

**MONASH UNIVERSITY
WATER POLO CLUB INC**



CLUB CONSTITUTION

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1 Preliminary

1.1 Name

The name of the Association is Monash University Water Polo Club Inc (**Club**).

1.2 Financial Year

The financial year of the Club (**Financial Year**) is each period of 12 months ending on 30 November.

1.3 Objects

The objects of the Club (**Objects**) are to:

- (a) conduct, encourage, promote, foster, administer and advance the Sport;
- (b) provide a safe, welcoming and enjoyable club experience for its Members in sporting and non-sporting pursuits;
- (c) facilitate the participation and development of players, coaches, referees, officials, administrators and other volunteers in the advancement of the Sport;
- (d) maintain and enhance the reputation of the Club and the Sport, and the standard of play and behaviour of participants in the same; and
- (e) promote mutual trust and confidence to facilitate a cooperative relationship between the Club, Members and Affiliated Bodies;

1.4 Powers

In addition to the rights, powers and privileges conferred on it by the Act, and solely for furthering the Objects, the Club has the power to:

- (a) affiliate and liaise with other bodies and adopt their rules, directions and policies;
- (b) pursue commercial arrangements, including sponsorship and marketing opportunities;
- (c) manage such trusts and control such bodies corporate as are appropriate;
- (d) acquire, hold and dispose of real or personal property;
- (e) open and operate accounts with financial institutions;
- (f) enter into any contracts it considers necessary or desirable; and
- (g) do all such other things as are necessary, incidental or conducive to the attainment of the Objects.

1.5 Not for profit

The Club must not distribute any surplus, income or assets directly or indirectly to Members. This rule does not prevent the Club from paying a Member:

- (a) reimbursement for expenses properly incurred by the Member; or
- (b) for goods and services provided by the Member,

if this is done in good faith on terms no more favourable than if the Member was not a Member.

2 Definitions and Interpretation

2.1 Definitions

Act	means the <i>Associations Incorporations Reform Act 2012</i> .
Affiliated Bodies	means any person or body with whom the Club is affiliated or maintains affiliate membership.
Annual General Meeting	means a meeting convened under rule 6.2.
Chairperson	of a Committee Meeting or General Meeting, means the person chairing the meeting.
Club	is defined in rule 1.1.
Committee	means the body managing the business of the Club and consisting of the Committee Members in accordance with rule 5.1.
Committee Election	means an election to fill a Committee Position conducted in accordance with rule 5.5.
Committee Member	is defined in rule 5.1(b).
Committee Meeting	is defined in rule 5.9.
Committee Position	means an office that is or is to be filled by a Committee Member.
Constitution	means this document.
Disciplinary Meeting	is defined in rule 4.4.
Disciplinary Subcommittee	is defined in rule 4.3.
Fees	is defined in rule 3.6.
Financial Records	means the records, including those documents listed in the Act, kept in accordance with rule 7.3.
Financial Statements	means the statements prepared in accordance with the Act and rule 7.4.
Financial Year	is defined in rule 1.2.
General Meeting	means either an Annual General Meeting or a Special General Meeting.
Individual Member	means a registered Member other than a Life Member who is 18 years of age or older.
Intellectual Property	means all rights subsisting in copyright, business names, names, trademarks (or signs), logos, designs, equipment including computer software, images (including photographs,

	videos or films) or service marks relating to the Club or any activity of or conducted, promoted or administered by the Club.
Junior Member	means a registered Member other than a Life Member who is younger than 18 years of age.
Life Member	means a person holding the status of life membership as appointed under rule 3.2.
Member	is defined in rule 3.1.
Members or Parents Entitled to Vote	means, collectively, Members, and Parents, who are entitled to vote at a General Meeting in accordance with rule 6.5(a).
Membership	means membership of the Club.
Membership Renewal Period	is defined in rule 3.4.
Objects	is defined in rule 1.3.
Parent	means the parents or legal guardians of a Junior Member both individually and collectively.
Register of Members	means the register of members kept in accordance with rule 3.11.
Registered Address	means the registered address of the Club determined in accordance with rule 8.1.
Special General Meeting	means a meeting convened by the Committee or as requisitioned by the Members under rule 6.3.
Special Resolution	means a special resolution passed in accordance with the Act.
Sport	means the sport of water polo.

2.2 Interpretation

In this Constitution:

- (a) terms defined in the Act and used in this Constitution have the meaning ascribed to them under the Act; and

unless the subject or the context otherwise requires:

- (b) headings and subheadings are inserted for ease of reference only and do not affect the interpretation of this Constitution;
- (c) a reference to a function includes a reference to a power, authority and duty;
- (d) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority of the performance of the duty;
- (e) references to the singular include the plural and vice versa, a gender include the other genders, a month is a reference to a calendar month and a day is a reference to a calendar day.

- (f) references to persons include corporations and bodies politic;
- (g) references to a person include the legal personal representatives, successors and permitted assigns of that person;
- (h) a reference to "writing" shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic transmission; and
- (i) references to the "place" of a meeting shall include references to multiple places at once over which a meeting may be held using appropriate technology.

3 Membership

3.1 Members

The members of the Club (**Members**) consist of:

- (a) Life Members;
- (b) Individual Members; and
- (c) Junior Members.

3.2 Life Membership

- (a) The Club may appoint as a Life Member any eligible person nominated by an Individual Member and recommended by the Committee:
 - (i) in the case of a person nominated according to the eligibility criteria in sub-rule 3.2(b), if a majority of Members or Parents Entitled to Vote present at a General Meeting vote to do so; or
 - (ii) in the case of a person nominated according to the eligibility criteria in sub-rule 3.2(c), if at least 90% of Members or Parents Entitled to Vote present at a General Meeting at which no less than 25% of all Members or Parents Entitled to Vote are present vote to do so.
- (b) A person is eligible to be nominated in accordance with sub-rule 3.2(a) if the person has been a Member of the Club for at least 10 years and accrued at least 100 points on the follow basis:
 - (i) 3 points for each year competing for the Club;
 - (ii) 7 points for each year as the Club President, Vice President, Secretary or Treasurer;
 - (iii) 2 points for each year as a Committee Member in a Committee Position other than those mentioned in paragraph (ii);
 - (iv) 5 points for each year as a head coach or high level performance coach or in any other senior coaching capacity;
 - (v) 3 points for each year as a coach in a capacity other than those mentioned in paragraph (iv).

- (c) Notwithstanding sub-rule 3.2(b), a person is also eligible to be nominated in accordance with sub-rule 3.2(a) if they have:
 - (i) performed exceptional acts positively representing the Club to the Sport, such as representing the Club on a national open water polo team or providing significant parental support; and
 - (ii) for period of at least 10 years, had a significant positive impact on the culture, reputation, equipment and facilities or other aspects of the Club.
- (d) Life Members are entitled to the following benefits:
 - (i) Club Membership;
 - (ii) exemption from Fees;
 - (iii) exemption from the requirement to renew Membership;
 - (iv) recognition on the Club's honour board:
 - A. in the case of a Life Member appointed in accordance with sub-rule 3.2(a)(i), as a Life Member of the Club; and
 - B. in the case of a Life Member appointed in accordance with sub-rule 3.2(a)(ii), as an honorary Life Member of the Club; and
 - (v) any additional benefits as approved by a majority of Members at an Annual General Meeting.
- (e) A Life Member may have their life membership terminated by Special Resolution at a General Meeting.

3.3 Application for Membership

- (a) Any person may apply for Membership, and any Member may apply to renew their Membership, in accordance with this rule 3.3.
- (b) An application for Membership or renewal of Membership must:
 - (i) be submitted in the form prescribed by the Committee;
 - (ii) be accompanied by payment of the Fees as required by the Committee; and
 - (iii) contain an acknowledgment that the applicant agrees to be bound by the code of conduct contained in Annexure A.
- (c) Applicants acknowledge that by applying they voluntarily agree to:
 - (i) support the Objects; and
 - (ii) be bound by the rules, directions and policies of the Club and any Affiliated Bodies including but not limited to this Constitution.
- (d) In the case of an application to become a Junior Member, the applicant's Parents acknowledge that, by virtue of their child's application, the applicant's Parents also voluntarily agree to:

- (i) support the Objects;
- (ii) be bound by the code of conduct contained in Annexure A; and
- (iii) be bound by the rules, directions and policies of the Club and any Affiliated Bodies including but not limited to this Constitution.

3.4 Renewal of Membership

- (a) Save for when sub-rule 3.4(b) applies, Members (other than Life Members) must apply to renew their Membership each Financial Year in accordance with rule 3.3 within the period determined by the Committee from time to time (**Membership Renewal Period**).
- (b) Members whose Membership commenced during or after (relative to the Financial Year) the Membership Renewal Period are not required to renew their Membership in the Financial Year in which their Membership commenced.
- (c) Membership renewal is not automatic and Members who fail to renew their Membership within the Membership Renewal Period as required by this rule 3.4 are taken to have ceased their Membership at the end of the Membership Renewal Period.

3.5 Discretion to accept or reject application

- (a) The Committee, acting in good faith and in the best interests of the Club, may, within five days of an application under rule 3.3 being made, reject that application if the Committee is satisfied that:
 - (i) the requirements of rule 3.3(b) have not been complied with;
 - (ii) there is a real possibility that the applicant will fail to comply with, or the applicant has in the past failed to comply with, the rules referred to in rule 3.3(c)(ii); or
 - (iii) the applicant has any arrears of Fees payable to the Club.
- (b) An application made in accordance with rule 3.3 is taken to be accepted unless and until rejected in accordance with this rule 3.5.
- (c) Where an application for Membership is accepted, the Committee must accordingly amend the Register of Members as soon as practicable.
- (d) The Committee must inform an unsuccessful applicant of the reason their application was rejected and provide a refund of any fee paid as part of the application.
- (e) Nothing in this rule 3.5 prevents an unsuccessful applicant from submitting further applications in accordance with rule 3.3.

3.6 Fees

The Club's fees (**Fees**) consist of:

- (a) an annual membership fee payable on application for, and renewal of, Membership, in instalments or otherwise; and
- (b) competition match fees payable from time to time in accordance with participation or intention to participate in scheduled competitions.

Fees may be varied or waived on a case by case basis or otherwise in accordance with the Objects.

3.7 Effect of Membership

Members acknowledge and agree that:

- (a) this Constitution forms a contract between each of them and the Club and that they are bound by the rules, directions and policies of the Club and any Affiliated Bodies including but not limited to this Constitution;
- (b) they will comply with and observe the rules, directions and policies referred to in sub-rule 3.7(a) as well as any determination, resolution, policy or decision made under those rules, directions and policies by the Committee or other person with appropriate authority;
- (c) by submitting to this Constitution, they are subject to the jurisdiction of the Club and any Affiliated Bodies;
- (d) neither this Constitution nor their Membership gives rise to:
 - (i) any proprietary right of Members in relation to the Club or its property, including Intellectual Property, or assets;
 - (ii) any automatic right of a Member to renewal of their Membership; or
 - (iii) subject to the Act and the Club acting in good faith, a right of Members to natural justice unless expressly provided for in this Constitution;
- (e) they are entitled to all benefits, advantages, privileges and services of Membership, including but not limited to:
 - (i) being given notice of and allowed to participate in General Meetings;
 - (ii) the right to vote at General Meetings and in Committee Elections;
 - (iii) inclusion in Club activities such as training sessions, representative competition and social events; and
 - (iv) the right to inspect the Register of Members, minutes of General Meeting, this Constitution and Club records in accordance with rule 8.3; and
- (f) any right or privilege of a person by reason of their Membership:
 - (i) is enjoyed only by Members who have paid all arrears of Fees payable to the Club;
 - (ii) is not capable of being transferred to another person; and
 - (iii) terminates on the cessation of Membership.

3.8 Obligations of Members

Each Member must:

- (a) treat all staff, representatives, Members and Parents of the Club, any Affiliated Bodies and any other bodies involved with the Sport with respect, decency and courtesy at all times;

- (b) maintain and enhance the standards, quality and reputation of the Club, any Affiliated Bodies and the Sport;
- (c) not act in a manner:
 - (i) prejudicial to the Objects, or to the interests or reputation of the Club, any Affiliated Bodies or the Sport;
 - (ii) that is likely to bring the Club, any Affiliated Bodies or the Sport into disrepute; or
 - (iii) that might adversely affect or derogate from the standards, quality and reputation of the Club, any Affiliated Bodies or the Sport;
- (d) comply with the rules, directions and policies of the Club and any Affiliated Bodies; and
- (e) have regard to the Objects in any way pertaining to the Sport.

3.9 Resignation of Membership

A Member who has paid all arrears of Fees payable to the Club may resign from Membership by written notice of such resignation to the Club.

3.10 Cessation of Membership

- (a) The Membership of a person ceases on resignation, expulsion or failure to renew in accordance with rule 3.4.
- (b) If a person ceases to be a Member, the Committee must, as soon as practicable, enter the date the person ceased to be a Member in the Register of Members.
- (c) A Member who ceases to be a Member, for whatever reason:
 - (i) forfeits all rights in and claims on the Club and its property and any rights to use any property of the Club including Intellectual Property; and
 - (ii) must return to the Club immediately any Club documents, records or other property in the possession, custody or control of that Member.

3.11 Register of Members

The Club must keep and maintain a Register of Members that may be inspected by Members and includes:

- (a) for each current Member:
 - (i) the Member's full name;
 - (ii) the address for notice last given by the Member;
 - (iii) the date of becoming a Member and dates where Membership was previously held; and
 - (iv) any other information determined by the Committee;
- (b) for each former Member, their full name and the dates of the Memberships.

4 Disciplinary and Grievance Procedures

4.1 Grounds for disciplinary action

The Club has sufficient grounds to initiate disciplinary action against a Member or Parent if it determines that the Member or Parent has breached, or failed, refused or neglected to comply with, a provision of this Constitution.

4.2 Notice of disciplinary action

- (a) Where sufficient grounds exist, the Club may initiate a disciplinary action against a Member or Parent by giving the Member or Parent a written notice stating:
 - (i) that the Club has initiated disciplinary action against the Member or Parent;
 - (ii) the grounds for disciplinary action being taken;
 - (iii) the proposed date, time and place of the Disciplinary Meeting;
 - (iv) the names of the appointees comprising the Disciplinary Subcommittee;
 - (v) that a written response to the Club's allegations may be submitted in accordance with rule 4.4(c) and, if so submitted, then they may appear at the Disciplinary Meeting to address the Disciplinary Subcommittee; and
 - (vi) that the Member or Parent must respond to the notice in accordance with sub-rule 4.2(b).
- (b) A Member or Parent who has received a notice of disciplinary action in accordance with sub-rule 4.2(a) must respond to the Club by written notice within seven days of receiving the notice confirming:
 - (i) that they have received the notice of disciplinary action;
 - (ii) whether they object to the proposed date, time or place of the Disciplinary Meeting; and
 - (iii) whether they object to the composition of the Disciplinary Subcommittee.

4.3 Disciplinary Subcommittee

- (a) Before a disciplinary action is initiated, the Committee must appoint a subcommittee to hear the matter and determine what action, if any, to take (**Disciplinary Subcommittee**).
- (b) The Disciplinary Subcommittee shall comprise an appropriate combination of:
 - (i) Members;
 - (ii) Parents;
 - (iii) Committee Members;
 - (iv) representatives of Affiliated Bodies; and
 - (v) people from the broader water polo and sporting community.

- (c) Appointees to the Disciplinary Subcommittee must not be biased against, or in favour of, the Member to be subject to the disciplinary action.
- (d) The Committee may, if in the interests of natural justice, make further appointments to or remove persons from the Disciplinary Subcommittee.

4.4 Disciplinary Meeting

- (a) The Disciplinary Subcommittee must, as soon as reasonably practicable after being appointed, determine a date, time and place of the meeting at which the Disciplinary Subcommittee intends to consider the disciplinary action (**Disciplinary Meeting**).
- (b) Not less than fourteen days prior to the Disciplinary Meeting, the Committee must submit to the Disciplinary Subcommittee, with a copy provided to the Member or Parent subject to the disciplinary action, a written statement setting out their case and the result sought.
- (c) Not less than seven days prior to the Disciplinary Meeting, the Member may submit to the disciplinary subcommittee, with a copy provided to the Committee, a written response to the statement provided under sub-rule 4.4(b).
- (d) Subject to sub-rule 4.4(e), the Club and the Member may attend the meeting and, if in attendance, must be given reasonable opportunity to be heard by the Disciplinary Subcommittee
- (e) The Member may not attend the Disciplinary Meeting unless a written response has been submitted in accordance with sub-rule 4.4(c).

4.5 Decision of subcommittee

- (a) The Disciplinary Subcommittee must, within fourteen days after conducting the Disciplinary Meeting, decide what action, if any, is to be taken against the Member or Parent.
- (b) The Disciplinary Subcommittee may not fine or impose any monetary penalty on the Member or Parent.
- (c) The Disciplinary Subcommittee may, among other things:
 - (i) reprimand the Member or Parent;
 - (ii) suspend the Membership of the Member or the Parent's child for a specified period;
 - (iii) prohibit the Member from applying for Membership or applying to renew Membership for a specified period; and
 - (iv) expel the Member from the Club.
- (d) The decision of the Disciplinary Subcommittee:
 - (i) must be issued by written notice to the Member or Parent and the Club stating the action to be taken against the Member;
 - (ii) need not provide reasons for the decision; and
 - (iii) takes effect immediately upon issue.

- (e) To the extent permitted by law and subject to the rules of any Affiliated Bodies, the Member has no right of appeal from the decision of the disciplinary subcommittee.

4.6 Grievance procedure

- (a) The grievance procedure set out in this rule 4.6 applies to disputes under this Constitution between:
 - (i) a Member and another Member;
 - (ii) a Member and the Committee;
 - (iii) a Member and the Club.
- (b) A Member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary action until the disciplinary action has been completed.
- (c) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- (d) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by sub-rule 4.6(c), the parties must within 14 days:
 - (i) notify the Committee of the dispute; and
 - (ii) agree to or request the appointment of a mediator; and
 - (iii) attempt in good faith to settle the dispute by mediation.
- (e) The mediator must be:
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement:
 - A. if the dispute is between a Member and another Member, a person appointed by the Committee; or
 - B. if the dispute is between a Member and the Committee or the Club, a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (f) A mediator appointed by the Committee may be a Member or former Member but, in any case, must not be a person who:
 - (i) has a personal interest in the dispute; or
 - (ii) is biased in favour of or against any party.
- (g) The mediator to the dispute, in conducting the mediation, must:
 - (i) give each party every opportunity to be heard; and
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and

- (iii) ensure that natural justice is accorded to the parties throughout the mediation process.
- (h) The mediator must not determine the dispute.
- (i) If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

5 Committee

5.1 Formation of Committee

- (a) Subject to the Act and this Constitution, the business and powers of the Club must be managed or exercised by or under the direction of the Committee.
- (b) The members comprising the Committee (**Committee Members**) are the:
 - (i) President;
 - (ii) Vice-President;
 - (iii) Secretary;
 - (iv) Treasurer; and
 - (v) people in such other Committee Positions as established under rule 5.2.
- (c) The Committee may, in writing and for the sole purpose of conducting its business:
 - (i) establish subcommittees consisting of anyone appropriate; and
 - (ii) delegate any of its powers or functions, other than this power of delegation or a function imposed on the Committee by the Act or any other law, to particular Committee Members or subcommittees formed under this rule 5.1.

5.2 Committee Positions

- (a) In addition to the Committee Positions expressly stated in rule 5.1(b), the Committee may, within each Financial Year:
 - (i) determine the size and composition of the Committee;
 - (ii) establish such Committee Positions; and
 - (iii) define the functions of such Committee Positionsfor the following Financial Year that are, in its opinion, necessary to conduct the business of the Club.
- (b) Committee Positions may require particular criteria for eligibility, for instance an office that may be filled only by Parents may be validly established.
- (c) The size of the Committee must not exceed 20 people.

5.3 Duties of Committee Members

- (a) Each Committee Member must:
 - (i) as soon as practicable after being elected to the Committee, familiarise themselves with this Constitution and the Act;
 - (ii) use their best endeavours to ensure that the Club complies with the Act and that each Member complies with this Constitution;
 - (iii) exercise their powers and discharge their duties:
 - A. in good faith in the best interests of the Club;
 - B. for a proper purpose; and
 - C. with reasonable care and diligence;
 - (iv) not make improper use of their position, or information acquired by virtue of holding their position:
 - A. to gain an advantage for themselves or any other person; or
 - B. to cause detriment to the Club; and
 - (v) in addition to any duties imposed by this Constitution, perform any other duties imposed from time to time by resolution at a General Meeting.
- (b) The President shall have the particular duty of:
 - (i) co-ordinating the Committee;
 - (ii) overseeing Committee Members in the performance of their functions;
 - (iii) managing and co-ordinating the Club's day-to-day business and weekly operations;
 - (iv) being the Club's chief representative to Members, Affiliated Bodies and other stakeholders;
 - (v) acting as the Chairperson of any Committee Meetings and General Meetings; and
 - (vi) overseeing the Club's future direction and planning.
- (c) The Vice-President shall have the particular duty of:
 - (i) filling in for the President when required;
 - (ii) assisting the President and other Committee Members in the performance of their functions;
 - (iii) being a secondary representative of the Club to Members, Affiliated Bodies and other stakeholders;
 - (iv) managing the record, storage and upkeep of the Club's apparel and equipment; and

- (v) maintaining the Register of Members.
- (d) The Secretary shall have the particular duty of:
 - (i) co-ordinating correspondence to and from the Club;
 - (ii) acting as the primary public officer of the Club;
 - (iii) issuing notices, agendas and minutes for Committee Meetings and General Meetings;
 - (iv) maintaining facility bookings for the Club's activities, Committee Meetings and General Meetings;
 - (v) lodging the Club's annual statement in accordance with the Act; and
 - (vi) keeping custody or control of the Club's records, securities and other relevant documents referred to in rule 8.3 apart from Financial Statements and Financial Records.
- (e) The Treasurer shall have the particular duty of:
 - (i) overseeing the Club's accounts;
 - (ii) ensuring the Club's accounts are paid or received in a timely manner;
 - (iii) collecting Fees by arranging payment plans or otherwise;
 - (iv) preparing and monitoring compliance with the Club's budget;
 - (v) preparing, maintaining and keeping custody or control of the Club's Financial Statements and Financial Records;

5.4 Nomination for Committee

- (a) The Committee must include a call for nominations for Committee Positions when giving notice of an Annual General Meeting.
- (b) The closing time for nominations to be submitted must be no later than the commencement time of the Annual General Meeting.
- (c) The call for nominations must include a list of Committee Positions available and their functions and duties in the form contained in Annexure B.
- (d) Nominations for Committee Members must be submitted in writing, and seconded by a Member or Parent Entitled to Vote, in the form contained in Annexure C.
- (e) Only Members or Parents Entitled to Vote are eligible to be nominated for Committee Positions.
- (f) Where a Committee Position requires particular criteria for eligibility as established under rule 5.2, only Members and Parents who meet those criteria are eligible for that position.
- (g) Junior Members are not eligible for nomination for any Committee Position.

5.5 Elections

- (a) If, by the close of nominations, the number of nominations received for a Committee Position exceeds the number of vacancies, an election for that position must be conducted:
 - (i) at the Annual General Meeting; or
 - (ii) prior to the Annual General Meeting, with the results to be confirmed at the Annual General Meeting.
- (b) Elections must be conducted by secret ballot in a manner determined by the Committee.
- (c) Only Members or Parents Entitled to Vote may vote in Committee elections.
- (d) If, by the close of nominations, the number of nominations received for a Committee Position is the same as the number of vacancies, those nominees are declared elected pending confirmation at the Annual General Meeting.
- (e) If, by the close of nominations, the number of nominations received for a Committee Position is less than the number of vacancies, any nominees are declared elected pending confirmation at the Annual General Meeting and any vacancies may:
 - (i) be reopened for nominations at the Annual General Meeting; and
 - (ii) where no nominations are received under sub-rule 5.5(e)(i), be deemed casual vacancies.
- (f) An election result may be confirmed at the Annual General Meeting by the vote of a majority of Members or Parents Entitled to Vote present at the Annual General Meeting.
- (g) Where an election result required by this Constitution to be confirmed at the Annual General Meeting is not so confirmed, another election must be conducted prior to the conclusion of the Annual General Meeting.

5.6 Positions declared vacant

At each Annual General Meeting, the Chairperson must declare all positions of the Committee vacant and appoint to the Committee all Committee Members as elected and confirmed in accordance with rule 5.5.

5.7 Termination of office

- (a) Each Committee Member remains in office until any of the following occur:
 - (i) Committee Positions are declared vacant at an Annual General Meeting; or
 - (ii) the Committee Member:
 - A. gives the Club written notice of their resignation;
 - B. fails to attend three consecutive Committee Meetings without approval from the Committee; or
 - C. materially fails to comply with their duties as a Committee Member.
- (b) The Club may, by Special Resolution at a General Meeting, remove a Committee Member from office and subsequently elect an eligible Member or Parent to fill the

vacant position notwithstanding the nomination and election requirements in rules 5.4 and 5.5.

5.8 Vacancies

- (a) The Committee may appoint Members or Parents Eligible to Vote in accordance with rule 5.4 to fill a Committee Position that:
 - (i) has been deemed a casual vacancy under rule 5.5(e); or
 - (ii) has become vacant under rule 5.7, unless a replacement has been elected in accordance with rule 5.7(b).
- (b) If the position of Secretary becomes vacant, the Committee must appoint an eligible nominee to the position within 14 days.
- (c) The Committee may continue to act despite any vacancy in its composition.

5.9 Committee Meetings

- (a) The Committee must hold a meeting (**Committee Meeting**) at least once in every month at the dates, times and places determined by the Committee.
- (b) Notice of each Committee Meeting must be given to each Committee Member no later than seven days before the date of the meeting and state the date, time and place of the meeting.
- (c) Notice may be given of more than one Committee Meeting at the same time.
- (d) No business may be conducted at a Committee Meeting unless a quorum of 4 Committee Members is present.
- (e) The President may convene a Committee Meeting for an urgent purpose without complying with sub-rule 5.9(b) by giving each Committee Member notice of:
 - (i) the date, time and place of the meeting; and
 - (ii) the general nature of the business to be conducted at the meeting.
- (f) The only business that may be conducted at a Committee Meeting convened under sub-rule 5.9(e) is the business for which the meeting is convened and that business may be conducted notwithstanding a failure to meet the quorum requirement in sub-rule 5.9(f).

5.10 Use of technology

- (a) Committee Members may participate in and vote at Committee Meetings, without being physically present, by the use of technology that allows the Committee Member to clearly and simultaneously communicate with other Committee Members present at the Committee Meeting.
- (b) A Committee Member participating in a Committee Meeting by the use of technology in accordance with this rule 5.10 is taken to be present at the meeting and, if voting at the meeting, is taken to be voting in person.

5.11 Resolutions

- (a) Questions arising at any Committee Meeting are decided by a simple majority of votes of the Committee Members present.

- (b) A determination of a majority of Committee Members shall for all purposes be deemed a determination of the Committee.
- (c) Each Committee Member has one vote on any question.
- (d) The Chairperson does not have a casting vote on any question.

5.12 Resolutions not in meetings

- (a) A resolution in writing that has been signed or assented to in any form of visible or other electronic communication by all Committee Members is valid and effectual as if it had been passed at a Committee Meeting duly convened and held.
- (b) A resolution may be valid in accordance with this rule 5.12 notwithstanding that it consists of several documents in like or unlike form signed by one or more of the Committee Members.

5.13 Conflict of interest

- (a) A Committee Member who has a material personal interest in a matter being considered by the Committee must disclose the nature and extent of that interest to the Committee.
- (b) That Committee Member:
 - (i) must not be present while the matter is being considered at a Committee Meeting; and
 - (ii) must not vote on the matter.
- (c) This rule does not apply to a material personal interest that:
 - (i) exists only because the Member belongs to a class of persons for whose benefit the Club is established; or
 - (ii) the Member has in common with all, or a substantial proportion of, the Members of the Club.

5.14 Minutes of Committee Meeting

- (a) The Committee must ensure that minutes are taken and kept of each Committee Meeting.
- (b) The minutes must record:
 - (i) the names of the Committee Members present at the meeting;
 - (ii) the business considered at the meeting;
 - (iii) any resolution on which a vote is taken and the result of the vote;
 - (iv) any resolution that was passed under rule 5.12 since the previous meeting; and
 - (v) any material personal interest disclosed under rule 5.13.

6 General Meetings

6.1 General Meetings

- (a) The Committee shall convene such General Meetings as are permitted or required by the Act and this Constitution to ensure that Members and Parents have the opportunity to express their opinions and vote on relevant matters.
- (b) A General Meeting may only be convened by giving each Member 21 days notice of a General Meeting, which notice must include:
 - (i) the date, time and place of the meeting;
 - (ii) the general nature of each item of business to be considered at the meeting;
 - (iii) the full wording of any Special Resolution to be proposed at the meeting and a statement of the intention to propose it as a Special Resolution;
 - (iv) the manner and form in which proxy appointments are to be submitted; and
 - (v) for an Annual General Meeting:
 - A. a call for nominations in accordance with rule 5.4;
 - B. the manner and form in which Committee nominations are to be submitted; and
 - C. details of the way in which Committee Elections, if required by rule 5.5, are to be conducted.
- (c) Only those items of business specified in the notice of General Meeting given under rule 6.1(b) or, in the case of a meeting requisitioned in accordance with rule 6.3, the business stated in the requisition, may be discussed at that General Meeting.

6.2 Annual General Meeting

- (a) The Committee must convene an Annual General Meeting within 5 months after end of each Financial Year at a date, time and place determined by the Committee.
- (b) The ordinary business of the Annual General Meeting is to:
 - (i) confirm the minutes of the previous Annual General Meeting and any Special General Meeting held since then;
 - (ii) receive and consider the annual report and Financial Statements of the Club for the preceding Financial Year;
 - (iii) appoint Committee Members in accordance with rule 5.6; and
 - (iv) any other business of which notice has been given in accordance with 6.1(b).

6.3 Special General Meeting

- (a) The Committee may convene a Special General Meeting whenever it thinks fit.
- (b) The Committee must convene a Special General Meeting in a timely manner if requisitioned by at least 30% of Members, which requisition must:

- (i) be issued by giving written notice to the Club;
 - (ii) state the business to be solely considered at the meeting and any resolutions to be proposed;
 - (iii) include the names and signatures of the members requisitioning the meeting; and
 - (iv) be delivered to the Committee.
- (c) If the Committee does not convene a Special General Meeting within 30 days of being requisitioned in accordance with sub-rule 6.3(b), the Members making the requisition may, no more than 60 days after providing the requisition, convene the Special General Meeting and are entitled to be reimbursed by the Club for all reasonable expenses of doing so.

6.4 Quorum and adjournment

- (a) If a quorum of 10% of Members or Parents Entitled to Vote is not present within 30 minutes after the notified commencement time of a General Meeting, no business may be conducted at the meeting and the meeting must:
- (i) in the case of a Special General Meeting requisitioned in accordance with rule 6.3(b), be dissolved with all business considered resolved; or
 - (ii) in any other case, be adjourned to a date not more than 14 days after the adjournment and the Committee must provide all Members with written notice of the date, time and place that the meeting has been adjourned to as soon as practicable.
- (b) The Chairperson of a General Meeting at which a quorum is present may, with the consent of a majority of Members present at the meeting, adjourn the Meeting and, if adjourned for more than 21 days, must provide further notice in accordance with rule 6.1(b).
- (c) On the resumption of a General Meeting adjourned under this rule 6.4, only business left unfinished at the General Meeting immediately before being adjourned may be discussed.
- (d) If a quorum is not present within 30 minutes after the time to which a General Meeting has been adjourned under this rule 6.4, the Members present may proceed with the business of the meeting as if a quorum were present.

6.5 Voting

- (a) On any question arising at a General Meeting:
- (i) each Life Member and Individual Member is entitled to one vote; and
 - (ii) one Parent of each Junior Member is entitled to one vote, to a maximum of one vote per Parent

provided that the particular Member or Parent has paid all arrears of Fees payable to the Club.

- (b) Votes at a General Meeting are to be decided by a show of hands unless, prior to the vote, a poll is demanded by the Chairperson or by a majority of Members present at the meeting.

- (c) Except as required by this Constitution or the Act, questions arising at a General Meeting are decided by a majority of votes.
- (d) If the question is whether or not to confirm the minutes of a previous meeting, only Members and Parents who were present at that meeting may vote.
- (e) Members or Parents Entitled to Vote may do so personally or by proxy in accordance with rule 6.6.

6.6 Proxies

- (a) A Member or Parent Entitled to Vote may appoint another Member or Parent Entitled to Vote as a proxy to vote and speak on their behalf at a General Meeting.
- (b) The appointment of a proxy must be in writing and signed in the form contained in Annexure D and submitted in accordance with the manner specified under the rule 6.1(b) notice.
- (c) A Member or Parent who has appointed a proxy for a particular General Meeting will be taken to be present at that General Meeting.
- (d) A Member or Parent may hold no more than fifteen proxy votes.

6.7 Use of technology

- (a) Members and Parents may participate in and vote at General Meetings, without being physically present, by the use of technology that allows the Member or Parent to clearly and simultaneously communicate with other Members and Parents present at the General Meeting.
- (b) A Member or Parent participating in a General Meeting by the use of technology in accordance with this rule 6.7 is taken to be present at the meeting and, if voting at the meeting, is taken to be voting in person.

6.8 Minutes of General Meeting

- (a) The Committee must ensure that minutes are taken and kept of each General Meeting.
- (b) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (c) In addition, the minutes of each Annual General Meeting must include:
 - (i) the names of the Members and Parents present at the meeting;
 - (ii) proxy forms submitted in accordance with rule 6.6; and
 - (iii) any Financial Statements submitted to the Members in accordance with rule 6.2(b)(ii).
 - (iv) the certificate signed by two Committee Members certifying that the Financial Statements give a true and fair view of the financial position and performance of the Club; and
 - (v) any audited accounts and auditor's report or report of a review accompanying the Financial Statements that are required under the Act.

7 Financial Matters

7.1 Source of funds

The Club's funds may be derived from Fees, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

7.2 Management of funds

- (a) Subject to the Act and this Constitution, the Club must open and manage such accounts with financial institutions as determined by the Committee from time to time and from which all the Club's expenditure is made and into which all of the Club's revenue is deposited.
- (b) Save for when sub-rule 7.2(c) applies, no withdrawal shall be made from, and no cheques shall be drawn on, any transaction account in the name of the Club unless the withdrawal form, cheque or electronic transfer is signed or password-activated, as appropriate, by any two of the Committee Members appointed by the Committee for such purposes.
- (c) The Committee may authorise any Committee Member to expend funds on behalf of the Club up to a specified limit or for a specified purpose without requiring approval from the Committee.
- (d) The income and property of the Club shall be applied solely towards the promotion of the Objects.
- (e) Except as prescribed in this Constitution or the Act:
 - (i) no portion of the income or property of the Club shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise to any Member or Committee Member; and
 - (ii) no remuneration or other benefit in money or money's worth shall be paid or given by the Club to any Member or Parent who holds any office of the Club.
- (f) Nothing in this rule 7.2 precludes payment in good faith to any Member for:
 - (i) any services actually rendered to the Club whether as an employee, director or otherwise;
 - (ii) goods supplied to the Club in the ordinary and usual course of operation;
 - (iii) interest on money borrowed from any Member;
 - (iv) rent for premises demised or let by any Member to the Club; or
 - (v) any out-of-pocket expenses incurred by a Member on behalf of the Club;

provided that any such payment shall not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

7.3 Financial Records

- (a) The Club must keep Financial Records that:
 - (i) correctly record and explain its transactions, financial position and performance;
 - and

- (ii) enable Financial Statements to be prepared as required by the Act.
- (b) The Club must retain the Financial Records for 7 years after the transactions covered by the records are completed.
- (c) The Treasurer must keep in their custody or under their control:
 - (i) the Financial Records for the current financial year; and
 - (ii) any other Financial Records as authorised by the Committee.

7.4 Financial Statements

- (a) For each Financial Year, the Committee must ensure that the requirements under the Act relating to the Club's Financial Statements are met.
- (b) Without limiting sub-rule 7.4(a), those requirements include:
 - (i) the preparation of the Financial Statements;
 - (ii) if required, the review or auditing of the Financial Statements;
 - (iii) the certification of the Financial Statements by the Committee;
 - (iv) the submission of the Financial Statements to the Club's Annual General Meeting;
 - (v) the lodgement with the Registrar of the Financial Statements and accompanying reports, certificates, statements and fee.

8 General Matters

8.1 Registered Address

The Registered Address of the Club is:

- (a) the address determined from time to time by the Committee; or
- (b) if the Committee has not determined an address to be the Registered Address, the postal address of the Secretary.

8.2 Notice requirements

- (a) Any notice required to be given to a Member or Committee Member under this Constitution may be given:
 - (i) by handing the notice to the Member or Committee Member personally;
 - (ii) by sending the notice by post to, or by leaving the notice in the mailbox of, the Member at the address recorded for the Member on the Register of Members; or
 - (iii) by email or other electronic communication.
- (b) Any notice required to be given to the Club under this Constitution may be given:
 - (i) by handing the notice to a Committee Member personally;

- (ii) by sending the notice by post to, or by leaving the notice in the mailbox of, the Club's Registered Address; or
- (iii) by email to an email address designated by the Committee.

8.3 Inspection of books and records

- (a) Subject to this rule 8.3, the Committee must permit a Member to, on request and free of charge, inspect:
 - (i) this Constitution;
 - (ii) the Register of Members;
 - (iii) the minutes of General Meetings; and
 - (iv) any other relevant document of the Club, being the records and other documents that relate to the incorporation and management of the Club and includes:
 - A. the Club's membership records;
 - B. the Club's Financial Records and Financial Statements;
 - C. minutes of Committee Meetings; and
 - D. records and documents relating to the transactions, dealings, business or property of the Club.
- (b) When providing the Register of Members for inspection, the Committee may refuse to provide such personal information belonging to Members who have requested the information be available only to the Committee.
- (c) The Committee may refuse to permit a Member to inspect the Club's records where:
 - (i) the records contain information that relate to confidential personal, employment, commercial or legal matters; or
 - (ii) to do so would be prejudicial to the interests of the Club.

8.4 Winding up and cancellation

- (a) The Club may be wound up voluntarily by Special Resolution.
- (b) In the event of the winding up or the cancellation of the incorporation of the Club, the surplus assets of the Club must not be distributed to any Members or former Members of the Club.
- (c) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Club and which is not carried on for the profit or gain of its individual members.
- (d) The body to which the surplus assets are to be given must be decided by Special Resolution.

8.5 Indemnity

- (a) The Club indemnifies the Committee Members out of the property and assets of the Club against any liability incurred by them in their capacity as Committee Members in defending any proceedings, whether civil or criminal.
- (b) The Club indemnifies the Committee Members against all damages and losses (including legal costs) for which any such Committee Member may be or become liable to any third party in consequence of any act or omission except wilful misconduct performed or made while acting on behalf of and with the authority, express or implied, of the Club.

8.6 Alteration of Constitution

This Constitution may only be altered by Special Resolution at a General Meeting in accordance with the Act.

Annexure A — Code of conduct



Monash Uni Water Polo Code of Conduct

Monash University Water Polo Club recognises the importance of all members enjoying our sport and playing in the spirit of the game. The below ideals must be upheld by Members of Monash University Water Polo Club at all training sessions, competitions and social events. All members are required to agree to this code of conduct on applying for membership.

Athlete Code of Conduct

1. Be respectful of others at training, following the instructions of the coach and ensuring good sportsmanship at all times. Be ethical, fair, considerate and honest in all dealings with others.
2. The Club is a safe space. Verbal or physical abuse of officials, sledging other players, deliberately distracting or provoking another player are not acceptable or permitted behaviours in any sport. Bullying of fellow members or opponents will not be tolerated.
3. Be respectful of the persons leading training. If disagreements arise, approach a coach or committee member after training to discuss the problem. Disciplinary and grievance action may be taken, but must be initiated in a proper manner.
4. Work equally hard for yourself and/or your team. Ensure you are present for required training sessions and regularly attending games. If you are unable to attend any games, it is important and polite to let your coach and/or team manager know in advance.
5. Operate within the rules and spirit of the sport including Club rules, University rules and any state and national guidelines, constitutions and policies which govern Water Polo Australia, Water Polo Victoria, its member organisations or affiliates.
6. Respect the rights, dignity and worth of all participants regardless of their gender, sexuality, ability, cultural background or religion.
7. Be punctual and negotiate your fee payments in good faith.

If you are found to have breached this code of conduct, the committee may investigate the matter and initiate a disciplinary action against you. Members are responsible for the behaviour of non-members who they invite to events, matches and training and their failure to observe this code of conduct will be considered your failure as well.

Agreement

I agree to abide by this code of conduct:

Name:

Signed:

Date:

Annexure B — Committee position statements



Position Statements — #[YEAR]# Committee

Please submit nominations to info@monashuniwaterpolo.com.au by #[insert due date and time]#.

Positions will be elected at the Annual General Meeting, #[insert time, date and location of AGM]#.

All members are expected to attend monthly committee meetings, which are typically held at Monash on Sunday afternoons, the last Sunday of every month.

President (#[insert previous office holder(s) and number of positions available]#)

- Co-ordinates the Committee.
- Oversees the Committee Members in the performance of their functions.
- Manages and co-ordinates the Club's day-to-day business and weekly operations.
- Acts as the Club's chief representative to Members, Affiliated Bodies and other stakeholders.
- Acts as the Chairperson for any Committee Meetings and General Meetings.
- Oversees the Club's future direction and planning.

Vice-President (#[insert previous office holder(s) and number of positions available]#)

- Fills in for the President when required.
- Assists the President and other Committee Members in the performance of their functions.
- Acts as a secondary representative of the Club to Members Affiliated Bodies and other stakeholders.
- Manages the record, storage and upkeep of the Club's apparel and equipment.
- Maintains the register of members.

Secretary (#[insert previous office holder(s) and number of positions available]#)

- Co-ordinates correspondence to and from the Club.
- Acts as the primary public officer of the Club.
- Issues notices, agendas and minutes for Committee Meetings and General Meetings.
- Maintains facility bookings for the Club's activities, Committee Meetings and General Meetings.
- Lodges the Club's annual statement in accordance with the Act.

Treasurer (#[insert previous office holder(s) and number of positions available]#)

- Oversees the Club's accounts.
- Ensures the Club's accounts are paid or received in a timely manner.
- Collects the Club's fees.
- Prepares and monitors compliance with the Club's budget.
- Prepares and maintains the Club's financial statements and records.

Coaching Coordinator (#[insert previous office holder(s) and number of positions available]#)

- Oversees the direction of the club Water Polo Program to facilitate development pathways for both junior and senior players
- Acts as the point of contact between the committee and club coaches

IT Officer (*#[insert previous office holder(s) and number of positions available]#*)

- Maintains the club website and any other IT systems being used by the club
- Assist committee members with their duties involving said IT systems

Junior Development Officer (*#[insert previous office holder(s) and number of positions available]#*)

- Responds to new junior member enquiries
- Works with the coaching coordinator to oversee junior development pathways and structure
- Organises junior team entries for WPV competitions (including team lists)
- Oversees outreach programs for the club with local schools through Come & Try days and coaching of school teams
- Organises the annual Ballarat Junior Water Polo competition for U12 and U14 teams

Parents Representative (*#[insert previous office holder(s) and number of positions available]#*)

- Assists the Junior Development Officer where appropriate
- Acts as the point of contact between the committee and junior players and parents of.
- Acts as the team manager for junior teams
- Organises uniform and merchandise orders for junior players

Social Media Officer (*#[insert previous office holder(s) and number of positions available]#*)

- Maintains the club social media accounts

Events Coordinator (*#[insert previous office holder(s) and number of positions available]#*)

- Oversees the running of social events (start/end of season socials, black tie ball, any other whole club socials)

Student and New Member Representative (*#[insert previous office holder(s) and number of positions available]#*)

- Promotes recruitment of Monash University students through O-Weeks and Clubs Days – ensures club is able to attend, organises stall and promotional material
- Responsible for ensuring retention of new members by encouraging them to come to training, helping at training for newer members, and helping get them into teams
- Responds to new Senior member enquiries

General Member (*#[insert previous office holder(s) and number of positions available]#*)

- Assists the events coordinator in organising club events
- Organises club uniforms and merchandise for junior and senior members
- Ensures proper equipment is available at training and games (caps, balls etc)
- Assists other committee members as required

Registrar (*#[insert previous office holder(s) and number of positions available]#*)

- Organises the procedures for membership and registration requirements
- Works with the IT officer to fully utilise the IT systems available

- Works with the secretary to maintain the register of members

Member Protection Information Officer (*#[insert previous office holder(s) and number of positions available]#*)

- Acts as the first point of contact for members with complaints regarding harassment, abuse and other inappropriate behaviour
- Assists members with complains and act accordingly

#[insert or remove position statements as appropriate]#

Annexure C — Committee nomination form



Nomination Form — #[YEAR]# Committee

Please tick (✓) the position you would like to nominate for: #[adjust portfolios as appropriate]#

President		Social Media Officer	
Vice President		Events Coordinator	
Secretary		Student and New Member Representative (male)	
Treasurer		Student and New Member Representative (female)	
IT Officer		General Committee Position (male)	
Coaching Coordinator		General Committee Position (female)	
Junior Development Officer		Registrar	
Parents Representative		Member Protection Information Officer	

Name:

Address:

Email:

Telephone:

Please provide details that may assist your nomination (eg history in water polo, professional qualifications, relevant experience etc.)

.....

Signature of Nominee: Date:

Proposer: Signed..... Date:

Seconder: Signed..... Date:

Closing date for nominations: #[insert due date and time]#

Nominations by email to info@monashuniwaterpolo.com.au (preferred) or bring along to the AGM

Annexure D — Proxy voting form



Proxy Voting Form — General Meeting #[insert date of AGM/SGM]#

Voting member's name:

I give authorisation to vote on my behalf on all issues put to a vote by the Monash University Water Polo Club during the General Meeting held at #[insert time and date of AGM/SGM]#.

Signature of Voting Member: Date:

This form must be received by and/or presented at the time of voting.

Closing date for proxy forms: #[TIME AND DATE]#

Forms by email to info@monashuniwaterpolo.com.au (preferred) or bring along to the AGM

Annexure E — Register of Amendments

Date amended	Amendments made