

**NSW SWIMMING LIMITED.
SINCE 1896**



MINUTES

**40th
ANNUAL GENERAL CONFERENCE**

SATURDAY 18 JUNE 2005

**LIDCOMBE CATHOLIC WORKMEN'S CLUB
24 JOHN STREET, LIDCOMBE**

MINUTES
40th ANNUAL GENERAL CONFERENCE
SATURDAY 18 JUNE 2005 AT 9.00AM
LIDCOMBE CATHOLIC WORKMEN'S CLUB
24 JOHN STREET, LIDCOMBE

PRESENT

BOARD OF DIRECTORS

Cliff Harris	President	Gloria Wiegmann	Education Director
Bill Ford	Vice President	Peter Lozan	Membership Director
Philip Haworth	Finance Director	Neil Rogers	Metropolitan Director
Suzanne Bergersen	Competition Director	Pat Troy	Technical Director
Carol Cairns	Country Director	Stuart Dutton	Executive Director

LIFE MEMBERS

Pat Flynn BEM	Tek Samuel OAM	Esna Stewart OAM	Helen Wood
Roger Pegram MBE OAM	Harry Schofield	Ron Jordan	Isa Wye MBE OAM

DISTRICT DELEGATES

ACT	Trevor Wuth	Northern	Jan Tredinnick
Castlereagh	Gwen Ridge	Northern Suburbs	J Davies
Central Coast	Desiree Collins	Ovens & Murray	Noel Watson
Central Tablelands	Lynette Hitchell	Riverina	Chris Hayes
Central Western	Andrew Jennings	SCAT	John Williams
City of Sydney	Ray Morris	Southern	C Zarb
Cumberland	Jann Fathers	South Western	Bernie Boyd
Eastern Suburbs	Greg Baxter	St George / Sutherland	Phillip Speet
Far North Coast	Debbie Gregg	Warringah	Sunny Bidner
Mid North Coast	Robert Guyer	Western Suburbs	Ken Howard
NECN	Una Grantham		

CLUB DELEGATES

Albury North Lavington	Anthony Foley	Merrylands	Gladys Pye
Alstonville	Margaret Harding	Mingara Aquatic	Susan Lewandowski
Avalon Bilgola	Richard Vander Reyden	Mount Pritchard	Branko Sutic
Bankstown Sports	Helen Ashpole	Narrabeen Ladies	Patricia Sadler
Bathurst City	Heather Rosconi	Nepean	Stephen Hardy
Bayside	Peter Kennedy	North Sydney	Marie Harris
Blacktown City	Val Fenbow	Nowra	C.B. Hepburn
Bega	C Mead	Oak Flats	Robert Newell
Burley Griffin	Lorraine Wuth	Orange	Colin Touzell
Boolaroo Speers Point	Jenny Schwetz	Parkes	Barbara Weaver
Carlile	Dennis Gorrick	Peakhurst	Cherry Smith
Castle Hill RSL Dolph.	John McIntosh	Penrith	Lynnette Crossley
Central Newcastle	Norman Roberts	Port Macquarie	Eric Witchard
Cowra	Paul King	Queenscliff Ladies	Joan Somerville
Dapto	Mick Southwell	Queanbeyan	Di Silk
Glenbrook	Margaret Spurway	Raymond Terrace	David Richards
Gosford RSL Youth	Duncan Harris	Revesby Workers	Phillip Pappas
Ginnindera	Judy McLeod	Ripples St Marys	Brian Dry
Gunnedah	Barb Reynolds	Ryde	Dianne Seary
Inswim	Ken Jones	Sans Souci	Phillip Speet
Katoomba	Walter Hitchell	Sladem	Michael Ashwood
Kempsey	Pamela Guyer	Smithfield	Leo Repeti
Kiama	Craig Boles	Springwood	Pam Mackenzie
Kuringai	Margaret Kniha	Toongabbie	Leo Di Paolo
Lane Cove	Judith McMahon	Toukley	George Brown
Laurieton	Ann Pilkie	The Hills	Graham Taylor
Liverpool	Glen Burt	Wentworthville RSL	Paul Crollick
Maccabi	Beverley Bos	Wests Illawarra	Ingrid Vanderburg
Macarthur Indoor	Leone Dyson	West Pennant Hills	Frank Latta
Maitland	Heather Brown	West Wallsend Indoor	Ann Dever
Manly	Carmel Howard	Windsor	Chris Evans
Manly Jetz	Louis Clarke	Wingham	Margaret Cornall
Maroubra	Dennis Romaniuk	Wizards	Peter Barck
McCredie Park	Paul Zan Elm	Woden Valley	Ian Lamb

VISITORS

Glenn Tasker	Jim Pye	Stephen McFadyen	Paul Bruce
Neil Martin	Patricia Roberts	Alan Gray	Len Yeats
Stephen Leahy	Anthony Ewan	Garry Dinnie	Andrew Barcuguda
Ian Eastley	Ian Coleborne	Peter Hall	Andrew Flaherty
Sarah Winston			

APOLOGIES

Joan Valler

Ken Knight

Carol McDonald

WELCOME

At 9.10am the President, Cliff Harris, declared the 40th Annual General Conference open and welcomed all Life Members, Club delegates, District delegates and Visitors in attendance.

The President extended a special welcome to Swimming Australia Ltd President, Neil Martin, CEO, Glenn Tasker and Director Tim Ford. The President also introduced the CEO of Austswim – NSW, Mr Steven Leahy. The President then introduced Garry Dinnie and Anthony Ewan from Auditors Ernst and Young and advised that they would be available to respond to any questions relating to the audited financial statements.

The President asked that a minute's silence be observed for Life Member, Ron Farraday who passed away during the year.

The President then introduced the board members.

The President outlined the meeting procedures that would be followed and advised that subject to the outcome of items before the Annual General Conference that a Special General Conference may be required and this would be held at the conclusion of the meeting as per the circulated notice.

The President advised that the NSW Swimming Foundation had entered into negotiations to purchase a property to house NSW Swimming Ltd with the agreed price being \$975,000.

The President then invited SAL President, Neil Martin to address the meeting. Neil addressed the meeting, providing information on SAL's activities over the previous 12 months and their future direction.

BUSINESS

1. MINUTES

- 1.1 Moved and seconded that the Minutes of the 39th Annual General Conference of the NSW Swimming Association Inc. held on 19th June 2004 be taken as read.

CARRIED

- 1.2 Moved and seconded that the Minutes of the 39th Annual General Conference of NSW Swimming Association Inc. held on 19th June 2004 be accepted as a true and correct record.

CARRIED

2. ANNUAL REPORT

2.1 The President presented the 108th Annual Report for the period 1 April 2004 to 31 March 2005, which highlighted another strong and successful year for NSW Swimming Ltd. Moved and seconded that the 108th Annual Report be received.

CARRIED

2.1.1 Frank Latta advised that both Ian Lamb and himself had been omitted from the attendance list for the Technical Committee. President advised that this would be noted in the next edition of the Swimmer.

2.1.2 The President advised that Directors had attended numerous Districts Annual general Meetings and thanked the Districts for this opportunity.

2.1.3 It was noted that twenty of the twenty three Districts had provided a report for inclusion in the Annual Report and thanked them for this input. Districts that did not submit reports are still welcome to provide a report and this will be published in the "Swimmer"

2.1.4 The President advised that Michael Hardy (Smithfield) had been omitted from the list of Australian Representatives. Michael represented at the Junior Olympics and in the Fisher & Paykel Trans Tasman Series. This will be noted in the next edition of the Swimmer.

2.1.5 Phillip Speet advised that St George Sutherland had conducted 'B' & 'C' development squads but these were not recorded in the Swimming Development Report.

2.1.6 Moved and seconded that the 108th Annual Report be adopted.

CARRIED

2.2 Moved and seconded that the Financial Statements for the period 1 April 2004 to 31 March 2005 be received.

CARRIED

2.2.1 The Finance Director presented the Financial Statements, highlighting the following:

- The reasons for the consolidation of the NSW Swimming Ltd account and the NSW Swimming Nominees accounts.
- NSW Swimming Ltd gifted \$1,000,000 to NSW Swimming Nominees.

- Key sources of income were swim meets, sponsorships / donations / grants and registration fees.
- Slowing sales at the Speedo Swim Shop at Homebush.

Auditors Ernst & Young were thanked for their assistance with the audit and it was expressed that it is hoped that the relationship with Ernst & Young will continue to grow.

2.2.2 Chris Hayes asked for clarification as to why the auditors were not appointed until April 2005 when this had been approved at the 2004 AGC and was this the reason for the qualified audit. The Finance Director advised that the timing of the appointment was due to processes that were required to finalise the change from the previous auditors to Ernst & Young. Ernst & Young representative, Garry Dinnie advised that the reason for the qualified audit opinion was that Ernst and Young did not complete the previous audit and therefore could not verify the opening balances for 2004/2005 and as such were required to make it a qualified opinion.

2.2.3 Moved and seconded that the Financial Statements be adopted.

CARRIED

3. ELECTION OF OFFICERS

Moved and seconded that the Premier of the State of New South Wales, Roger Pegram MBE OAM and Esna Stewart OAM be endorsed as Vice-Patrons of NSW Swimming Ltd.

CARRIED

3.1 **PRESIDENT (1)**

Cliff Harris (Oak Flats) declared elected unopposed.

3.2 **FINANCE DIRECTOR (1)**

Phillip Haworth (SAC Seals) declared elected unopposed.

3.3 **COUNTRY DIRECTOR (1)**

Carol Cairns (Novocastrian) declared elected unopposed.

3.4 **PLANNING DIRECTOR (1)**

Peter Lozan (Revesby Workers) declared elected unopposed.

3.5 **COMPETITION DIRECTOR (1)**

Suzanne Bergersen (Jones) declared elected unopposed.

3.6 **AUDITORS**

Moved and seconded that Ernst & Young be endorsed as Auditors of the company for 2005-2006.

CARRIED

4. 2005-2006 BUDGET

4.1 Moved and seconded that the 2005-2006 budget be received.

CARRIED

4.2 The Finance Director presented the 2005-2006 budget.

4.3 Moved and seconded that the 2005-2006 budget be adopted.

CARRIED

5. CORRESPONDENCE

Nil.

6. NOTICES OF MOTION

6.1 BOARD OF DIRECTORS

Moved and seconded that "New South Wales Swimming Limited" change its name to "Swimming New South Wales Limited".

CARRIED

6.2 BOARD OF DIRECTORS

Moved and seconded that the Constitution, Articles, By-Laws and Appendices be amended as identified under the heading marked new and the following list of appendices.

Clause No	Existing	New
C7	Company means New South Wales Swimming Limited	Company means <i>Swimming New South Wales</i> Limited
C7	'NSW Swimming' or any derivative thereof, means the Company, as provided in Clause C1.	<i>Delete</i>
C7	New Interpretation	<i>'Swimming NSW' means the company, as provided in Clause C1.</i>
C10.1.1	a rule prescribing that its members, as defined in Clause C7, will be registered with NSW Swimming and have a rule under which a member of the club, other than Patron, Vice Patron or a Life Member, will be liable for the payment	a rule prescribing that its members, as defined in Clause C7, will be registered with <i>Swimming New South Wales</i> and have a rule under which a member of the club, other than Patron, Vice Patron or a Life Member, will be liable for the payment

	of a regular subscription that includes the Fees specified in Clause C19 to the Club;	of a regular subscription that includes the Fees specified in Clause C19 to the Club;
C14.3	<p>a District Association shall have a constitution which complies with the requirements of the Constitution of New South Wales Swimming Limited and shall be named "A" District Swimming Association Incorporated</p> <p>Where:</p> <p>"A" is the name of the Metropolitan or Country Area as defined in the By-Laws;</p> <p>Swim or</p> <p>Swimming one of the alternatives shall be used.</p>	<p>a District Association shall have a constitution which complies with the requirements of the Constitution of <i>the Company</i> and shall be named "A" District Swimming Association Incorporated ' or 'Swimming "A" District Incorporated'</p> <p>Where:</p> <p>"A" is the name of the Metropolitan or Country Area as defined in the By-Laws;</p> <p>Swim or</p> <p>Swimming one of the alternatives shall be used.</p>
C21.2.10	PROVIDED THAT, the Metropolitan and Country Directors shall be bona-fide residents of and registered Members of a Club located in a Metropolitan or Country Area respectively, and the Technical Director shall be a member listed as a currently accredited NSW Swimming Referee.	PROVIDED THAT, the Metropolitan and Country Directors shall be bona-fide residents of and registered Members of a Club located in a Metropolitan or Country Area respectively, and the Technical Director shall be a member listed as a currently accredited <i>Swimming New South Wales</i> Referee.
C24.4	Association Award.	<i>Swimming New South Wales</i> Award.
C24.6	Not more than two (2) Life Members, two (2) Award of Excellence, two (2) Service Merit Awards and two (2) Association Awards will be awarded in any one Company year.	Not more than two (2) Life Members, two (2) Award of Excellence, two (2) Service Merit Awards and two (2) <i>Swimming New South Wales</i> Awards will be awarded in any one Company year.
C24.7	Qualification for the Service Merit Award and the Association Award will be of an order and nature that it has accrued benefit to the sport generally. A minimum period of five (5) years, however, the period of its own is not a qualification, the nominee should be a Member who has carried out duties on behalf of the Company at District and local areas in a specific field of activity, or, sustained attention to duties as a Company Officer, a Member of a Company Committee or a Technical Official.	Qualification for the Service Merit Award and the <i>Swimming New South Wales</i> Award will be of an order and nature that it has accrued benefit to the sport generally. A minimum period of five (5) years, however, the period of its own is not a qualification, the nominee should be a Member who has carried out duties on behalf of the Company at District and local areas in a specific field of activity, or, sustained attention to duties as a Company Officer, a Member of a Company Committee or a Technical Official.
C43.2	Any addition, amendment or rescission of a FINA Swimming Rule officially	Any addition, amendment or rescission of a FINA Swimming Rule officially advised by

	advised by the FINA or SA, which concerns a New South Wales Swimming Rule designated as follows: R1.6.4	the FINA or SAL, which concerns a <i>Swimming New South Wales Swimming</i> Rule designated as follows: SW2.2.4
Articles		Replace 'NSWS', and or 'the Association' with 'the Company' in the following, A1.3, A1.6, A1.7, A2.3, A2.5, A3.4, A3.6, A3.8, A4.4, A4.6, A4.9, A4.11, A5.3, A5.6, A5.7, A5.8, A6.4, A6.6, A6.7, A6.8, A6.10, A7.4, A7.8, A8.4, A8.8, A9.4, A9.6, A9.8, A10.1.2, A10.1.3, A10.1.4, A10.1.6, A10.2, A10.2.1, A10.2.3, A10.2.4, A10.2.5, A10.3, A10.5, A10.10, A11.2, A12.2, A12.3, A12.4, A12.7, A13.2, A13.3, A13.4, A13.5, A14.3, A14.4, A16.2, A17.4, A17.11, A17.15, A18.1.2, A19.4, A20.2, A20.3, A20.4, A21.2, A21.4, A22.3, A22.9, A23.3, A24.3, A24.7, A24.8, A24.10, A24.11, A24.12, A25.2, A25.5
A9.1	Be elected in accordance with the Constitution from nominees who are currently accredited NSW Referees	Be elected in accordance with the Constitution from nominees who are currently accredited <i>Swimming New South Wales</i> Referees
By-Laws		To replace 'NSWS' and or 'the Association' with 'the Company' in the following BL2, BL2.1.1, BL2.1.2, BL2.2, BL2.4, BL3.1, BL3.4, BL4.1.8.1, BL5.3, BL5.9, BL6, BL8, BL8.1, BL8.3.4, BL8.4, BL12, BL13, BL15.1, BL15.3, BL15.5 (Note), BL16, BL16.2, BL17, BL18, BL19, BL22.3 (Note)BL23, BL26, BL27
BL1.2	Border Association Areas. The Board may ratify any agreement reached between the Queensland Swimming Association Inc., Swimming Victoria Inc. and the Swim SA Inc. and NSW by negotiation in regard to Members competing in Border Association Meets. The Murray area of New South Wales and the Northern area of Victoria have by agreement between NSW and Swimming Victoria Inc. been recognised as the Ovens and Murray District Amateur Swimming Association.	Border Association Areas. The Board may ratify any agreement reached between the <i>Swimming Queensland</i> , Swimming Victoria Inc. and the <i>Swimming SA</i> and <i>Swimming New South Wales</i> by negotiation in regard to Members competing in Border Association Meets. The Murray area of New South Wales and the Northern area of Victoria have by agreement between <i>Swimming New South Wales Limited</i> and Swimming Victoria Inc. been recognised as the Ovens and Murray District Amateur Swimming Association.
BL2.3	New By-Law	BL2.3 COMPANY LOGO <i>BL2.3.1 The Company logo shall be the stylised image of a person swimming, with the red ochre</i>

		<p><i>colour indicating the persons head and arm and the blue elements representing a bow wave and water ripples to be used in conjunction with the words" swimming new south wales". The Company logo shall be used on all letterhead, business cards, advertising material and sporting apparel used by the Company's Directors, office staff, committee members, technical officials, squads and touring teams. Refer Appendix D3.</i></p> <p><i>The Company logo shall not be used without the Company's prior written approval. Further detail of the logo can be found in the Swimming Australia Visual Identity Style Guide.</i></p>
Appendices D3	New Appendix	D3 'Swimming New South Wales' logo as described in BL2.3.1

That the Appendices as follows be amended:

D1 – Change wording on the Badge to “SWIMMING NSW”

D2 – Change wording on the Badge to “SWIMMING NSW”

E1 – Life Member Medallion, change wording to “SWIMMING NSW”

E2 – Award of Excellence, change wording on the bar to “SWIMMING NSW”

F2 – Replace “Association Award” with “SWIMMING NSW AWARD”

Championship Medal – change wording from “NSW SWIMMING” to “SWIMMING NSW”

CARRIED

6.3 BOARD OF DIRECTORS

Moved and seconded that the State Council be replaced with the State Forum and the following amendments to Clause C36 be made accordingly.

New: C36 THE STATE FORUM

C36.1 The State *Forum* shall consist of:

C36.1.1 Officers specified in Clause C21.2;

C36.1.2 Life Members;

C36.1.3 one (1) Delegate of ASCTA - NSW Branch; and

C36.1.4 one (1) *Delegate* from each Area as defined in the By-Laws

C36.1.5 *Members of the Company's Committees and other persons as determined from time to time by the Board*

6.4 BOARD OF DIRECTORS

6.4.1 Moved and seconded that that the constitution, articles and by-laws be amended to those listed under the heading “New”.

Clause No	Existing	New
C7	Council’ means the State Council of the Company as constituted in the Constitution.	Delete
C7	‘Councillor’ means a member of the Council.	Delete
C7	‘Delegate’ means a person duly elected or appointed by a body having right to representation at a General Conference of the Company in accordance with the Constitution.	‘Delegate’ means a person duly elected or appointed by a body having right to representation at a General Conference of the Company <i>or the Forum</i> in accordance with the Constitution.
C7	New Interpretation	<i>‘Forum’ means an assembly or meeting of Members and invited guests as determined by the Board from time to time to discuss and debate topics of Company concern.</i>
C17	<p>THE APPOINTMENT OF A COUNCILLOR BY A DISTRICT ASSOCIATION</p> <p>A District Association and the Clubs within an Area will be entitled to appoint a Councillor to represent it and to vote at a General Conference or a meeting of the Council. Within an Area, a Club not affiliated to the District Association will be represented by the Councillor appointed.</p>	<p>THE APPOINTMENT OF A DELEGATE BY A DISTRICT ASSOCIATION</p> <p>A District Association and the Clubs within an Area will be entitled to appoint a <i>Delegate to represent it at a meeting of the Forum</i> and to vote at a General Conference. Within an Area, a Club not affiliated to the District Association will be represented by the <i>Delegate</i> appointed.</p>
C18.5	all fees will be recommended by the Board and presented for consultation with the Council Meeting prior to the Annual General Conference.	all fees will be <i>determined</i> by the Board and <i>advised to the Forum Meeting</i> prior to the Annual General Conference.
C19.3	The new fees will be presented to the Council Meeting prior to the Annual General Conference for consultation.	Delete, renumber Clause C19.4 to C19.3
C21.3.5	Where a position defined in Clauses C21.2.1 to C21.2.9 becomes vacant for	Where a position defined in Clause C21.2 becomes vacant for any reason, except for

	any reason, except for as defined in Clause C21.3.3, the vacant position shall be filled by the Council at a meeting for the balance of the vacated term. The Executive Director shall call for nominations to fill the vacant position, stating the closing date, by special notice in the New South Wales Swimmer.	as defined in Clause C21.3.3, the vacant position shall be filled by the <i>Board at a meeting until the next Annual General Conference. The Executive Director taking note of Clause C21.3.2 shall call for nominations to fill the vacant position in accordance with the notification provisions required for the next Annual General Conference.</i>
C24.7	A Life Member will be entitled to attend and vote at a General Conference and the Council, and will be eligible for election to any office of the Company subject to the provisions of the Constitution.	A Life Member will be entitled to attend and vote at a General Conference, and will be eligible for election to any office of the Company subject to the provisions of the Constitution. <i>A Life Member will also be eligible to attend the Forum.</i>
C25.1.5	one (1) Councillor each representing a Metropolitan or Country Area; and	one (1) <i>Delegate</i> each representing a Metropolitan or Country Area; and
C30	ACCIDENTAL OMISSION TO GIVE NOTICE The accidental omission to give any notice to any person entitled to attend a meeting of a General Conference or a meeting of the Council shall not invalidate the meeting or its proceedings, including any resolution passed or appointment made.	ACCIDENTAL OMISSION TO GIVE NOTICE The accidental omission to give any notice to any person entitled to attend a meeting of a General Conference shall not invalidate the meeting or its proceedings, including any resolution passed or appointment made.
C31	BUSINESS OF A GENERAL CONFERENCE The provisions relating to the conduct of the business at a General Conference, Council, or a meeting of the Company shall apply as detailed in the By-Laws.	BUSINESS OF A GENERAL CONFERENCE The provisions relating to the conduct of the business at a General Conference, or a meeting of the Company shall apply as detailed in the By-Laws.
C34.1	The President shall preside at a General Conference and at each meeting of the Council and of the Board at which he is present.	The President shall preside at a General Conference and at each meeting of the <i>Forum</i> and of the Board at which he is present.
C34.4	The Chairman at a General Conference, a Council Meeting or a Board Meeting, during such meeting, for the purpose of it, and subject to dissent, in the manner provided, shall have unlimited authority upon every question of order and shall be the sole interpreter of the Constitution.	The Chairman at a General Conference, a <i>Forum</i> Meeting or a Board Meeting, during such meeting, for the purpose of it, and subject to dissent, in the manner provided, shall have unlimited authority upon every question of order and shall be the sole interpreter of the Constitution.

C35.3	The Executive Director shall, as required, attend all General Conferences, Meetings of the Council and of the Board but shall not be entitled to vote on any matter.	The Executive Director shall, as required, attend all General Conferences, Meetings of the <i>Forum</i> and of the Board but shall not be entitled to vote on any matter.
C35.4	The Executive Director shall take, or cause to be taken, the Minutes of all business transacted at a General Conference, a meeting of the Council-and of the Board.	The Executive Director shall take, or cause to be taken, the Minutes of all business transacted at a General Conference, a meeting of the <i>Forum</i> and of the Board.
C36.2	A Councillor representing an Area shall be a Member of a Club within that Area and shall be appointed prior to the date of the Annual General Conference in each year by the District Association or should there be no District Association in an Area, then by the Clubs within that area, PROVIDED THAT, a Councillor shall not represent more than one (1) Area at the same time, and a Councillor representing a Country Area shall be domiciled within that Area, shall be a member of the Council until resignation or a successor shall have been appointed or loses the qualification.	A <i>Delegate</i> representing an Area shall be a Member of a Club within that Area and shall be appointed by the District Association or should there be no District Association in an Area, then by the Clubs within that area, PROVIDED THAT, a <i>Delegate</i> shall not represent more than one (1) Area at the same time, and a <i>Delegate</i> representing a Country Area shall be domiciled within that Area,
C36.3	A casual vacancy in the office of Councillor representing an area shall be filled by the Executive Committee of the relevant District Association or should there be no such District Association, by the Clubs within the area.	Delete
C36.4	<p>VOTING ENTITLEMENT AT THE COUNCIL</p> <p>In respect of a motion or an amendment, each Councillor representing an area shall be entitled to one (1) vote if an area has not more than one thousand (1,000) Members, two (2) votes if the area has more than one thousand (1,000) and not more than two thousand (2,000) Members, and three (3) votes where the area has a membership exceeding two thousand (2,000) Members, based on the figures shown in the Annual Report of the preceding year. Each other Councillor shall be entitled to one (1) vote.</p>	Delete

C36.4.1	The quorum for a meeting of the Council shall be seventeen (17) Councillors.	Delete
C36.5	The Council shall meet at least three (3) times each year between the Annual General Conferences and at such times as decided by the Board in accordance with the provisions of the Constitution	Delete
C37	<p>CONVENING OF THE FIRST AND SUBSEQUENT MEETINGS OF THE COUNCIL</p> <p>The Executive Director as directed by the Board will convene the first meeting of the Council following the Annual General Conference and subsequent Council Meetings each year PROVIDED THAT:</p> <p>C37.1 items for inclusion on the Agenda shall be invited fifty (50) days prior to the notified date of each Meeting;</p> <p>C37.2 the closure date for submission of items of Agenda will be forty (40) days prior to the notified date of the Meeting in accordance with the By-Laws;</p> <p>C37.3 the convening notice will be given in writing to each person holding position specified in Clause C36.1 and to the Secretary of each body;</p> <p>C37.4 nominations will be invited for positions as required by this Constitution and the Articles; and</p>	<p>CONVENING OF THE MEETINGS OF THE FORUM</p> <p><i>The Forum shall meet at least twice each year between the Annual General Conferences. At least thirty (30) days prior written notice of the date, time and place of a meeting of the Forum will be given to each member of the Forum as defined in Clause C36.1, accompanied by a detailed Agenda of the business, to be placed before the meeting.</i></p> <p>The Executive Director as directed by the Board will convene the <i>meetings of the Forum</i>, PROVIDED THAT:</p> <p>C37.1 items for inclusion on the Agenda shall be invited fifty (50) days prior to the notified date of each Meeting;</p> <p>C37.2 the closure date for submission of items of Agenda will be forty (40) days prior to the notified date of the Meeting;</p> <p>C37.3 the convening notice will be given in writing to each person holding position specified in Clause C36.1 and to the Secretary of each body;</p> <p>C37.4 Delete</p>

	C37.5 at least thirty (30) days prior written notice of the date, time and place of a meeting of the Council will be given to each Councillor, accompanied by a detailed Agenda of the business, to be placed before the Meeting.	C37.5 Delete.
C38	BUSINESS OF A MEETING OF THE COUNCIL The business of a meeting of the Council shall be conducted under three (3) headings, namely, official, special and general and as described in the By-Laws.	Delete re number remaining clauses
C39	THE POWERS OF THE COUNCIL Subject to the Constitution, the Council will have the following powers and functions; C39.1 the elections of other members as provided in Clause C21.5, Committees as provided in Clause C49.1.2 to C49.1.8 and a Board member when a vacancy occurs as provided in Clause C21.3.5; C39.2 to assist in the determination of major strategic directions for the Company; C39.3 to assist in the development of policies and policy initiatives for submission to the Board; C39.4 to review the Company's performance in achieving its pre-determined aims, objectives and policies; C39.5 to provide advice and direction to the Board on Country, Metropolitan and State issues for the Company; C39.6 to provide advice and direction to the Board on the Company budget; and C39.7 to consider and provide feedback to the Board on proposed policies, Articles, Rules and By-Laws of the Company	THE FUNCTION OF THE FORUM The <i>Forum</i> will have the following functions; C39.1 <i>to consider any item as determined by the Board</i> C39.2 to assist in the determination of major strategic directions for the Company; C39.3 to assist in the development of policies and policy initiatives for submission to the Board; C39.4 to review the Company's performance in achieving its pre-determined aims, objectives and policies; C39.5 to provide advice and direction to the Board on Country, Metropolitan and State issues for the Company; C39.6 to provide advice to the Board on the Company budget; and C39.7 to consider and provide feedback to the Board on proposed policies, Articles, Rules, By-Laws and <i>Appendices</i> of the Company

C40	RESOLUTIONS OF THE COUNCIL A resolution will not be passed by the Council, unless the resolution has been carried by a majority of three quarters (3/4) of the votes of the Councillors present and voting.	Delete Renumber remaining Clauses
C41	THE MINUTES OF THE COUNCIL A copy of the Minutes of the business transacted at a meeting of the Council will be issued within fourteen (14) days to each Councillor and distributed generally to the Secretaries of all affiliated Bodies and will be published in the first available issue of the New South Wales Swimmer.	THE MINUTES OF THE <i>FORUM</i> A copy of the Minutes of the business transacted at a meeting of the <i>Forum</i> will be issued within fourteen (14) days to each <i>member of the Forum</i> and distributed generally to the Secretaries of all affiliated Bodies and will be published in the first available issue of the New South Wales Swimmer.
C49.8	Casual vacancies on Committees shall be filled by the Board and ratified by the Council.	Casual vacancies on Committees shall be filled by the Board.
C51	COACHES ASSOCIATIONS An association may be affiliated which is an association of Coaches each of whom may be a coach in any facet of the Sport. Annual affiliation entitles the Coaches Association, ASCTA, a vote at Conference, Council, Board, Competition, Country and Metropolitan Committees.	COACHES ASSOCIATIONS An association may be affiliated which is an association of Coaches each of whom may be a coach in any facet of the Sport. Annual affiliation entitles the Coaches Association, ASCTA, a vote at Conference, Board, Competition, Country and Metropolitan Committees.
Articles		Replace "Council" with " <i>Forum</i> " in A1.5, A3.5, A3.7, A4.8, A5.4, A6.5, A7.5, A8.5, A9.5, A10.1.3, A10.1.5, A10.6, and A10.7
A26	COUNCILLOR A26.1 a District Councillor is a member of Council, and, is responsible to ensure that <i>all</i> Clubs within the relevant Area are adequately represented by ascertaining the wishes of each Club in relation to the Council Agenda items and advising the decisions of the Council and the requirements to effectively put those decisions into practice.	DISTRICT DELEGATE A26.1 a District <i>Delegate</i> is a member of the <i>Annual General Conference and Forum</i> , and, is responsible to ensure that <i>all</i> Clubs within the relevant Area are adequately represented by ascertaining the wishes of each Club in relation to the <i>Annual General Conference and Forum</i> Agenda items and advising the decisions of the <i>Annual General Conference and Forum</i> and the requirements to effectively put those decisions into

	A26.2 Equally, other Councillors will endeavour at all times to promulgate the decisions of the Council, <i>the Board and the Conference</i> .	practice. A26.2 Equally, other <i>Forum representatives</i> will endeavour at all times to promulgate the decisions of the <i>Forum</i> , the Board and the Conference.
By-Laws BL4	COUNCIL MEETINGS	Delete complete By-Law Renumber remaining By-Laws
BL5.6	The Board will recommend to the Council the adoption of the Awards Committee recommendation that the nominee be honoured in a specific category. In the case of a recommendation for conferring Life Membership or the Award of Excellence the recommendation, if adopted by the Council, will be forwarded to the General Conference for adoption. In the case of a recommendation for conferring the Service Merit Award or the Association Award if adopted by the Council, the nominee will be presented a suitable plaque, refer Appendix F1 and Appendix F2, stating the name of the recipient, the category and date of the award.	Delete
BL5.7	The Council will recommend the adoption of the Awards Committee recommendation for conferring Life Membership or the Award of Excellence upon a Member to the General Conference. The recommendation being so adopted the recipient will be presented in the case of a Life Member, the Life Members Medallion, refer Appendix E1, and in the case of the recipient of the Award of Excellence a suitable Medallion, refer Appendix E2, inscribed with the name of the recipient, category and date of the award.	The <i>Board</i> will recommend the adoption of the Awards Committee recommendation for conferring Life Membership or the Award of Excellence upon a Member to the General Conference. The recommendation being so adopted the recipient will be presented in the case of a Life Member, the Life Members Medallion, refer Appendix E1, and in the case of the recipient of the Award of Excellence a suitable Medallion, refer Appendix E2, inscribed with the name of the recipient, category and date of the award. <i>In the case of a recommendation for conferring the Service Merit Award or the Swimming New South Wales Award if adopted by the Board, the nominee will be presented a suitable plaque, refer Appendix F1 and Appendix F2, stating the name of the recipient, the category and date of the award. The Service Merit Award and the Swimming New South Wales Award will be presented to the recipient at a Forum</i>

		<i>meeting or General Conference.</i>
BL5.8	The recommendation of the Awards Committee will not be amended at any level. At each level the recommendation to the Board, the Council and a General Conference shall receive a majority of three quarters (3/4) of those present and voting. If the recommendation does not receive a three quarters (3/4) majority at the Board Level on the first occasion the recommendation will be referred back to the Awards Committee for reconsideration. If the recommendation does not receive a three quarters (3/4) majority of those present and voting on the second occasion at the Board, the Council or at the General Conference, the nomination is rejected.	The recommendation of the Awards Committee will not be amended at any level. At each level the recommendation to the Board, and a General Conference shall receive a majority of three quarters (3/4) of those present and voting. If the recommendation does not receive a three quarters (3/4) majority at the Board Level on the first occasion the recommendation will be referred back to the Awards Committee for reconsideration. If the recommendation does not receive a three quarters (3/4) majority of those present and voting on the second occasion at the Board, <i>or at the General Conference</i> , the nomination is rejected.
BL8.3.3	the Councillors as defined in Clause C36	Delete, renumber remaining By-Laws BL8.3.4 to BL8.3.5

CARRIED

6.4.2 The following amendment to C18.5 6.4 under the heading “New” was moved and seconded.

“all fees will be determined by the board and presented to the Conference for approval.”

AMENDMENT LOST

6.4.3 The original motion to amend the constitution, articles and by-laws was then put.

CARRIED

6.5 BOARD OF DIRECTORS

6.5.1 Moved and seconded that the election for “Other Members” and “Committees” be conducted at the Annual General Conference and amendments be made to the C21.5 of the Constitution as follows.

- New:** C21.5 Other Members to be elected *at the Annual General Conference* are;
- C21.5.1 Records Officer;
 - C21.5.2 Two Delegates to the ACGA – NSW;
 - C21.5.3 Two Delegates to the NSWOC;
 - C21.5.4 Property Officer; and
 - C21.5.5 Three Selectors, from three (3) separate Clubs.

6.5.2 An amendment requiring the committee positions being elected at a General Conference was moved and seconded.

C21.5 Other Members to be elected at the *Annual General Conference* are:

C21.5.1 Records Officer

C21.5.2 Two Delegates to the ACGA – NSW;

C21.5.3 Two Delegates to the NSWOC;

C21.5.4 Property Officer; and

C21.5.5 Three Selectors, from three (3) separate Clubs.

C21.5.6 *Members of Committees specified in Clauses C49.1.1 to C49.1.5*

Various speakers spoke for and against the amendment before it was put.

AMENDMENT LOST

6.5.3 The original motion was then put.

MOTION LOST

6.5.4 Moved and seconded by the Planning Director that due to confusion with the vote, permission be sought to resubmit the motion for a second vote.

CARRIED

6.5.5 The original motion to determine the method of the election for “Other Members” and “Committees” was again put.

MOTION LOST

6.6 BOARD OF DIRECTORS

Withdrawn due to item 6.5 not being approved.

6.7 BOARD OF DIRECTORS

Withdrawn due to item 6.5 not being approved.

6.8 BOARD OF DIRECTORS

Withdrawn due to item 6.5 not being approved.

6.9 BOARD OF DIRECTORS

Withdrawn due to item 6.5 not being approved.

6.10 BOARD OF DIRECTORS

Moved and seconded that the position of Records Officer be deleted and the responsibilities outlined in the Articles for this position be transferred to the Executive Director and Competition Director.

C21.5.1

New: Delete and renumber remaining C21.5 Clauses.

MOTION LOST

6.11 BOARD OF DIRECTORS

Withdrawn due to item 6.10 not being approved.

6.12 BOARD OF DIRECTORS

Moved and seconded that Clause C21.12 of the Constitution be amended to the following.

New: Nominations will be invited for the *Director* positions specified in Clause C21.2. *and as required in Clause C21.3* at least sixty (60) days prior to the date of the Annual General Conference and the closing date will be at least fifty (50) days prior to that date. A list of nominees shall be included on the agenda paper for the Annual General Conference.

CARRIED

6.13 BOARD OF DIRECTORS

Moved and seconded that Clause C33 of the Constitution be amended to the following.

New C33 ELECTION OF OFFICERS, OFFICE BEARERS AND COMMITTEES

C33.1 For the election of Officers, Office Bearers, and members of a Committee, direct voting procedures shall be employed. *PROVIDED THAT, in the event of equality of votes for two (2) or more of the candidates the tellers shall eliminate one or more of those candidates having equal votes to decide which one remains and is elected. Such elimination will be decided by lot in presence of the meeting. The tellers shall report the result of the ballot to the chairman of the meeting.*

C33.2 *Each person entitled to vote shall cast their voting entitlement in favour of the number of Committee members required to comprise the Committee.*

C33.3 *The candidates comprising the number required to form the Committee gaining the highest number of votes shall be declared elected.*

EXPLANATORY NOTE: The vote is informal if the elector has voted for more or less than the correct number of candidates to be elected and shall not be counted.

CARRIED

6.14 BOARD OF DIRECTORS

Moved and seconded that Clause C21.2.10 of the Constitution be deleted.

C21.2.10**New:** delete**CARRIED****6.15 BOARD OF DIRECTORS**

Moved and seconded that the constitution be amended as identified under the column marked “New”.

Clause No	Existing	New
C7	‘General Secretary’ means the Honorary General Secretary of the Company, if appointed, performing the duties of the Executive Director. When an Executive Director is currently appointed the words ‘General Secretary’ appearing in the several Clauses of the Constitution, Articles and Rules shall mean and apply to the Executive Director.	Delete
C35	THE EXECUTIVE DIRECTOR or THE HONORARY GENERAL SECRETARY	THE EXECUTIVE DIRECTOR
C35.5	When the position of Executive Director is vacant an Honorary General Secretary may be appointed by the Board and shall be entitled to vote as a Member of a General Conference, the Council and the Board.	When the position of Executive Director is vacant an <i>acting Executive Director</i> may be appointed by the Board.

CARRIED**6.16 BOARD OF DIRECTORS**

6.16.1 Moved and seconded that Clause C10.1.2 be amended to the following.

Clause C10.1.2

New: *the minimum of not less than twenty swimming Members as defined in Clause C7 annually ;*

6.16.2 The following amendment was moved

“that a minimum of not less than twenty swimming members as defined in Clause C7 be required to affiliate a new club”.

The President advised that this amendment would not be accepted.

6.16.3 The original motion was then put.

MOTION LOST

6.17 BOARD OF DIRECTORS

Moved and seconded that Clause C21.1.2 of the Constitution be amended to the following.

Clause C21.1.2

New: Vice Patron - The Premier of *the State of New South Wales* by virtue of his office;

CARRIED

6.18 BOARD OF DIRECTORS

Moved and seconded that Clause C48 of the Constitution be amended to the following.

Clause C48

New: C48 AUTHORISED DOCUMENTS

Documents that are authorised by the Board shall be countersigned by two (2) Directors.

CARRIED

6.19 BOARD OF DIRECTORS

Moved and seconded that Article A10.1.4 be amended to the following.

Article A10.1.4

New: Delete, renumber A10.1.5 to A10.1.7 as A10.1.4 to A10.1.6

CARRIED

6.20 BOARD OF DIRECTORS

Moved and seconded that Clause C7 be amended to the following.

Clause C7

Add a new INTERPRETATION

'Secretary' means a natural person so appointed for the purpose of the Act.

CARRIED

6.21 BOARD OF DIRECTORS

Moved and seconded that Clause C44 of the Constitution be amended to the following.

Clause C44

New: C44 BY-LAWS, ARTICLES, RULES AND APPENDICES

C44.1 The Board may formulate, approve, issue, adopt, interpret and amend such By-Laws, *Articles, Rules, and Appendices* for the proper advancement, management and administration of the Company, the advancement of the Objects as it thinks necessary or desirable. Such *action* must be consistent with this Constitution.

C44.2 delete

C44.3 delete

C44.2 (renumber C44.4)

Notices binding on Members

Amendments, alterations, interpretations or other changes shall be advised to Affiliated Districts and Affiliated Clubs by means of notices approved by the Board and prepared and issued by the Executive Director. Affiliated Districts and Affiliated Clubs shall be obliged to draw such notices to the attention of their respective Members. Notices are binding upon all Members.

CARRIED

6.22 BOARD OF DIRECTORS

Moved and seconded that the Constitution and Articles be amended as identified under the column marked "New".

Clause No	Existing	New
C7	"Note(s)" included are for clarification only and do not form part of the Constitution, Articles, Rules, or By-Laws	"Note(s)" included are for clarification only and do not form part of the Constitution, Articles, By-Laws <i>General Rules, Swimming Rules, Appendices or Open Water Swimming Rules</i>
C7	'Rules' means the Rules of the Company made as prescribed in the Constitution	'Rules' means the Rules of the Company made as prescribed in the Constitution <i>and include the General Rules, Swimming Rules and Open Water Swimming Rules</i>
C7	Words defined in the Constitution have the same meaning in the Policies, Articles, Rules, and By-Laws.	Words defined in the Constitution have the same meaning in the Policies, Articles, Rules, By-Laws, <i>and Appendices</i>
C8	COMPOSITION OF THE COMPANY The Company will consist of such Clubs and Associations in New South Wales and the Australian Capital Territory as will have been admitted to affiliation or granted registration in the manner provided and will have consented to be governed by the Constitution, Policies, Articles, Rules and By-Laws, as amended from time to time, of the Company.	COMPOSITION OF THE COMPANY The Company will consist of such Clubs and Associations in New South Wales and the Australian Capital Territory as will have been admitted to affiliation or granted registration in the manner provided and will have consented to be governed by the Constitution, Policies, Articles, Rules By-Laws, <i>and Appendices</i> , as amended from time to time, of the Company.
C15.2.1	the Constitution, Articles, By-Laws, Rules, and decisions of the Board will be immediately enforceable;	the Constitution, Articles, By-Laws, Rules, <i>Appendices</i> and decisions of the Board will be immediately enforceable;

C26.4	to alter the Constitution; Articles, Rules, and By-Laws ;	To alter the Constitution; Articles, Rules, By-Laws <i>and Appendices</i> ;
C27.6.2	Shall not concern a Clause of the Constitution, the Articles, the Rules, or an amendment or rescission of previous resolution of Conference.	shall not concern a Clause of the Constitution, the Articles, the Rules, <i>By-Laws, Appendices</i> or an amendment or rescission of previous resolution of Conference.
C29.6	alter the Articles, Rules or By-Laws .	alter the Articles, Rules By-Laws <i>or Appendices</i> .
Articles A11.1	Members of the Board are to guide and supervise their respective Committees on all matters affecting the Constitution, Articles, Rules, and By-Laws or any previous decision of the Conference or the Board and policies established by the Board from time to time.	Members of the Board are to guide and supervise their respective Committees on all matters affecting the Constitution, Articles, Rules, <i>Appendices</i> and By-Laws or any previous decision of the Conference or the Board and policies established by the Board from time to time.

CARRIED

6.23 BOARD OF DIRECTORS

6.23.1 Moved and seconded that By-law BL9 be amended as follows.

By-Law BL9

New: BL9 CLUB, LEARN-TO-SWIM

Where ever possible, a Club *will appoint from its Members*, on application by any person, be prepared to teach the person to swim. A Club will appoint annually an organising committee or a qualified Learn-to-Swim Instructor as Chief Instructor, who will be responsible for the organisation and control of the Learn-to-Swim activities of the Club.

6.23.2 The following amendment to agenda item 6.23.1 was moved and seconded.

“Where possible, a club, on application by any registered member, will be prepared to teach the member to swim. A club will appoint annually, from its members, an Organising Committee, or a qualified Learn-to Swim Instructor, who will be responsible for the organisation and control of the learn to swim activities of the club”

CARRIED

6.23.3 The amendment was then put.

CARRIED

6.24 / 6.25 / 6.26 BOARD OF DIRECTORS

Moved and seconded that Clause C7 of the constitution be amended as follows and that the constitution, articles and by-laws as identified be amended.

Clause C7 INTERPRETATIONS

New: Open Interclub Event' means an event available to more than one (1) club as provided in *General Rule GR24* and subject to Clause C12.

New: 'SAL' means Swimming Australia Limited

Replace 'SA' with 'SAL' as follows:

Clauses, C8.1, C19.2.1, C19.4, C43.2, C58.2,
Articles, A1.8, A5.3, A9.9, A12.3, A24.9 and
By-Laws, BL10.2, BL12, BL13, BL23, BL26.

CARRIED

6.27 BOARD OF DIRECTORS

Moved and seconded that Clause C54.4.3 of the Constitution be amended as follows.

Clause C54.4.3

New: a sum of *one hundred dollars (\$100.00)* will be paid to the Executive Director within the same period for retention by the Company if the appeal be deemed frivolous;

CARRIED

6.28 BOARD OF DIRECTORS

Moved and seconded that Clause C53.3 of the Constitution as be amended as follows.

Clause C53.3

New: be granted affiliation by the Board as a Masters Swimming Club and subject to General Rule GR34

CARRIED

6.29 / 6.30 BOARD OF DIRECTORS

Moved and seconded that Clause C25.1.1 and C25.2.1 of the Constitution be amended as follows.

Clause C25.1.1

New: the Officers, specified in Clauses C21.2 and C21.5;

Clause C25.2.1

New: the persons specified in Clauses C21.4.1, C21.4.2, and C21.5 shall unless otherwise qualified have no vote; and

CARRIED

6.31 BOARD OF DIRECTORS

Moved and seconded that By-law BL8.3.4 be amended as follows.

By-Law BL8.3.4

New: The Members of *the Company* defined in Clause C25 and C36, and

CARRIED

6.32 BOARD OF DIRECTORS

Moved and seconded that By-law BL8.3.5 be amended as follows.

By-Law BL8.3.5

New: *all members* of Committees defined in Clause C49.

CARRIED

7. GENERAL BUSINESS

7.1 The following motion was moved and seconded by Pat Flynn and Tek Samuel.

“This Association record in the minutes of the 40th Annual General Conference of Swimming NSW its appreciation to all Association accredited instructors for their contribution towards the Learn-to-Swim Free Campaign from 1936 to 2005, and that such motion be recorded in the Swimmer.”

CARRIED

7.2 Robert Guyer sought clarification on whether clubs would be required to change their Constitutions to reflect the change of company name to Swimming NSW. It was advised that clubs would be required to reflect the name change in their constitution but this could be done at the next Annual General Meeting of each club.

7.3 Jan Treddinick sought clarification on whether a transfer form was required for all transfers including those that do not attract a transfer fee due to the transfer being made at the conclusion of a season. ED Advised that a Transfer form is required for all transfers.

7.4 Ian Lamb requested that the Conference record its appreciation to the Learn-to-Swim Committee for their hard work over many years. This was carried by acclamation.

7.5 Peter Lozan displayed the new Strategic Directions brochure which is a streamlined version of the NSW Swimming Strategic Plan.

7.6 Ron Jordan in his capacity as President of the Union of Old Swimmers advised the Conference that a decision had been made to discontinue the presentation of the Beverley Whitfield Trophy. Ron then presented the trophy to the President of Swimming NSW, Cliff Harris for display in the Swimming NSW office.

7.7 Lynnette Crossley requested that the Board of Directors consider two year appointments for committees when considering election procedures.

7.8 The President thanked staff members Andrew Flaherty and Sarah Winston on their assistance in conducting the Annual Conference.

Meeting closed at 1.05pm.

-
- ★ At the conclusion of the Annual General Conference a presentation was made on the Swimming NSW Development Programs.