

2024 Annual General Meeting GUIDE FOR CLUBS

THIS IS A GUIDE ONLY – If in doubt, it is always recommended that the Club Public Officer contact NSW Fair Trading for advice and review your Club Constitution.

End of Financial year: Most clubs have the 31 March as the end of their financial year (EOFY). This is in line with Swimming NSW (SNSW) EOFY.

Exceptions may be:

- RSL swimming clubs (often are part of the RSL and have 30th June as their EOFY)
- Clubs who choose to have 30th June as their EOFY
- Clubs who have very, very old constitutions with the end of year being 30th September

PREPARATION FOR AGM

Action
Once the end of the financial year passes the treasurer (or responsible officer) should begin to prepare the Financial Reports for the AGM (Annual General Meeting). If these need to be checked by an accountant/auditor as per governing documents allow ample time for this to be done.
The Area Board/Committee chooses a date for the AGM (if not already done at previous AGM). This is within 6 months of the end of financial year or, as per constitution. Note: If for unforeseen circumstances the AGM can't be held within the 6 months then the Club needs to apply to NSW Fair Trading for an extension – A11 Form
Send out notice of meeting by email/mail to members and others entitled to attend and vote as per constitution. Notice in the local newspaper is no longer required. Other things to consider – book a venue
Include in notice of meeting: <ul style="list-style-type: none">• Details of any Special Resolutions (e.g. change of constitution or name), nomination forms for various positions• Request for any Notices of Motion• Timetable of dates prior to the meeting (close of nominations and notice of motions, date of issue of agenda, RSVP closing date if applicable).
After closing dates: <ul style="list-style-type: none">• Check all nominations are correct and nominees are financial members of the club.• Prepare and send agenda with all items listed• Nominations received, financial reports, other director/committee reports• Any other items that can be dealt with at an AGM.
Some clubs have a RSVP date to ensure they will have a quorum

BEFORE THE AGM

Action
If online meeting – set up meeting links and disperse as necessary – set up polls for voting
Have sign on sheets available if required
Have copies of any reports for the consideration of members available
Ensure copies of all governing documents (either digital or printed) are available for anyone to check if required
Have voting slips available and tellers appointed if required
Appoint returning officer (to run election) if required by governing documents

DAY OF THE AGM

Action
Ensure all required documents are available
The President (or appointed director) follows agenda – all items are moved and seconded and put to the voting members present who either adopt the motion or vote for it not to be carried
The Secretary (or appointed director) takes the Minutes
The agenda is followed – voting is as per governing documents
President hands over to returning officer if required for elections
The Treasurer (or appointed person) presents the financial report to the voting members. The Treasurer moves their own report, it is seconded and passed to the voting members for their vote.
After elections, the meeting is handed back to the President and the rest of the agenda is completed. The newly appointed Board/Committee doesn't take effect until the end of the meeting.
When all business is completed, the meeting is closed
Outgoing Committee/Board members to handover documentation, passwords, email addresses etc and any other items held by them. It is always recommended that the outgoing Committee member carry out a handover process to the new incoming Committee member replacing them.

AFTER THE AGM

Action

The new Board/Committee meet and appoint officers (as per governing documents) if not done at AGM.

Some clubs vote for the officers at the AGM, others vote for board members and then they agree amongst themselves who will take on what role.

All Board/Committee members are given a copy of all governing documents (Constitution, By-Laws, Club Rules and Regulations and Policy).

All Board/Committee members are made aware of their role, responsibilities and duties. Topics such as Board/Committee confidentiality, potential or real conflict of interest, expectations and whatever else is usually covered are explained so all directors can agree.

Fair Trading commitments:

1. The club must lodge an A12 (Annual Return) to NSW Fair Trading within 28 days of the AGM. Fines apply if returns are lodged late. This return includes figures from the financial reports approved by the members at the AGM.
2. If there has been a change to the Public Officer or the registered address of the association, then an A9 needs to be lodged with A12.
3. If the constitution was changed at the AGM by Special Resolution, then complete and lodge an A6 (together with the new constitution). Note: the new amended Constitution does not take effect until confirmation has been received from NSW Fair Trading.
4. NSW Fair Trading provides a checklist for Incoming Committee at:
https://www.fairtrading.nsw.gov.au/_data/assets/pdf_file/0011/367742/Checklist_for_incoming_committee.pdf

Commitments to SNSW:

1. Update Swim Central to reflect your current Board/Committee. Ensure those no longer on the Board/Committee do not have Swim Central access to member details.
2. Ensure all other items on SNSW Club Affiliation Checklist is complete <https://clubhouse.swimming.org.au/?s=affiliation+checklist>
3. (When applicable) After lodgement and confirmation of a new Constitution to NSW Fair Trading provide SNSW, email clubsupport@nsw.swimming.org.au with copy of new constitution, acceptance letter from NSW Fair Trading, copy of the minutes from the meeting where the Special Resolution was passed. The Club needs to upload the new Constitution to the Club Library in Swim Central.