

**AUSTRALIAN FREEDIVING ASSOCIATION  
CONSTITUTION  
AS AT JANUARY 2009**

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**1 NAME, HEAD OFFICE, LEGAL FORM**

**1.1**

The name of the Association shall be the **Australian Freediving Association (AFA)**.

**1.2**

The official address of the AFA is: 34 Holland Street, Toowong 4066, AUSTRALIA.

**1.3**

The annual period starts January 1st and ends December 31st.

**1.4**

The AFA is a not for profit organisation.

**1.5**

The AFA is obliged towards third parties to sign collectively by the President and by a member of the Committee.

**2 MISSION AND OBJECTIVES**

**2.1**

The AFA is a not for profit organisation devoted to the sport of freediving and freediving related activities in Australia. The AFA is the sanctioned Australian representative and member of the General Assembly of AIDA International, the worldwide governing body of freediving.

The AFA has the following objectives:

**2.1.1**

The development of freediving in Australia.

**2.1.2**

To arrange and co-ordinate competitions within Australia and promote participation by Australian teams in overseas competitive events.

**2.1.3**

Selection of the Australian team for freediving world championships.

**2.1.4**

The standardisation of regulations in regard to education, safety, competitions and records.

**2.1.5**

The recognition, ratification and registration of records and achievements for the various disciplines of freediving.

**2.1.6**

To act as the sole representative body for all Association members and Affiliated Member Clubs, negotiations and discussions with AIDA International, other national associations, or other organisations which have interest in freediving activities throughout the world.

### **2.1.7**

To strongly recommend that all agencies teaching freediving in Australia cover adequate safety procedures within their syllabus. The AFA will only recommend clubs, organisations, training groups and other agencies teaching freediving if the Committee is satisfied that a minimum safety standard is being taught.

### **2.1.8**

To further the interests of each and every Association member and Affiliated Member Club in Australia.

## **3 MEMBERS**

### **3.1**

Australian Freediving Association consists of the following member categories:

- INDIVIDUAL MEMBER
- AFFILIATED MEMBER CLUBS
- CORPORATE MEMBERSHIP

## **4 INDIVIDUAL MEMBERS**

### **4.1**

Individual Membership is available for those who wish to maintain a contact with the AFA or to utilise AFA services and sponsorship.

### **4.2**

Individual Members are bound by the AFA Constitution and By-Laws in all matters affecting the AFA.

### **4.3**

Individual Members are entitled to compete in national competitions.

### **4.4**

Individual Members with current membership are entitled to one vote at any AGM or EGM.

## **5 AFFILIATED CLUBS & THEIR MEMBERS**

### **5.1**

Affiliated Member Clubs are those clubs approved by the Committee; the members within these clubs have all the same rights as Individual members.

### **5.2**

Affiliated Member Clubs must ensure that:

- i) Their constitutions are consistent with the AFA constitution.
- ii) Affiliation fees are paid promptly to the AFA.
- iii) Membership of their club is open to the general public.

iv) All persons joining the club are members of the AFA and a membership fee is collected from them.

v) Membership fees collected from club members are to be forwarded to the AFA, together with the name and address of the payee.

vi) Members of Affiliated Clubs can vote on AFA matters provided the appropriate membership fee has been paid.

vii) Affiliated Clubs are entitled to full representation by the AFA on any matter affecting them that concerns freediving.

viii) Club Members are entitled to full representation by the AFA on any matter affecting them that concerns diving, and are entitled to compete in National Competitions and are eligible for selection to Australian teams in International competitions.

## **6 CORPORATE MEMBERSHIPS**

### **6.1**

Corporate Membership is offered to institutes, businesses, companies, countries and Government Departments who have an interest in freediving, for a prescribed annual fee.

### **6.2**

Corporate Members have no participating rights, nor can they hold office. They may offer certain services and sponsorship to the AFA.

### **6.3**

Corporate Members will be kept advised of diving matters being dealt with by the AFA and may advise the AFA of any matters affecting them that the AFA may be able to assist with.

### **6.4**

Corporate Membership may be accepted, denied or withdrawn at the discretion of the AFA Committee.

### **6.5**

Corporate Membership fees will be negotiated with the Committee and the Corporate representative.

## **7 COMMITTEE**

### **7.1**

The AFA shall be managed by a Committee, who must be full financially paid up members of the AFA.

### **7.2**

The Committee shall consist of no less than two Committee Members.

### **7.3**

The Committee roles should include, but not limited to, the roles and responsibilities outlined in section 8.

#### **7.4**

The election of each member shall be announced annually at the AGM and shall hold their post until the close of the following year's AGM.

#### **7.5**

Any full financial member of the AFA is eligible for the Committee. The Safety Officer should be an experienced freediver who possesses adequate knowledge to fulfil the requirements of the role, preferably somebody with formal freedive education such as an AIDA Instructor.

#### **7.6**

Committee members must disclose any interests and memberships, commercial or otherwise, that they have in any organisation or industry related to freediving, scuba diving, spearfishing or any other activities that have an influence or exhibit a potential conflict of interest. This includes but is not limited to freedive instructional schools, scuba dive shops, scuba diving teaching facilities, freedive, scuba, spearfishing, or underwater hockey clubs.

#### **7.7**

Members will be invited to stand and return their nominations to the President and Membership Officer with a cut off date. After that time only nominations for uncontested positions can be accepted.

#### **7.8**

All members wishing to stand for a post shall be elected by means of a simple majority vote of all Members.

#### **7.9**

A CV / Manifesto shall be published for each candidate by email with an opportunity for each member to vote. The voting period will be two weeks. Votes will be returned to a third party outside of the AFA (where possible, the AIDA International Vice President Oceania) and an AFA member who is both not currently on Committee and not standing for Committee. These will be counted and the results announced at the AGM.

#### **7.10**

If there has been no nomination, or a nominee decides not to stand, then nominations can be accepted at the Annual General Meeting.

#### **7.11**

The latest deadline for voting will be 00.00hrs on the Saturday before the AGM.

#### **7.12**

In the event of a tie, it will be announced to the membership, and anyone who has not voted has three days in which to add their vote. Otherwise it will be decided at the AGM.

### **7.13**

No member shall be entitled to vote on a matter where he/she may have a conflicting or vested interest other than the well being of the AFA.

### **7.14**

No AFA Officer shall hold the same post within the Committee for a period of more than four (4) consecutive years.

### **7.15**

A Committee Officer can resign at any time. Members must be informed of the resignation and of the vacant Committee position. Nominations for the position should be encouraged and, if there is more than one nomination, mid-term elections for that position should take place.

## **8 COMMITTEE ROLES**

### **8.1**

#### **President**

- Responsible for organising Committee and AGM.
- Casting voting when the vote is tied at Committee meetings.
- To chair any meetings of the AFA.
- Direct and support the AFA Committee in achieving the goals of the AFA.

### **8.2**

#### **Treasurer**

- Holder and administrator of all AFA funds for the benefit of the AFA.
- Shall keep proper books and records of all sums received and expended on behalf of the AFA.
- Produce a Statement of Financial Performance and Statement of Financial Position on an annual basis, which gives a true and fair view of the state of affairs of the AFA and sufficient to explain its transactions.
- Shall arrange for all AFA funds and securities to be kept on deposit with a bank or banks approved by the Committee by Committee decision, and shall maintain a current account or accounts upon which cheques or other orders may be signed by any two Committee officers.
- Issue receipts for membership fees and other monies received.
- Organise signatories for the bank account mandate ensuring there are always two signatories.

### 8.3

#### **Membership Officer / Secretary**

- Maintain a current list of member with their detail and do all pertaining to membership including membership cards and updating the membership database for the Website usage.
- Shall take minutes of all committee meetings.
- Send out letters on behalf of the AFA.

### 8.4

#### **Website Officer**

- Add/ edit the content of the AFA website and any associated forums.
- Back up the AFA website on a regular basis.
- Maintain the security of the AFA website.

### 8.5

#### **Media Officer**

- Develop and maintain contacts with the diving and freediving community.
- Create and/or edit AFA publications to be made to the media.
- Respond to media requests for any information relating to freediving.
- Liaising between press/media and AFA members who they wish to contact.

### 8.6

#### **Safety Officer**

- Shall be responsible for all aspects of safety, including but not limited to:
  - Develop and maintain safety guidelines for AFA individual members.
  - Develop and maintain safety guidelines for AFA clubs.
  - Develop and maintain safety guidelines for AFA competitions.
  - Develop and maintain safety guidelines for Australian record attempts.
  - Develop and maintain the risk assessments for AFA pool and open water activities.

### 8.7

#### **Technical and AIDA Liaison Officer.**

- Be the central point of contact for all communication with AIDA.
- Liaise with the membership to gather comments regarding AIDA International issues.
- To be the international figurehead for the AFA.
- Maintain a record of AFA judges.
- Maintain a list of current Australian records.
- With respect to new record attempts, ensure compliance with the AFA National Record Rules.
- Propose and present any changes to the AFA Records Rules to the Committee for approval.
- The Technical and AIDA Liaison Officer must have experience with AIDA rules and regulations and be an AIDA Judge, or have previously competed in an AIDA event.

## **8.8**

### **Sponsorship Officer**

- Develop and maintain connections with businesses and organisations which sponsor the Australian team.
- Actively seek new sponsorship opportunities for Australian freediving and the Australian team.
- Liaise with team members and potential sponsors to ensure duties agreed with the sponsor are carried out fully and in line with the agreement.

## **8.9**

### **Clubs Officer**

- Shall build the clubs network.
- Shall liaise with all affiliated Clubs.
- Shall ensure that all affiliated Clubs members are AFA members.
- Shall inform the committee of any help or equipment needed by the Clubs.

## **8.10**

### **Competitions Officer**

- To organise any AFA run competitions.
- To be a resource for members in running their own competitions.
- To be responsible for team training.
- To be responsible for team fulfilment of AIDA requirements.
- To ensure international competition representation.
- Maintain a record of competition entrants and results.

## **9 MEETINGS**

### **9.1**

The newly elected Committee shall assume its responsibilities as from the end of the AGM.

### **9.2**

The Committee shall meet as often as the business of the AFA necessitates and at least every two months. This can be in physical presence or an on-line meeting.

### **9.3**

Any committee member can request a meeting, should the need arise.

### **9.4**

Any full member of the AFA may attend a committee meeting providing that prior notification has been given to the President and that member shall only be present as an observer.

## **9.5**

The Membership Officer shall prepare minutes of each Committee Meeting which shall be agreed by the Committee. A copy of the agreed minutes shall be posted on the website as soon as possible after agreement.

## **10 ANNUAL GENERAL MEETING (AGM)**

### **10.1**

The AGM will be held annually on the third weekend in November, in a location which is as convenient as possible to the AFA membership.

### **10.2**

Notice of the meeting and the positions shall be communicated in writing, to all paid-up members of the AFA at least four weeks before the meeting.

### **10.3**

The Agenda will be sent to the members at least one week before the AGM

### **10.4**

The AGM shall include the following:

- (i) Notification of Committee Members for the following year.
- (ii) Presentation of the statement of income and expenditure for the year to 30<sup>th</sup> September.
- (iii) Reports from all committee members.
- (iv) Ratification of any rules, or rule changes.
- (v) Announcement of any fee changes.
- (vii) Changes to the constitution (when applicable).

## **11 EXTRAORDINARY GENERAL MEETINGS (EGM)**

### **11.1**

Any General Meeting of the AFA other than the AGM shall be known as an Extraordinary General Meeting (EGM).

### **11.2**

An Extraordinary General Meeting may be summoned at any time by the Membership Officer on the request of the Committee, **or** of at least ten members in writing. At least fourteen days notice must be given of the meeting, which should be communicated in writing to each member.

### **11.3**

Notice of an EGM shall state the reasons for the meeting and shall include the text of any motion to be proposed for consideration. Amendments to such motion may be proposed at the meeting.

## **12 MODE OF VOTING**

### **12.1**

All elections shall be carried out by secret ballot, or by registered mail votes. All voting papers shall be collected and counted by an appointed person who shall report the result to the President. When Notices of Motion, Remits, Recommendations and motions are before the meeting the decision shall be reached by voice, a show of hands or written ballot of the delegates present. The President shall read the motion before the vote and shall declare the motion either accepted or rejected after he has called for such vote. If the vote is not unanimous, a show of hands or a secret written ballot can be called for by any delegate.

## **13 VOTING RIGHTS**

### **13.1**

No club whose affiliation fees are overdue on the date on an Annual General Meeting or Special General Meeting shall be entitled to exercise any votes.

### **13.2**

Each Member whose membership is current as at the date of any Annual General Meeting or Special General Meeting shall be entitled to one vote.

## **14 FINANCE**

### **14.1**

The funds of the AFA may be used at the discretion of the Committee of the AFA in whatsoever way they deem to be of most benefit to the AFA and its members. The Committee may take action they think beneficial and appropriate to raise money to run the AFA's affairs.

## **15 APPLICATION FOR MEMBERSHIP FOR AFFILITATED CLUBS & INDIVIDUAL MEMBERS**

### **15.1**

An Affiliated Club wanting to become a member of the AFA must send written application to the Committee. The Committee will decide on admission of a new club with possible consultation with other clubs and members.

### **15.2**

Each application for membership shall state that the club has such membership numbers a copy of the statutes and a list of member's names and addresses must be enclosed in the appendix of the application, along with all affiliation fees.

### **15.3**

Affiliated Clubs undertake to abide by the Constitution and regulations of the AFA.

### **15.4**

Member clubs are entitled to full representation by the AFA on any matter affecting them that concerns freediving.

### **15.5**

Applications for Individual Memberships are made directly to the AFA on the official application form along with all affiliation fees.

### **15.6**

Individual Membership may be accepted, denied or withdrawn at the discretion of the AFA Committee.

### **15.7**

Applications for Corporate Memberships are to be made directly to the AFA in writing.

## **16 EXPULSION OF MEMBERS**

### **16.1**

Any member may be expelled from the AFA if they are deemed to have conducted their affairs in direct contravention of any clause of the Constitution or regulations of the Association, including those relevant to the payment of affiliation and/or membership fees.

### **16.2**

All expulsions and withdrawal of membership is at the discretion of the Committee, and any such expulsion shall be subject to appeal at the Annual General Meeting.

### **16.3**

A notice of motion to expel a member from the Association must be in the Committee's or person nominated by the Committee hands in writing by registered mail advice no later than 60 days before an Annual General Meeting.

### **16.4**

The decision to expel a member must be passed by a two-thirds majority at a duly constituted meeting.

## **17 EXPULSION OF AN AFFILIATED CLUB**

### **17.1**

Any Affiliated Club may be expelled from the AFA if they are deemed to have conducted their affairs in direct contravention of any clause of the Constitution or regulations of the Association, including those relevant to the payment of affiliation fees.

### **17.2**

Any Affiliated Club expulsion is at the discretion of the Committee, and any such expulsion shall be subject to appeal at an Extraordinary General Meeting or the next Annual General Meeting.

### **17.3**

At the Extraordinary General Meeting, or Annual General Meeting to appeal the expulsion of an Affiliated Club, the decision to expel must be passed by a two-thirds majority.

### **17.4**

A notice expulsion of an Affiliated Club from the Association must be delivered in writing by registered mail advice from the Committee.

### **17.5**

A notice of Appeal must be sent to the Committee by registered mail in order for the appeal to be heard at an Extraordinary General Meeting, or Annual General Meeting.

## **18 RESIGNATIONS**

### **18.1**

Any Committee member may resign from the Association by serving notice of their resignation in writing, giving two weeks notice, which will take effect from the date of receipt at the Association's registered office.

### **18.2**

Any member may resign from the Association by service notice of resignation in writing and by registered mail, to take immediate effect from the date of receipt at the Association's registered office.

### **18.3**

Any Affiliated Club may resign their affiliation from the Association by serving notice of resignation in writing and by register mail, giving 30 days notice which will take effect from the date of receipt at the Association's registered office.

## **26 DELETIONS**

### **19.1**

Any Member or Affiliated Club whose affiliation and/or membership fee has remained unpaid for a period in excess of 365 days shall be automatically deleted from the membership register and may only be reinstated after re-application and acceptance as set out above.

## **20 FEES**

### **20.1**

An affiliation fee for all Affiliated Clubs shall be paid to the AFA. This fee is deemed to affiliate the club to the AFA. The amount of the fee shall be set by the Committee; any proposal to change that fee shall be given by notice of motion in writing to be reviewed at the next Annual General Meeting.

### **20.2**

The annual affiliation fee for an existing Affiliated club must be received in full no later than 30 days prior to their membership renewal

### **20.3**

The annual affiliation fee for a new Affiliated Club must be received in full prior to the membership taking effect.

### **20.4**

The annual membership fee for Individual Members shall be paid in full to the AFA. This fee is deemed to affiliate the Individual Member to the AFA, once application has been accepted.

### **20.5**

Fees are due and payable for the ensuing twelve (12) months by the last day of January in each year.

### **20.6**

Corporate Membership fees are determined by the Committee.

## **21 ALTERATIONS TO THE CONSTITUTION**

### **21.1**

Alterations and amendments to the Constitution shall be made by the Committee at an Annual General Meeting or an Extraordinary General Meeting called for that purpose.

## **21 WINDING UP**

### **21.1**

In the event of a winding up of the Association any surplus assets that remain shall be disposed of for the promotion or further advancement of freediving. No part of the funds shall be used for the private pecuniary profit of any member thereof.

## **22 CONTROL AND USE OF FUNDS**

### **22.1**

All monies received by and on behalf of the Association shall forthwith be lodged to the credit of the Association in a bank specified by the Executive Board. All disbursements shall be signed by two (2) members of the Executive Board; the signatories for all cheques and withdrawal slips shall be elected at the Annual General Meeting.

## **23 PERSONAL PECUNIARY PROFIT**

### **23.1**

No member or person associated with a member of the AFA shall derive any income, benefit or advantage from the AFA where they can materially influence the payment of the income, benefit or advantage, except where that income, benefit or advantage is derived from:

### **23.2**

Professional services to the AFA rendered in the course of business charged at no greater rate than current market rates.

### **23.3**

Any casual vacancy on the Committee may be filled by the Executive Board and the person so appointed shall hold office until the next Annual General Meeting of the Association.

### **23.4**

If at any time any matter shall arise which is not provided for in these rules or in the interpretation of these rules, the same shall be determined where appropriate by the Committee whose decision shall be final.

***Australia Freediving Association is not aware of any omissions or exclusions at the time of submitting this constitution.***