



## Riverton Aquanauts Committee Nomination Policy

### The Committee

- The management of an incorporated association's affairs is the responsibility of the management committee.
- The committee must comply with the Act's requirements, the rules and any other legal obligations of the association.
- Individual committee members have a duty to act in good faith and in the best interests of the association.
- The committee also has a duty of care to ensure that the activities of the association are conducted with reasonable care, skill and diligence.
- The guide for incorporated associations can be found [here](#).

### Appointing Committee members

The process for appointing committee members is described in the [Riverton Aquanauts Constitution](#), section 12.

### Eligibility

To be eligible to be a nominee, you must:

- (a) be 18 years or older; and
- (b) be an Ordinary Member at the date of the nomination.

### You must not:

- (a) be ineligible to accept an appointment, or act, as a Director under section 39 of the *Associations Incorporation Act 2015 (WA)*;
- (b) be employed by Swimming WA; or
- (c) be a Technical Official

### Excluded persons

Under the Act a person is excluded from being on the committee without special approval from the Commissioner for Consumer Protection if they:

- are bankrupt or their affairs are managed under insolvency laws;
- have been convicted of:
  - - an indictable offence in relation to the formation or management of a body corporate in the last five years;
  - an offence involving fraud or dishonesty punishable by at least three months imprisonment in the last five years;
  - an offence under section 127 of the Act, where a person has allowed an association to operate while insolvent in the last five years; or
  - an offence under Division 3 of the Act which sets out the duties of officers and committee members.
- An excluded person wanting to be on a committee must first apply for approval from the Commissioner for Consumer Protection. It is the individual's responsibility to ensure they are

eligible before nominating for a position and the association should take steps to ensure prospective committee members are aware of the exclusions.

### **Conditions**

In addition to the conditions outlined in section 12 of the Riverton Aquanauts Constitution, nominees are required to comply with the below conditions:

- Nominees must complete the Committee Nomination Form provided by the Secretary and submit it to the Secretary in writing by the advertised closing date for nominations.
- Elected Committee members must declare their interest in any contractual, selection, disciplinary or other matter in which a conflict of interest arises or may arise and will absent themselves from discussions of that matter and will not be entitled to vote in respect of that matter.
- In compliance with current legislation, all candidates elected to the Committee will be asked to provide a Working with Children check. Your nomination to the Committee indicates acceptance of this condition.
- Elected Committee Members must sign the [Club Code of Ethics](#) within one month of being elected. The Code of Ethics determines the way position holders conduct themselves while performing their committee functions.
- Nominees must abide by the notice period and handover requirements as described in the Constitution, should they wish to leave their elected position before their nominated term ends.

### **Duties of Committee Members**

Committee members and officers have duties to make decisions and act in the best interests of their association. These duties are set out in the Act and apply to committee members and other persons, known as officers, who influence the management committee but who do not hold a formal committee position e.g. senior employees or past committee members who are still actively involved in the association and influencing the decisions of the committee.

When committee members exercise their powers and responsibilities to act on behalf of the association, they must:

- exercise their powers with due care and diligence;
- ensure that any business decisions are made in good faith and in the best interests of the association;
- not make improper use of information or their position for personal gain or to cause detriment to the association;
- disclose and manage conflicts of interest;
- exercise powers in accordance with the rules of the association; and
- not allow the association to incur a debt when the association is insolvent or there are reasonable grounds to believe the association will become insolvent.

These duties set the basic standards of acceptable conduct. A breach of duty is usually accompanied by deliberate wrongdoing, misconduct, gross negligence, or willful abuse of the officer's position. If a committee member or officer makes a business judgement in good faith for a proper purpose, they will not be liable for an offence even if the outcome for the association is not ideal.

Committee members must be fully informed about the association by keeping up to date with matters, attending meetings, reading agendas and minutes, and asking questions. In the event of a problem, dispute or legal challenge, committee members cannot claim they 'did not know' about the rules and activities of the association.

The committee is responsible for implementing the association's rules (Riverton Aquanauts Constitution) and ensuring it meets its obligations under the Act. Committee members must comply with the rules at all times and be familiar with the main provisions. A copy of the rules should also be on hand at each committee meeting for easy reference.

## Document Control

### Document Revision History

| Version | Date          | Author  | Approver       | Comments |
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| 1.0     | November 2024 | K Smith | Core Committee |          |
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