



CAVE DIVERS ASSOCIATION
OF AUSTRALIA (Inc).

CONSTITUTION

SEP. 1985

CAVE DIVERS ASSOCIATION OF AUSTRALIA

1. NAME

The name of the Association shall be "Cave Divers Association of Australia Incorporated" hereinafter referred to as the Association.

2. OFFICE

The office of the Association shall be considered as the residence of the Secretary, or as decided by the Committee.

3. ASSOCIATION

The Association shall consist of individual members, acting collectively in the interests of Fresh Water Cave and Sink hole diving particularly, but also, all and any underwater or speleological activity generally. Each member of the Association shall, by virtue of his or her membership, agree to be bound by the constitution of the Association to do all in their power to further the aims and objects of the Association.

4. AIMS AND OBJECTS

The aims and objects for which this Association is founded are :-

- a. The advancement and development of all underwater activities related to caves and sinkholes.
- b. The promotion and active implementation of any and all safety measures applicable to cave and sinkhole diving.
- c. To explore for recreational or other purposes, caves and sinkholes throughout Australia.
- d. To establish, promote or assist in establishing or promoting, and to subscribe to, or become a member of any organisation whose objects are similar or in part similar to the objects of this Association, or the establishment or promotion of which may be beneficial to the Association.

4. AIMS AND OBJECTS Continued

- e. To obtain any act of legislature or other official or government power or authority or licence which may be deemed requisite for the purposes of the Association for the advancement of cave and sinkhole diving.
- f. To accept subscriptions, donations and bequests (whether real or personal estate) for all or any of the aims and objects of the Association.
- g. To purchase, take lease on, or otherwise acquire, any lands, buildings, easements or property real or personal, which may be requisite for the purpose of, or capable of being conveniently used in connection with any of the aims or objects of the Association.
- h. To encourage any research, including mapping, of all underwater caves and sinkholes.
- i. To render to the appropriate authorities any assistance, including rescue or salvage operations, that may be deemed necessary by the Association.
- j. Promote and encourage awareness for the protection and conservation of the cave and sinkholes natural environment.
- k. Liaise with land holders to promote co-operation and understanding between land holders and the Association.

5. INCOME

The income and property of the Association howsoever derived, shall be applied solely towards the promotion of the aims and objects of the Association as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profit to any member within the Association, provided that nothing herein shall prevent the payment in good faith of remuneration to any officers or servants of the Association, or other persons in return for any services actually rendered to the Association.

6. MEMBERSHIP

Membership shall be open to any person within the country of Australia, or its territories, whose ideals or part thereof, encompass the aims and objects of this Association. Any such person shall be deemed to be a Prospective Member upon :-

- a. Making written application on the prescribed form to the Committee.
- b. Being accepted by the Committee as being a person whose activities coincide with those of the Association.
- c. Any Prospective Member shall be deemed to be a Diving Member upon having passed to the satisfaction of the Committee or C.D.A.A. recognised Examiners, any tests or courses approved by the Committee as being mandatory to obtaining Diving Membership.
- d. Diving Members shall be rated into three (3) categories of skill and experience. All members whatever their category rating shall have equal membership rights and are eligible to stand for any position (excepting that of Examiner) within the Association:
 - (i) CATEGORY 1 ; Diving Members in this Category can only dive in the sinkholes which have a Category 1 rating as listed by the Association. All Category 1 members must have passed all tests set down in the rules and by-laws of the Association.
 - (ii) CATEGORY 2 ; Diving Members in this Category can only dive in sinkholes which have a Category 1 or 2 rating as listed by the Association. All Category 2 members must have passed all tests set down in the rules and by-laws of the Association for Category 2 divers.
 - (iii) CATEGORY 3 ; Diving Members in this Category can dive in caves or sinkholes which have a Category 1, 2 or 3 rating as listed by the Association. All Category 3 members must have passed all tests and conditions set down in the rules and by-laws of the Association for Category 3 divers.

7. MEMBERSHIP FEES

- a. The amount of such fees shall be determined at each Annual General Meeting of the Association and incorporated in the by-laws of the Association.
- b. The prescribed fee must be paid before any form of membership is granted to intending members.
- c. Membership fees shall become due on the 1st day of July of each year.
- d. If the prescribed fee is paid by an intending member in April, May or June, they are considered to be financial until 30th June in the following year.

8. LIABILITY OF MEMBERS

If any person by any breach of rules and/or regulations or any other means cause the Association or any officer of the Association to become liable for any monies or services on behalf of that person such persons shall be liable to the Association for any monies so paid and other expense involved. In the case of payment by any officer of the Association, the Association shall reimburse such officer within fourteen days and effect recovery proceedings against the person.

9. RESPONSIBILITY

No person shall without the sanction of the Committee, be authorised to represent the Association in any way, and no individual of his own responsibility, shall affix their name to any document relating to the affairs of the Association, and unless requested by members at a General Meeting or by the Committee, no individual other than an Association officer in the normal course of his duties, shall carry out any resolution of any meeting or undertake to arrange anything to which it is necessary to couple the name of the Association.

10. RESIGNATION OF A MEMBER

- a. Any member wishing to retire from the Association shall give at least thirty days written notice to the Association Secretary of their intention to do so.
- b. Any member retiring from the Association or ceasing for any reason whatsoever to be a member thereof, shall not have any right, title or interest in or to any property of the Association.

11. VIOLATION OF RULES AND BY-LAWS

- a. Every member undertakes to comply with the Rules and Regulations of the Association and any refusal or neglect to do so shall render such member liable to suspension or expulsion.
- b. (i) Suspension: Two thirds of the Committee (comprising of not less than two (2) members of each State) shall have the power to suspend a member's cave diving endorsement for any breach of rules or by-laws or for any conduct which in the eyes of the Committee is unbecoming of a member provided always that such a member shall be advised by at least seven (7) clear days notice in writing of the nature of the complaint against him/her and shall be entitled to be present at the Committee meeting when dealing with such a complaint.
- b. (ii) Expulsion: Two thirds of the Committee shall have the power to recommend to an A.G.M. or Special State Meeting of the Association the expulsion of a member for any major breach of rules or by-laws. The Committee may suspend such a member (under the conditions of 11 b.(i)) until such time as such a meeting can be organised.
- c. Any person expelled in accordance with the Rules and Regulations shall forfeit all rights to any claim on the Association or its property or funds.

12. MANAGEMENT

- a. The business and affairs of the Association shall be under the management of the Committee as defined in Section 14.
- b. The financial year of the Association shall end on the 30th day of June each year.
- c. Officers shall be elected to general vacant positions at either the Annual General Meeting, or Special State Meetings called for the purpose to be held in Adelaide and Melbourne not less than 14 days and not more than 30 days before the date of the Annual General Meeting.

13. OFFICE BEARERS

- a. PRESIDENT - Shall preside at all meetings of the Association and Committee and superintend the discussions and preserve order so that business may be conducted in due form and with propriety. Shall authorise all statements for publication or general release. The President may delegate this authority to another Committee member appointed or to any publicity officer. Shall have the power to call an Extraordinary General Meeting of the Association if he deems fit. Shall prepare an Annual Report of the activities of the Association. The President may appoint, with the approval of the Committee, a Chairman, who shall undertake the responsibilities of the President with respect to the controlling of meetings of the Association or Committee.
- b. VICE PRESIDENT - Shall act as President in the President's absence or inability to carry out his duties. Shall assist the President where possible.
- c. SECRETARY - Shall be responsible for the administrative organisation of all matters pertaining to the Association and the keeping of adequate records of all business. Shall keep an up to date copy of the Constitution, rules and by-laws and regulations, and make copies available to any member on request. Shall confer or consult with the President in times of emergency. Shall conduct all the general correspondence of the Association. Shall prepare all necessary agenda and business for all meetings of the Association or Committee. Shall prepare an Annual Report of the Administrative activities of the Association. The Secretary in conjunction with the President shall be responsible for calling all meetings of the Association or Committee, and shall notify all relevant members. In the event of the Secretary being unable to carry out his duties, an Assistant Secretary will be appointed who shall assume the authority and responsibility of the Secretary. Immediately on relinquishing or being removed from Office, the Secretary shall deliver, or cause to be delivered, to the newly appointed Assistant Secretary or Secretary, all records, reports, documents, property and correspondence belonging to the Association.

13. OFFICE BEARERS Continued

- d. TREASURER - Shall keep the necessary account books and receive all monies belonging to the funds of the Association and within a reasonable time deposit or arrange for the deposit of such monies with the Association Bankers and shall pay all accounts as and when passed or authorised by the Committee. The Treasurer will keep a list of members and ensure that they are advised of any fees due to the Association. He shall prepare and submit an Annual Report of the Association's finances, Balance Sheet and other financial statements transactions and of the financial position of the Association, including all bank balances, at each general meeting of the Association.

14. COMMITTEE

- a. The Committee of the Association shall consist of not more than four members from each state or territory. The positions of the Office Bearers being President, Vice-President, Secretary, Treasurer shall be appointed from and by the Committee.
- b. Five members of this Committee shall constitute a quorum.
- c. The Committee shall meet at least once every year. The President or Honorary Secretary, shall whenever there be urgent business for the Committee, convene a special meeting. The Honorary Secretary shall give seven (7) days clear notice in writing of all such special Committee meetings to the committee members unless the Committee direct that notices be dispensed with.

15. POWERS AND DUTIES OF THE COMMITTEE

- a. To be responsible for the management of the Association and custody of its funds and property.
- b. Fill vacancies, make appointments, make by-laws in conformity with the Rules and Regulations of the Association and do all such acts and things that it deems advisable for carrying out and managing the business and affairs of the Association, provided it reports such action to the succeeding General Meeting. All sub-committees shall be subject to and subordinate to the Committee. Any casual vacancy may be filled by the Committee.

15. POWERS AND DUTIES OF THE COMMITTEE Continued

- c. Deal with Applications for Membership and resignations of members, either of which must be submitted in writing.
- d. Interpret the Rules and Regulations of the Association,
- e. Carry out all resolutions passed at any Annual or General Meeting.
- f. Deal with any other matters which may arise or are not specifically provided for in the rules and regulations of the Association until a ruling on such matters is provided by the members at an Annual General Meeting.
- g. To recommend making, altering or repealing any by-laws as it deems necessary for the proper conduct of the Association.
- h. Cause correct accounts and books to be kept showing the financial affairs of the Association. It shall authorise all expenditure and direct the method of dealing with monies received on behalf of the Association.
- i. Any action of the Committee shall be presented for ratification by the following General Meeting of the Association.
- j. The Committee shall have the power to recommend to the General Meetings any penalties it deems necessary to impose upon any member due to a breach of the Constitution or by-laws.
- k. The Committee shall have the power to commend or honour any individual who has rendered any outstanding service to the Association subject to the approval by a General Meeting of the Association.
- l. The Committee shall have the power to censure and/or request expulsions of any individual who contravenes any rules or regulations of the Association subject to the approval by a General Meeting of the Association.
- m. The Committee has the right to hear and decide any appeals subject to Clause f of this Section.

16. SUB-COMMITTEES

- a. Sub-Committees can and shall be formed as the need is found by the Committee.
- b. These committees shall be responsible to the main Committee and shall obtain approval of not less than a quorum of the officers of the main Committee before any action is taken.
- c. Examiner Sub-Committee ; responsible through the National Testing Officer to the Committee for the testing and encouragement of safe diving practice of all Prospective Members and Diving Members.
 - (i) Cave diving Examiners can dive in any cave or sinkhole as with Category 3 divers. Examiner-rated members must be acceptable to other Examiner-rated members and have passed any tests set down in the rules and by-laws for Category 3 Diving Members. Prospective Examiners must apply in writing to the Examiners Sub-Committee, who will award the rating on ballot. Any new Examiner must be recommended to the Committee by the Examiner Sub-Committee and endorsed by the members at the Annual General Meeting of the Association.
 - (ii) An Examiner once appointed and before endorsement by the A.G.M. has an equivalent examining capacity as an endorsed Examiner.
 - (iii) The Examiner Sub-Committee shall recommend to the Committee any additions or changes to the rules or by-laws relating to test procedures.
 - (iv) Any Prospective Member or Diving Member shall be deemed to have achieved membership or a high Category rating upon passing to the satisfaction of the Committee upon the recommendation of the Examiners any tests approved by the Committee.
 - (v) To have satisfied the requirements of a test or tests a Diving Member or Prospective Member must be tested by at least two (2) Examiner-rated members, one of these Examiners being independent of the training of the candidate. In the situation of a prospective Category 3 rating, the two (2) Examiners must be residents of different States.

17. CONDITIONS OF OFFICE

- a. The committee members shall be elected by ballot at the Annual General Meeting or Special State Meetings called for the purpose to be held in Adelaide and Melbourne not less than 14 days and not more than 30 days before the date of the Annual General Meeting.
- b. All committee members shall be financial members.
- c. Any committee member absent from more than two successive Committee meetings, providing such meetings have been duly notified, without adequate reason, shall be removed from office and an election held to fill the vacancy.

18. ELECTIONS

- a. All elections shall be held by ballot, not show of hands.
- b. Retiring committee members shall be eligible for re-election.

19. MEETINGS

- a. A General Meeting shall be held at least once a year.
- b. Six (6) weeks notice shall be given to all members of a General Meeting.
- c. A General Meeting shall also be called by the President in accordance with:
 - (i) A resolution of the Committee, or
 - (ii) A written request signed by at least one twentieth of all financial members.
- d. At a General Meeting:
 - (i) The President or in his absence the Secretary, or in the absence of both, a member elected by the meeting shall chair the meeting.
 - (ii) One twentieth of the financial members shall be a quorum.
 - (iii) If within one half hour after the appointed time for the commencement of a General Meeting a quorum is not present a further meeting will be arranged.
 - (iv) Every financial member present shall have a vote and should there be a deadlock in voting, the Chairman shall have a casting vote.
 - (v) A General Meeting may be held immediately after the Annual General Meeting.

20. ANNUAL GENERAL MEETING

- a. The Annual General Meeting of the Association shall be held at a date to be fixed by the Committee, but not later than the last day in September each year, nor earlier than the last day of July.
- b. At least one (1) month's notice in writing shall be given to all members eligible to attend such a meeting.
- c. The business to be transacted at the Annual General Meeting shall be in the following order:-
 1. Reading and confirmation of Minutes of Previous Annual and/or Special General Meeting.
 2. Presentation of Annual Reports, Balance Sheet and Statement of Accounts.
 3. Consideration and adoption of Annual Reports, Balance Sheet and Statement of Accounts.
 4. Allocation of Officer appointments among committee members elected at the immediately preceeding Special State Meetings or at the Annual General Meeting.
 5. Transact any other business affecting the interest and welfare of the Association, of which due notice has been given in accordance with the Rules.
 6. Any other General business.

21. VOTING

- a. Each financial Diving member (not prospective member) shall have one vote at any General or Annual General Meeting or Special State Meeting of the Association.
- b. Officers of the Association may address any meeting of the Association. At Committee Meetings, each member shall have one vote, providing the Chairman has a casting vote only.

21. VOTING Continued

- c. At Annual or Special Meetings of the members, the election of all Officers (where there are more nominations than vacancies) shall be by ballot which shall be conducted by two Scrutineers appointed at such meeting. Ballot papers containing a greater or lesser number of names than the number to be elected shall be informal and at the conclusion thereof, the Scrutineers shall report the result of the ballot to the Chairman. If two or more candidates receive an equal number of votes, the Chairman shall in such cases have a second and casting vote. The Scrutineers shall deliver to the Chairman all used ballot papers and they shall be destroyed in the presence of a Committee member immediately after the meeting.
- d. All questions for decision of the members at an Annual or Special General Meeting shall be duly proposed and seconded, and shall be determined by a show of hands, unless a ballot is asked for by at least half of the members present. The ballot may then be taken at the meeting and two Scrutineers shall be appointed by those present at the meeting to conduct such ballot. The result of such ballot shall be deemed to be a resolution of the Association adopted at such meeting. The Chairman of the meeting shall be entitled to vote and when votes are equal, except in the case of the election of officers, the motion or amendment, as the case may be, shall pass in the negative.
- e. At any Annual General Meeting of Members only such members who were financial at the close of the previous year, shall be entitled to vote at such meeting, This provision shall apply also to any Special General Meeting of Members held between the close of the previous financial year and the Annual General Meeting.
- f. At any General or Special General Meeting or Special Meeting of the Association, unless a poll is demanded, a declaration by the Chairman for time being that a resolution has been carried or lost and an entry in the Minute Book of the Association to that effect shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour or against such resolution.
- g. All resolutions passed at the Annual General Meeting of Members or at any Special Meeting of the Association shall be conclusive and binding on all members whether they shall have been present at such meeting or not.

22. SPECIAL GENERAL MEETING

A Special General Meeting of the Members of the Association shall be convened at the request of the Committee or the President or whenever the Secretary deems it necessary, or upon receipt of a request in writing from not less than 50% of financial members. The time and place for holding the meeting shall be fixed by the Committee. Notice in writing shall be given to all members of the time and place appointed at least thirty (30) days before the day fixed for holding the meeting. The request and notice shall clearly set out the business to be submitted, and no other business shall be dealt with.

23. QUORUM

At any Annual, Special or General Meeting of the Association minimum representation for a quorum shall be one tenth of all financial members.

24. LIABILITY OF OFFICERS

If the Secretary or Treasurer, in his office as such, has paid or is liable to pay money for any act, default or omission of any other person, such money shall be refunded to him by the Association or paid by the Association.

25. TRUSTEES

- a. All real and personal property of the Association shall be vested in Trustees in trust for members of the Association.
- b. There shall not be less than two (2) or more than four (4) Trustees of the Association who shall be financial members.
- c. A trustee shall vacate his office:-
 - 1. By death or resignation.
 - 2. On removal by the Committee.
- d. Any vacancy in the office of Trustee shall be filled by the Committee.
- e. The trustee shall be subject to the direction of the Committee and shall sign each declaration of trust and other documents as may be necessary by virtue of their office.
- f. The Trustees shall be and are hereby indemnified by the Association against any liability they or any of them may now have.

26. ALTERATIONS TO THE CONSTITUTION

The constitution of the Association may be altered at a General Meeting of the Association subject to the following conditions:-

- a. The amendments shall be notified in writing to the Secretary of the Association, 40 days prior to the date of the meeting.
- b. The Secretary shall notify each member in writing of the proposed alteration, 30 days prior to the meeting at which the alteration shall be voted on.
- c. Members unable to attend may table their vote on the motion, in writing, no proxy votes shall be accepted on alterations to the constitution.
- d. The Secretary shall advise all members on the alteration if it is passed and such alteration shall come into effect seven (7) days after the posting of such notice.

27. NON-COMPLIANCE WITH RULES

Non-compliance with any of these Rules shall not itself render any proceedings void unless the members of a General Meeting or the Committee so direct.

28. RULES AND BY-LAWS

The rules and by-laws of the Association shall not be deemed to form part of this Constitution.

29. WINDING UP

The Association shall be wound up voluntarily whenever an Extraordinary resolution is passed by at least 80% of all financial members, requiring the Association to be wound up voluntarily at an Extraordinary General Meeting called for the purpose. If upon the winding up, or dissolution of the Association, there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid or distributed among the members, but shall be given or transferred to some other Institution or Institutions, whose objectives are similar to the objects of the Association. Such distribution shall be determined by the members at a General Meeting to be held at or before the time of dissolution.

All members of the Association are to sign an indemnity form, indemnifying the C.D.A.A. and landowners from legal proceedings as the result of the death of a member of the Association due to a diving accident on their property. Persons refusing to sign an indemnity form will not be allowed membership.

The Association always remain independent from any commercial organisation.

Any C.D.A.A. Examiner found guilty of a biased decision ----- or engages in any dangerous testing procedure outside normal testing procedures, be removed from the testign committee and not be allowed to re-apply for Examiner status for a period of five (5) years.

