such purpose.

46.2 If upon the winding up, cancelling of incorporation or dissolution of the Federation there remains any property or monies after the satisfaction of all debts such property or monies shall be disposed of in accordance with the provisions of the Associations and incorporations Act.

## **47. SETTLEMENT OF DISPUTES**

47.1 Where a dispute exists as between, Principal Committees or between Organizational Members, Affiliate Members and/or Members or any two or more of them and either

(a) One of the parties' involved appeals to the Federation within the provisions of this Constitution to act as a mediator  
Or

(b) The Federal Executive or the Federal Board considers that such dispute is deleteriously or otherwise effecting the status, image, jurisdiction or authority of the Federation or skindiving as a whole

Then the Federal Executive or the Federal Board may of themselves or by specially appointed persons or person attempt to mediate and resolve such dispute.

47.2 Where attempts at mediation as provided in Clause 47.1 above are not successful in the sole discretion of the person or persons so appointed to attempt to mediate then the Federal Executive or the Federal Board may make a determination in respect to such dispute after hearing or considering the arguments from all parties to the dispute.

## **48. APPEALS**

48.1 Appeals against any determination, decision, interpretation, suspension or penalty made or imposed under the provisions of Clauses 47 and 49 of this Constitution (other than a ruling or interpretation made by the Federal President or Principal Committee Chairmen as provided in Clauses 17 and 25 of this Constitution) shall be submitted in writing to the Federal Secretary by the member so aggrieved within forty (40) days of the handing down of such determination, decision, interpretation, suspension or penalty.

48.2 Any such Appeal by an Organizational Member shall be referred to the Federal Board for determination.

48.3 Appeals by a Member of Affiliate Member shall be referred to the Federal Executive for determination or if the determination, which is being appealed, was, in the first instance, made by the Federal Executive then by the Federal Board.

48.4 In the case of all appeals, the basis and specifics of appeal shall be set forth in writing and the appellant may elect to give oral presentation and/or present witnesses or arguments in support of the case.

48.5 The tribunal in all cases hearing an appeal will not be bound to follow any particular rules of evidence but is bound to apply the provisions of natural justice and apply the general principles of justice and fairness.

48.6 Any determination made under the provisions of this Clause shall be final and binding.

#### **49. DISCIPLINE, ENFORCEMENT AND APPLICATION**

49.1 Any member of the Federation who fails to comply with the provisions or requirements of this Constitution or any Rules Regulations or By-laws forming part thereof may be subject to disciplinary action upon the finding of breach of liability by a tribunal set up under the auspices of the Federal Executive or relevant Commission.

49.2 Under such provisions a member may have membership terminated or withdrawn for a period, have fines or financial penalties imposed, have any rights benefits or privileges which would otherwise attach withdrawn or suspended, or other penalties as may be thought appropriate by the tribunal.

49.3 Disciplinary action may only be taken against a member following a complaint in writing lodged in accordance with rules or by-laws as are applicable and made by another member of the Federation, or alternatively upon complaint in writing from the Federal Executive or a member thereof, or a decision of the Federal Board. In all cases a copy of such complaint is to be forwarded or presented at the same time to the complainee and any hearing by a relevant tribunal shall only proceed after the expiration of sufficient time to allow the complainee to reasonably marshal argument or evidence, or as provided in Rules and By-laws, whichever is the greater.

49.4 A Chairman of any Board, Committee or Commission may rule any person attending any meeting of the Federation disorderly and order their removal.

#### **50. RULES, REGULATIONS AND BY-LAWS**

50.1 The Federal Board, Federal Executive and Federal Commissions may from time to time make and promulgate Rules, Regulations and By-laws for the administration and proper conduct of the Federation and/or the particular areas of the sport or underwater activity for and over which they have responsibility and control. Such Rules, Regulations and By-laws can extend but are not restricted to areas of safety, competition, finance (including membership fees), fines and penalties qualifications and requirements.

50.2 Any Rule, Regulation or By-Law so made and promulgated is binding upon all members of the Federation in accordance with the provisions of this Constitution.