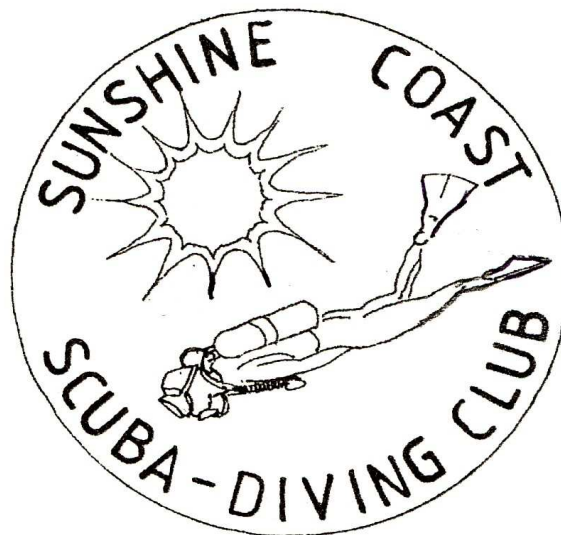


# SUNSHINE COAST SCUBA DIVING CLUB (QLD Incorporated)

## ACTIVE CLUB RULES

Version Three - 2 October 2007



The Sunshine Coast SCUBA Diving Club is totally committed to fostering safe and affordable diving to club members and protecting our unique underwater environment.

The club was incorporated under the provisions of “QLD Associations Incorporation Act 1981” in September 2005. This requires the club committee to act in accordance with the Act and for all members to adhere to the club rules, accepted industry safe diving standards and be a socially responsible organisation.

This document provides a clear guide to the club committee and members to enjoy the benefits of the club and explore this magic underwater environment.

*D Alford*

Doug Alford  
Vice President

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SUNSHINE COAST SCUBA DIVING CLUB (QLD INCORPORATED)

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CLUB RULES  
SUNSHINE COAST SCUBA DIVING CLUB (QLD INCORPORATED)

**Interpretation and Meaning of the Act**

- 1.1 In these rules the following meanings and interpretation shall apply:
- a. *Act* means the *Associations Incorporation Act 1981*.
  - b. *Present* - at a management committee meeting, see rule 23.6; or at a general meeting, see rule 37.2.
  - c. *Official club dive/activity* – means a dive/activity that has been approved by the committee, appears on the dive calendar and a club *Event Coordinator* has been nominated.
- 1.2 A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

**Name of Club and Date of Incorporation**

- 2.1 The *Sunshine Coast SCUBA Diving Club (the Club)* was incorporated under the provisions of “*QLD Associations Incorporation Act 1981*” in September 2005.

**Key Objectives of the Club**

- 3.1 The aim of the *Sunshine Coast SCUBA Diving Club* is to foster safe and affordable diving for qualified SCUBA divers on the Sunshine Coast. Key objectives for the club include the following:
- a. Foster safe diving through the promotion of continuous learning and education, sharing experience, skills and knowledge between club members and adherence to industry recognised and accepted safe diving practices.
  - b. Provide varied, enjoyable and affordable diving for club members using a large variety of venues, dive locations and diving methods.
  - c. Provide an opportunity to meet and socialise with like minded people who share a passion for diving.
  - d. Actively promote and support conservation and research initiatives that protect our unique marine environment.

**Powers of the Club**

- 4.1 The powers relevant to the club and individual members are shown below:
- a. The club has the powers of an individual.
  - b. The Club may, for example:
    - i. enter into contracts; and
    - ii. acquire, hold, deal with and dispose of property; and
    - iii. make charges for services and facilities it supplies; and
    - iv. do other things necessary or convenient to be done in carrying out its affairs.

**Classes of Members**

- 5.1 The following are the classes of membership available and the eligibility criteria:
- a. **Ordinary Member.** Must be a qualified diver with an industry recognized diving certification of at least “Open Water” (or equivalent) and be a current financial member of the club. An **ordinary member** has voting rights and can be elected to any position on the committee. To maintain “ordinary member” status a member must complete at least two logged SCUBA dives in the previous 12 month membership period or complete a recognised refresher course.
  - b. **Associate Member.** A person, who does not have a recognized diving certificate, however is a current financial member of the Club. An associate member has no voting rights and cannot be elected to any position on the committee.
  - c. **Life Member.** The committee may approve members for “Life Membership” for exceptional service to the Club.

## Sunshine Coast SCUBA Diving Club – Active Rules

- 5.2 A prospective member may participate in two club dives before paying the membership fee provided he/she completes the club “Application Form” and meets all the requirements for ordinary membership including a proposer and seconder. A committee member must verify the information provided by the prospective member and complete the “Approval Form for New Ordinary Member” checklist.
- 5.3 The number of ordinary members is unlimited.

### Medical & Certification Requirements for Divers

- 6.1 It is the individual diver’s responsibility to obtain his/her initial medical examination prior to qualifying as a diver, and also to monitor his/her health and obtain expert medical opinion if their circumstances change. An acknowledgement of this requirement shall be included in the application form and be a mandatory requirement for approval to join the Club.
- 6.2 The club encourages all divers to have an annual medical check and closely monitor any condition that may cause them any problem when diving.
- 6.3 Any person diving with the club shall meet the following criteria:
- Recognised diving qualification of at least “Open Water” – copy to be included with the application form for Ordinary membership.
  - To be recommended for membership by two club members, i.e. a proposer and seconder.
  - At least 10 logged dives – log book must be sighted.
  - Completed two logged dives within the last twelve months.
  - Serviceable and appropriate gear for the dive. This is to include: “bottom timer/depth gauge/dive tables or a dive computer, BCD, contents gauge, octopus, safety sausage and whistle for attracting attention in an emergency.
  - On his/her first dive, an experienced club member will accompany the person to ensure safety is not compromised.

### New membership and Renewal of Membership

- 7.1 An applicant for membership of the Club must be proposed by one member of the Club (the *proposer*) and seconded by another member (the *seconder*). An application for membership must be:
- in writing; and
  - signed by the applicant and the applicant’s proposer and seconder; and
  - in the form decided by the management committee.
- 7.2 A member must renew his membership every 12 months to remain a current member. An application to renew his/her membership together with the annual fee should be handed to the secretary one month prior to expiry date. The committee shall consider the application and approve/not approve the renewal.
- 7.3 A member must complete at least two SCUBA dives in the previous 12 month membership period, or complete a recognised refresher course to maintain “ordinary member” status.

### Membership Fees

- 8.1 The membership fee for each ordinary membership and for each other classes of membership shall be as follows:
- The amount decided by members from time to time at a general meeting; and
  - is payable when, and in the way, the management committee decides.
- 8.2 The following is the fee structure as at 11th October 2005:
- Ordinary Member.** Yearly membership = \$50.00 per year
  - Family Membership:**

1st family member	\$50.00 per year	2 <sup>nd</sup> family member	\$40.00 per year
3 <sup>rd</sup> family member	\$30.00 per year	Additional family members	\$20.00 per year

- c. **Associate Member.** Yearly membership = \$20.00 per year

#### **Admission or Rejection of Membership**

- 9.1 The management committee must consider an application or renewal of membership at the next committee meeting held after it receives:
- a. the application for membership or renewal; and
  - b. the appropriate membership fee for the application.
- 9.2 The management committee must ensure that, as soon as possible after the person applies to become a member of the Club, and before the management committee considers the persons application, the person is advised:
- a. whether or not the Club has public liability insurance; and
  - b. if the Club has public liability insurance—the amount of the insurance.
- 9.3 The management committee must decide at the meeting whether to accept or reject the application.
- 9.4 If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.
- 9.5 The secretary of the Club must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

#### **When Membership Ends**

- 10.1 A member may resign from the Club by giving a written notice of resignation to the secretary.
- 10.2 The resignation takes effect at:
- a. the time the notice is received by the secretary; or
  - b. if a later time is stated in the notice—the later time.
- 10.3 The management committee may terminate a member's membership if the member:
- a. is convicted of an indictable offence; or
  - b. does not comply with any of the provisions of these rules; or
  - c. has membership fees in arrears for at least 2 months; or
  - d. conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the Club.
- 10.4 Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- 10.5 If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

#### **Appeal Against Rejection or Termination of Membership**

- 11.1 A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- 11.2 A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- 11.3 If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

**General Meeting to Decide Appeals**

- 12.1 The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.
- 12.2 At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- 12.3 Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
- 12.4 An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.
- 12.5 If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

**Register of members**

- 13.1 The management committee must keep a register of members of the Club.
- 13.2 The register must include the following particulars for each member:
  - a. the full name of the member;
  - b. the postal or residential address of the member;
  - c. the date of admission as a member;
  - d. the date of death or time of resignation of the member;
  - e. details about the termination or reinstatement of membership;
  - f. any other particulars the management committee or the members at a general meeting decide.
- 13.3 The register must be open for inspection by members of the Club at all reasonable times.
- 13.4 A member must contact the secretary to arrange an inspection of the register.
- 13.5 However, the management committee may, on the application of a member of the Club, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

**Restrictions on Release of Members Personal Information**

- 14.1 A member of the Club must not:
  - a. use information obtained from the register of members of the Club to contact, or send material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes; or
  - b. disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the Club for the purpose of advertising for political, religious, charitable or commercial purposes.
- 14.2 Subrule 14.1 does not apply if the use or disclosure of the information is approved by the Club.
- 14.3 The club shall establish a system so that members can directly contact each other to arrange “unofficial club dives” when they are free. The Club application form shall ask potential members if they approve of their name/ email/phone contact details being placed on a club contact list.
- 14.4 If a member does not wish his/her details to be placed on the list then their right to privacy shall be protected. Member’s addresses shall not be placed on the members contact list under any circumstances.

**Appointment or Election of Secretary**

- 15.1 The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is:
- a. a member of the Club elected by the Club as secretary; or
  - b. any of the following persons appointed by the management committee as secretary:
    - i. a member of the Clubs management committee;
    - ii. another member of the Club;
    - iii. another person.
- 15.2 If the Club has not elected an interim officer as secretary for the Club before its incorporation, the members of the management committee must ensure a secretary is appointed or elected for the Club within one month after incorporation.
- 15.3 If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the Club within one month after the vacancy happens.
- 15.4 If the management committee appoints a person mentioned in subrule 15.1, b, ii as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.
- 15.5 However, if the management committee appoints a person mentioned in subrule 15.1, b, ii as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.
- 15.6 If the management committee appoints a person mentioned in subrule 15.1, b, iii as secretary, the person does not become a member of the management committee.
- 15.7 In this rule “*casual vacancy*”, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

**Removal of Secretary**

- 16.1 The management committee of the Club may at any time remove a person appointed by the committee as the secretary.
- 16.2 If the management committee removes a secretary who is a person mentioned in rule 15.1, b, i the person remains a member of the management committee.
- 16.3 If the management committee removes a secretary who is a person mentioned in rule 15.1, b, ii and who has been appointed to a casual vacancy on the management committee under rule 15.5, the person remains a member of the management committee.

**Functions of the Secretary**

- 17.1 The secretary’s functions include, but are not limited to:
- a. calling meetings of the Club, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the Club; and
  - b. keeping minutes of each meeting; and
  - c. keeping copies of all correspondence and other documents relating to the Club; and
  - d. maintaining the register of members of the Club.

**Membership of Management Committee**

- 18.1 The management committee of the Club consists of a president, treasurer, and any other members the Club members elect at a general meeting.
- 18.2 A member of the management committee, other than a secretary appointed by the management committee under rule 15.1, b, iii, must be a member of the Club.
- 18.3 At each annual general meeting of the Club, the members of the management committee must retire from office, but are eligible, on nomination, for re-election.
- 18.4 A member of the Club may be appointed to a casual vacancy on the management committee under rule 21.

**Election of Management Committee**

- 19.1 A member of the management committee may only be elected as follows:
- a. any two members of the Club may nominate another member (the *candidate*) to serve as a member of the management committee;
  - b. the nomination must be:
    - i. in writing; and
    - ii. signed by the candidate and the members who nominated him or her; and
    - iii. given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
  - c. each member of the Club present and eligible to vote at the annual general meeting may vote for one candidate for each vacant position on the management committee;
  - d. if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- 19.2 A person may be a candidate only if the person:
- a. is an adult; and
  - b. is not ineligible to be elected as a member under section 61A of the Act.
- 19.3 A list of the candidate's names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the Club for at least seven days immediately preceding the annual general meeting.
- 19.4 If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- 19.5 The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised:
- a. whether or not the Club has public liability insurance; and
  - b. if the Club has public liability insurance—the amount of the insurance.

**Resignation or Removal of Committee Member**

- 20.1 A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- 20.2 The resignation takes effect at:
- a. the time the notice is received by the secretary; or
  - b. if a later time is stated in the notice—the later time.
- 20.3 A member may be removed from office at a general meeting of the Club if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.
- 20.4 Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 20.5 A member has no right of appeal against the member's removal from office under this rule.
- 20.6 A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

**Vacancies in Management Committee**

- 21.1 If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the Club to fill the vacancy until the next annual general meeting.
- 21.2 The continuing members of the management committee may act despite a casual vacancy on the management committee.

## Sunshine Coast SCUBA Diving Club – Active Rules

- 21.3 However, if the number of committee members is less than the number fixed under rule 24.1 as a quorum of the management committee, the continuing members may act only to:
- a. increase the number of management committee members to the number required for a quorum; or
  - b. call a general meeting of the Club.

### Function of Management Committee

- 22.1 Subject to these rules or a resolution of the members of the Club carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the Club.
- 22.2 The management committee has authority to interpret the meaning of these rules and any matter relating to the Club on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act. **Note:** The Act prevails if the Club's rules are inconsistent with the Act—see section 1B of the Act.
- 22.3 The management committee may exercise the powers of the Club:
- a. to borrow, raise or secure the payment of amounts in a way the members of the Club decide; and
  - b. to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Club in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the Clubs property, both present and future; and
  - c. to purchase, redeem or pay off any securities issued; and
  - d. to borrow amounts from members and pay interest on the amounts borrowed; and
  - e. to mortgage or charge the whole or part of its property; and
  - f. to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the Club; and
  - g. to provide and pay off any securities issued; and
  - h. to invest in a way the members of the Club may from time to time decide.
- 22.4 For subrule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by:
- a. the financial institution for the Club; or
  - b. if there is more than one financial institution for the Club—the financial institution nominated by the management committee.

### Meetings of Management Committee

- 23.1 Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- 23.2 The management committee must meet at least once every four months to exercise its functions.
- 23.3 The management committee must decide how a meeting is to be called.
- 23.4 Notice of a meeting is to be given in the way decided by the management committee.
- 23.5 The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- 23.6 A committee member who participates in the meeting as mentioned in subrule 23.5 is taken to be present at the meeting.
- 23.7 A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.

## Sunshine Coast SCUBA Diving Club – Active Rules

- 23.8 A member of the management committee must not vote on a question about a contract or proposed contract with the Club if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.
- 23.9 The president is to preside as chairperson at a management committee meeting.
- 23.10 If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose one of their number to preside as chairperson at the meeting.

### **Quorum and Adjournment of Committee Meetings**

- 24.1 At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.
- 24.2 If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- 24.3 If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee:
- a. the meeting is to be adjourned for at least one day; and
  - b. the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.
- 24.4 If, at an adjourned meeting mentioned in subrule 24.3, there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

### **Special Meeting of Management Committee**

- 25.1 If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- 25.2 If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- 25.3 A request for a special meeting must state:
- a. why the special meeting is called; and
  - b. the business to be conducted at the meeting.
- 25.4 A notice of a special meeting must state:
- a. the day, time and place of the meeting; and
  - b. the business to be conducted at the meeting.
- 25.5 A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

### **Minutes of Committee Management Meeting**

- 26.1 The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.
- 26.2 To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

## Sunshine Coast SCUBA Diving Club – Active Rules

### **Appointment of Sub-committees**

- 27.1 The management committee may appoint a subcommittee consisting of members of the Club considered appropriate by the committee to help with the conduct of the Clubs operations.
- 27.2 A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- 27.3 A subcommittee may elect a chairperson of its meetings.
- 27.4 If a chairperson is not elected, or if the chairperson is not present within ten minutes after the time fixed for a meeting, the members present may choose one of their number to be chairperson of the meeting.
- 27.5 A subcommittee may meet and adjourn as it considers appropriate.
- 27.6 A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

### **Acts not Affected by Defects or Disqualifications**

- 28.1 An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- 28.2 Subrule 28.1 applies even if the act was performed when:
  - a. there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
  - b. a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

### **Resolutions of Management Committee without Meeting**

- 29.1 A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- 29.2 A resolution mentioned in subrule 29.1 may consist of several documents in like form, each signed by one or more members of the committee.

### **First Annual General Meeting**

- 30.1 The first annual general meeting must be held within 6 months after the end date of the Club's first reportable financial year.

### **Subsequent Annual General Meetings**

- 31.2 Each subsequent annual general meeting must be held:
  - a. at least once each year; and
  - b. within six months after the end date of the Club's reportable financial year.

### **Annual General Meetings – Level One Associations**

- 32.1 Level one associations have either current assets of more than \$100,000 or total revenue of more than \$100,000. Sunshine Coast SCUBA diving club is a level two association therefore this rule does not apply.

### **Annual General Meetings – Level Two Associations**

- 33.1 The Sunshine Coast SCUBA diving club is a level two association therefore this rule applies.
- 33.2 The following business must be conducted at each annual general meeting of the Club:
  - a. receiving the Club's financial statement, and signed statement, for the last reportable financial year;

## Sunshine Coast SCUBA Diving Club – Active Rules

- b. presenting the financial statement and signed statement to the meeting for adoption;
- c. electing members of the management committee;
- d. appointing an auditor, an accountant or an approved person for the present financial year.
- e. discuss and advise members of the Club's policy on public liability insurance.

### Annual General Meetings – Level Three Associations

- 34.1 Sunshine Coast SCUBA diving club is a level two association therefore this rule does not apply. Level one association have either current assets of less than \$20,000 or total revenue of less than \$20,000.

### Notice of General Meeting

- 35.1 The secretary may call a general meeting of the Club.
- 35.2 The secretary must give at least 14 days notice of the meeting to each member of the Club.
- 35.3 If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- 35.4 The management committee may decide the way in which the notice must be given.
- 35.5 However, notice of the following meetings must be given in writing:
- a. a meeting called to hear and decide the appeal of a person against the management committee's decision:
    - i. to reject the person's application for membership of the Club; or
    - ii. to terminate the person's membership of the Club;
  - b. a meeting called to hear and decide a proposed special resolution of the Club.
- 35.6 A notice of a general meeting must state the business to be conducted at the meeting.

### Quorum and Adjournment of General Meeting

- 36.1 The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the Club's last general meeting plus one.
- 36.2 However, if all members of the Club are members of the management committee, the quorum is the total number of members less one.
- 36.3 No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.
- 36.4 If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the Club, the meeting lapses.
- 36.5 If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the Club:
- a. the meeting is to be adjourned for at least 7 days; and
  - b. the management committee is to decide the day, time and place of the adjourned meeting.
- 36.6 The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- 36.7 If a meeting is adjourned under subrule 36.6, only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- 36.8 The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

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- 36.9 If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

### **Procedure at General Meeting**

- 37.1 A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- 37.2 A member who participates in a meeting as mentioned in subrule 37.1 is taken to be present at the meeting.
- 37.3 At each general meeting:
- a. the president is to preside as chairperson; and
  - b. if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect one of their number to be chairperson of the meeting; and
  - c. the chairperson must conduct the meeting in a proper and orderly way.

### **Voting at General Meeting**

- 38.1 At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.
- 38.2 Each member present and eligible to vote is entitled to one vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- 38.3 A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.
- 38.4 The method of voting is to be decided by the management committee.
- 38.5 However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.
- 38.6 If a secret ballot is held, the chairperson must appoint two members to conduct the secret ballot in the way the chairperson decides.
- 38.7 The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

### **Special General Meeting**

- 39.1 The secretary must call a special general meeting by giving each member of the Club notice of the meeting within 14 days after:
- a. being directed to call the meeting by the management committee; or
  - b. being given a written request signed by:
    - i. at least 33% of the number of members of the management committee when the request is signed; or
    - ii. at least the number of ordinary members of the Club equal to double the number of members of the Club on the management committee when the request is signed plus one; or
  - c. being given a written notice of an intention to appeal against the decision of the management committee:
    - i. to reject an application for membership; or
    - ii. to terminate a person's membership.
- 39.2 A request mentioned in subrule 39.1, b must state:
- a. why the special general meeting is being called; and
  - b. the business to be conducted at the meeting.

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- 39.3 A special general meeting must be held within 3 months after the secretary:
  - a. is directed to call the meeting by the management committee; or
  - b. is given the written request mentioned in subrule 39.1, b; or
  - c. is given the written notice of an intention to appeal mentioned in subrule 39.1, c.
- 39.4 If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

**Proxies**

40.1 An instrument appointing a proxy must be in writing and be in the following or similar form:

**Sunshine Coast SCUBA Diving Club:**  
 I, \_\_\_\_\_ of, \_\_\_\_\_ being  
 a member of the Club, appoint \_\_\_\_\_  
 \_\_\_\_\_ of  
 as my proxy to vote for me on my behalf at the (annual) general meeting of the Club, to be held on (Insert Date)  
 and at any adjournment of the meeting.  
 Signed this (Insert Date) \_\_\_\_\_  
 \_\_\_\_\_  
 Signature

- 40.2 The instrument appointing a proxy must:
  - a. if the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
  - b. if the appointor is a corporation:
    - i. be under seal; or
    - ii. be signed by a properly authorised officer or attorney of the corporation.

- 40.3 A proxy may be a member of the Club or another person.
- 40.4 The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- 40.5 Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- 40.6 Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
- 40.7 If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form:

**Sunshine Coast SCUBA Diving Club:**  
 I, \_\_\_\_\_ of, being  
 a member of the Club, appoint \_\_\_\_\_  
 \_\_\_\_\_ of  
 as my proxy to vote for me on my behalf at the (annual) general meeting of the Club, to be held on (Insert Date)  
 and at any adjournment of the meeting.  
 Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ ) \_\_\_\_\_  
 \_\_\_\_\_  
 Signature  
 This form is to be used \*in favour of/\*against [~~strike out whichever is not wanted~~] the following resolutions:  
 [List relevant resolutions]

**Minutes of General Meeting**

41.1 The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.

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- 41.2 To ensure the accuracy of the minutes:
- a. the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
  - b. the minutes of each annual general meeting (AGM) must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the Club that is a general meeting or AGM, verifying their accuracy.
- 41.3 If asked by a member of the Club, the secretary must, within 28 days after the request is made:
- a. make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
  - b. give the member copies of the minutes of the meeting.
- 41.4 The Club may require the member to pay the reasonable costs of providing copies of the minutes.

### **By Laws**

- 42.1 The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Club.
- 42.2 A by-law may be set aside by a vote of members at a general meeting of the Club.

### **Alteration of Rules**

- 43.1 Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- 43.2 However an amendment, repeal or addition is valid only if it is registered by the chief executive.

### **Common Seal**

- 44.1 The management committee must ensure the Club has a common seal.
- 44.2 The common seal must be:
- a. kept securely by the management committee; and
  - b. used only under the authority of the management committee.
- 44.3 Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by:
- a. the secretary; or
  - b. another member of the management committee; or
  - c. someone authorised by the management committee.

### **Funds and Accounts**

- 45.1 The funds of the Club must be kept in an account in the name of the Club in a financial institution decided by the management committee.
- 45.2 Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Club.
- 45.3 All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- 45.4 A payment by the Club of \$100 or more must be made by cheque or electronic funds transfer.

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- 45.5 If a payment of \$100 or more is made by cheque, the cheque must be signed by any two of the following:
- the president;
  - the secretary;
  - the treasurer;
  - any one of three other members of the Club who have been authorised by the management committee to sign cheques issued by the Club.
- 45.6 However, one of the persons who signs the cheque must be the president, the secretary or the treasurer.
- 45.7 Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- 45.8 A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- 45.9 All expenditure must be approved or ratified at a management committee meeting.

### General Financial Matters

- 46.1 On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- 46.2 The income and property of the Club must be used solely in promoting the Club's objects and exercising the Club's powers.

### Documents

- 47.1 The management committee must ensure the safe custody of books, documents, instruments of title and securities of the Club.

### Financial Year

- 48.1 The end date of the Club's financial year is 31 December in each year.

### Distribution of Surplus Assets to Another Entity

- 49.1 This rule applies if the Club:
- is wound-up under part 10 of the Act; and
  - has surplus assets.
- 49.2 The surplus assets must not be distributed among the members of the Club.
- 49.3 The surplus assets must be given to another entity:
- having objects similar to the Club's objects; and
  - the rules of which prohibit the distribution of the entity's income and assets to its members.
- 49.4 In this rule— *surplus assets* see section 92(3) of the Act.

### Responsibilities for Participating in Club Activities

- 50.1 Each member is fully responsible for ensuring they have the necessary skills, training, certification, level of fitness and equipment to participate in club activities in a safe manner, and in accordance with the Club's rules, "industry recognised and accepted safe diving practices" and their level of competence.
- 50.2 Each member must acknowledge in writing, that neither the Club, its committee members nor its ordinary members shall be liable for any loss, damage or injury however caused or at any time and that all activities undertaken with the Club shall be entirely at their own risk. See Rule 56 regarding public liability insurance.

## Sunshine Coast SCUBA Diving Club – Active Rules

- 50.3 All members who attend an **official club dive** are individually and jointly responsible for adherence to the club rules, “industry recognised and accepted safe diving practices” and projecting an image of a socially responsible organisation.
- 50.4 If an individual believes they are not competent or confident to complete a proposed club dive they have a moral and legal responsibility to withdraw from the dive.
- 50.5 Prior to conducting any diving activity, all divers are to participate in a pre-dive meeting to plan the dive and determine if the dive can be conducted in a safe manner and in accordance with the club rules and “industry recognised and accepted safe diving practices”. The following is to occur as a result of the pre-dive meeting:
- If the dive cannot be conducted in accordance with the club rules and “industry recognised and accepted safe diving practices” then the dive is to be cancelled.
  - Any diver who believes they are not competent or confident to complete the dive should withdraw (see 50.4 above).
  - If the remaining divers believe they are competent and confident to complete the proposed club then the dive can proceed in accordance with the dive plan.
  - If there is any doubt that the dive cannot be done safely, then the dive is to be terminated.

### Reporting of Incidents

- 51.1 All undesirable incidents that occur at **official club activities** must be reported to the Committee by the person/s involved in the incident. The Committee is to investigate the circumstances of the undesirable incident and take all necessary action to prevent a recurrence and to meet any legal requirements, i.e. reporting to the relevant authorities.

### Safe Diving Practices

- 52.1 The following guidelines shall be used for the conduct of diving activities:
- Oxygen should be taken to all **official club dives** (when practicable) for use in any emergency situation.
  - All club diving activities shall adhere to “*industry recognised and accepted safe diving practices*”. If there is any doubt, the committee shall review the circumstances and determine a policy.
  - Prior to conducting any diving activity a pre-dive meeting is to be conducted in accordance with Rule 50.5.
  - Each diver must have serviceable and appropriate equipment for the dive to be undertaken including following:
    - Bottom timer/depth gauge/dive tables or a dive computer.
    - Safety sausage and whistle for attracting attention in an emergency.
    - Buoyancy control device (BCD).
    - Contents gauge.
    - Octopus.
  - Night dives are only to be undertaken by experienced divers who are equipped with a suitable dive torch and a glow stick attached to their tank valve. Also, a glow stick/s or suitable torch shall be displayed at the entry/exit point.
  - A dive flag is to be displayed for all dives where possible.
  - The buddy system is to be strictly adhered to. No diver is to dive alone under any circumstances.

### Documenting of Club Dives (Dive Logs)

- 53.1 A dive log is to be completed for each **official club dive** in the format decided by the committee. Completed dive logs should be handed to the Dive Coordinator who will provide statistics and maintain club records.

### Safe Procedures for Boating Activities

- 54.1 The following guidelines shall be used for the conduct of **official club dives** involving boating activities:
- Any person operating a boat must have the relevant licence and/or qualifications.
  - During diving activities, one person (who can operate the boat safely) must remain in the boat to ensure the security of the boat and to respond to any diving emergency.
  - An approved dive flag is to be displayed whenever divers are in the water.
  - Boat drivers must strictly adhere to all boating regulations and demonstrate consideration and respect for all other users.

This will ensure the club maintains an image of professionalism and a socially responsible member of the community.

#### **Appointment of Event Coordinator**

- 55.1 An *Event Coordinator* shall be appointed for each **official club dive/activity**.
- 55.2 The duties of the *Event Coordinator* include the following:
- a. Obtain club dive activity pack and briefing from the Dive Coordinator and familiarise themselves with the local emergency response facilities and contact phone numbers for use in an emergency situation.
  - b. Organise and book all relevant dives, accommodation etc.
  - c. Contact and liaise with members and confirm numbers, timings, dates, location etc.
  - d. Liaise with dive shops, accommodation providers etc to confirm arrangements.
  - e. Coordinate the club activity, represent the club and resolve any problems.
  - f. Ensure that dive logs are completed and handed to the Dive Coordinator.
  - g. Where possible, take some photos and provide the photos and a brief dive report to the President for inclusion in the club newsletter.
- 55.3 The position of *Event Coordinator* is responsible for organising the event and representing the club for that particular activity. Like any club member, he/she equally shares the responsibility for adherence with club rules and safe diving practices with all club members who attend the event (see rules 50.1 to 50.5).

#### **Public Liability Insurance**

- 56.1 In accordance with the requirements of the “Associations Incorporations Act 1981” the committee are required to review insurance requirements annually and report the results at the annual general meeting.
- 56.2 The committee have determined that no public liability insurance will be taken out for the club and therefore members or visitors are not covered by “club public liability insurance” when participating or attending club activities. Members should seek advice from legal and insurance professionals if they have concerns about this issue or need additional information.