



**BY-LAWS**  
**OF**  
**SWIMMING A.C.T. INC**

<b>Adopted or Amended</b>	<b>By Whom</b>	<b>Date</b>
Adopted	Executive	18 December 2008
Amended	Executive	17 February 2010
Amended	Executive	16 March 2011
Amended	Executive	18 June 2014
Amended	Executive	16 December 2015
Amended	Executive	1 May 2016
Updated	Executive	24 April 2017
Updated	Board	20 September 2017
Updated	Board	16 May 2018

# BY-LAWS OF SWIMMING A.C.T. INC.

## INTRODUCTION

### 1. STATUS OF BY-LAWS

#### 1.1 Power to Make By-Laws

These By-Laws are made by Swimming A.C.T. Inc. under Clause 31. They are binding on all Members. In the event of a conflict between these By-Laws and the Constitution, the Constitution will prevail.

#### 1.2 Definitions and Interpretation

The definitions in the Constitution apply to these By-Laws. In addition, the following definitions apply:

“**Clause**” means a clause of the Constitution.

“**Competitions**” means and includes:

- (a) any championship (ACT or otherwise) organised or conducted by a Club for or on behalf of the Association;
- (b) any championship, competition, series or meeting sponsored by or conducted by or on behalf of the Association.

“**Disciplinary Tribunal**” means the disciplinary tribunal of the Association constituted under By-Law 4.

“**Swimmer**” means an Individual Member who competes at Club or higher level.

## MEMBERS

### 2. AFFILIATED CLUBS

The following Clubs are Members of the Association:

Club Name	Contact Details	Date Admitted	Date Ceased
Aquatots Sea Dragons		2015	
Burley Griffin		1981	
Canberra		1981	
Crookwell		?	
CRUIZ		2004	
Dickson		1981	
Ginninderra		1990	
Goulburn		?	
Kings		2014	
Queanbeyan Leagues		1981	
QT Swimming		2013	
Telopea		1981	
Tuggeranong Vikings		1992	
Woden		1981	

### **3. FEES DUE TO THE ASSOCIATION**

- (a) The annual fees payable to the Association in respect of each Club will be an annual subscription as set down under Clause 7.
- (b) Clubs will be charged a fee of 5% of net income where net income is defined as entry fees deemed receivable less the cost of pool hire.
- (c) Reimbursement to be received by a club hosting a development meet shall be the lesser of \$1,500 or entry fees less expenses.
- (d) The Board may refund any fee which, in its opinion, is warranted.

### **4. DISCIPLINE OF MEMBERS**

#### **4.1 Establishment of Disciplinary Tribunal**

The Board shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under Clause 11.2. A disciplinary action and matter must be solely and exclusively resolved by the Disciplinary Tribunal.

#### **4.2 Composition of Disciplinary Tribunal**

- (a) A Disciplinary Tribunal of three (3) persons shall be appointed by the Board for the purpose of hearing disciplinary actions and matters under Clause 11.2. The Board shall also appoint a member of the Disciplinary Tribunal as chair who in the opinion of the Board is competent in dealing with disciplinary matters.
- (b) The Board may call for applications to the Disciplinary Tribunal.
- (c) No Director or a member of a Club dealing with a matter relating to a member of that Club shall be a member of the Disciplinary Tribunal.
- (d) Three (3) members of the Disciplinary Tribunal shall constitute a quorum.

#### **4.3 Notice of Alleged Breach**

- (a) Where the Board is advised or considers that a Member has allegedly:
  - (i) breached, failed, refused or neglected to comply with a provision of the Constitution, the By-Laws, the Policies and the Rules or any resolution or determination of the Board; or
  - (ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Association and/or swimming; or
  - (iii) brought the Association or swimming into disrepute,the Board shall notify the chair of the Disciplinary Tribunal.
- (b) The chair of the Disciplinary Tribunal shall, as soon as practicable upon receipt of notice in accordance with By-Law 4.3 (a), serve on the Member a notice in writing:

- (i) setting out the alleged breach of the Member and the grounds on which it is based;
- (ii) stating that the Member may address the Disciplinary Tribunal at a hearing to be held not earlier than fourteen (14) and not later than twenty eight (28) days after service of the notice;
- (iii) stating the date, place and time of that hearing; and
- (iv) informing the Member that they do one or more of the following:
  - (A) attend that hearing;
  - (B) give the Disciplinary Tribunal, before the date of the hearing, a written statement regarding the alleged breach.

#### **4.4 Disciplinary Tribunal Procedures**

- (a) At a hearing of the Disciplinary Tribunal held in accordance with By-Law 4.3 (b) (ii), the Disciplinary Tribunal shall:
  - (i) give to the Member every opportunity to be heard;
  - (ii) give due consideration to any written statement submitted by the Member; and
  - (iii) by resolution determine whether the alleged breach occurred.
- (b) The Association and the Member shall not be entitled to legal representation at the hearing of the Disciplinary Tribunal.
- (c) The Disciplinary Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the alleged breach occurred.
- (d) If the Disciplinary Tribunal considers that the alleged breach occurred, it may impose any one or more of the penalties set out in By-Law 4.5.
- (e) If the Disciplinary Tribunal considers that the alleged breach did not occur, the matter shall be dismissed.
- (f) Each party shall be responsible for their own costs associated with the Disciplinary Tribunal hearing. The Disciplinary Tribunal has no power to award costs to a party.

#### **4.5 Penalties**

If the Disciplinary Tribunal considers that the alleged breach occurred, the Disciplinary Tribunal may impose any one or more of the following penalties:

- (a) impose a warning;
- (b) fine the Member;

- (c) where there has been damage to property, direct that the Member pay compensation to the relevant organisation which controls or has possession of the property;
- (d) cease funding granted or given to it by the Association from a specified date;
- (e) suspend for a specified period and/or terminate any rights, privileges and benefits provided to that Member by the Association;
- (f) cease to sanction events held by or under the auspices of that Member;
- (g) reprimand the Member;
- (h) suspend the Member from membership of the Association for a specified period;
- (i) expel the Member from the Association;
- (j) any other such penalty as the Disciplinary Tribunal considers appropriate.

#### **4.6 Appeal from Decision of Disciplinary Tribunal**

- (a) Any Member, the subject of an adverse finding in proceedings in accordance with By-Law 4 may appeal to SNSW in relation to that adverse finding.
- (b) Such appeal shall be dealt with in accordance with the disciplinary procedure set out in SNSW by-laws, policies or rules.

#### **NOTE**

For the purpose of By-Law 4 the term “member” does not include a Club.

## **OFFICIALS**

### **5. OFFICIALS OF THE ASSOCIATION**

- 5.1 The Officials of the Association, in addition to the President and Public Officer, shall be the
  - (a) Association Technical Swimming Committee Co-ordinator;
  - (b) Competitions Convenor;
  - (c) Member Protection Officer;
  - (d) Minute Secretary;
  - (e) Property Officer;
  - (f) Publicity Officer;
  - (g) Registrar;

- (h) Squad Management Manager;
- (i) Squad Managers;
- (j) Treasurer; and
- (k) Web Master.

5.2 Officials shall be appointed by the Board in accordance with the Constitution.

## **6. DIRECTOR RESPONSIBILITIES**

Directors shall:

- (a) guide any standing committees to which they may be assigned on all matters affecting the Constitution, By-Laws, Policies and Rules or any previous decision of the General Meeting or the Board;
- (b) act honestly, independently and with due diligence in all decision making;
- (c) ensure that the resources of the Association are effectively and efficiently managed to fulfill the Objects;
- (d) contribute to the development of the Association strategic and business plans;
- (e) attend any assigned committee and act as the Board adviser in the formulation of committee work plans;
- (f) act at the Board direction, as a delegate to any meeting of a Club and advise and guide such meetings on any matters affecting the future of the Association, the Constitution, By-Laws, Policies and Rules;
- (g) present recommendations and reports of any assigned standing committee to the Board; and
- (h) hold an ACT Working with Vulnerable People Registration during their term in office.

## **7. OFFICIALS**

### **7.1 Appointment of Officials**

- (a) Applications shall be invited for the positions specified in By-Law 5 as determined by the Board.
- (b) Applications for official positions specified in By-Law 5 may include a précis submitted by the applicant of their background, experience and qualifications pertinent to the position.
- (c) The Board may at any time terminate the appointment of any person appointed to an official position and any such person may resign from such position by letter delivered to the Association.

## **7.2 President**

The President shall:

- (a) promote the image of the Association at all times and carry out duties as required by the Board, Annual General Meeting, Special general Meeting or General Meeting;
- (b) be the delegate to SNSW and represent the Association on all appropriate occasions;
- (c) be responsible for the overall management of the Association business;
- (d) coordinate the Board activities and ensure that the Board properly undertakes its governance role; and
- (e) be entitled to attend any Committee meeting of the Association without vote.

## **7.3 Registrar**

The Registrar shall:

- (a) convene and chair the Associations' Selectors Panel;
- (b) maintain a list of swimming records established as provided for by these By-Laws;
- (c) be responsible for the preparation of the records listings for publication as required;
- (d) supply all relevant records information for the production of programmes and arrange for updated details of records as required to assist public address announcements at all Association fixtures;
- (e) investigate all applications for records received by the Association and, where applicable, grant such record;
- (f) be responsible for maintaining all competitive swimming records for all swimming meets conducted under the jurisdiction of the Association;
- (g) allocate points for Association competitions as stipulated on the By-Laws, Rules or otherwise agreed;
- (h) be responsible for maintaining a record of all competition results for all swimming members;
- (i) ensure that results of all Association approved meets are submitted to SNSW within seven days or other such time as determined by SNSW; and
- (j) notify Clubs of any fines imposed in accordance with the Rules.

## **7.4 Treasurer**

The Treasurer shall:

- (a) convene and chair the Finance and Planning Committee;

- (b) represent the Finance and Planning Committee at Association and Board meetings;
- (c) prepare a budget to be approved by the Board;
- (d) formulate suitable accounting procedures for the receipt and payment of Association funds;
- (e) ensure records of finance detailing the movement of Association funds and assets are kept;
- (f) ensure that financial reports are prepared and submitted to the Board and Association as required;
- (g) formulate plans for the overall financial policy of the Association and the submission of the plans to the Board;
- (h) keep the Finance and Planning Committee informed of policy matters which may affect the considerations of the Committee;
- (i) recommend to the Board methods of increasing Association funds;
- (j) be entitled to attend any other Committee meeting of the Association, without vote;
- (k) prepare financial records for the annual audit in accordance with the constitution; and
- (l) ensure all duties as specified in the Constitution relating to the position of Treasurer are carried out in accordance with the Constitution.

#### **7.5 Competitions Convenor**

The Competitions Convenor shall

- (a) convene and chair the Competitions Committee;
- (b) represent the Competitions Committee at Association and Board meetings;
- (c) review and co-ordinate all aspects of Association swimming competition meets;
- (d) co-ordinate the preparation and maintenance of a calendar for all meets falling under the jurisdiction of the Association;
- (e) ensure that adequate arrangements have been made to conduct all Association swimming meets, and any other events as may be determined; and
- (f) present the calendar/programs to the Board for endorsement.

#### **7.6 Minute Secretary**

The Minute Secretary shall:

- (a) take minutes of all business transacted at meetings of the Association; and



- (b) ensure that copies of minutes of Association Meetings are passed to the Association so that they can be sent to each member of the meeting, Officials, Life Members and Club Secretaries within twenty one days of the meeting.

#### **7.7 Association Technical Swimming Committee Co-ordinator**

The Association Technical Swimming Committee Co-ordinator shall:

- (a) convene and chair the Technical and Education Committee;
- (b) represent the Technical and Education Committee at meetings of the Association;
- (c) review and co-ordinate every aspect of the Associations' instructional and educational activities as they relate to the Technical and Education Committee;
- (d) arrange the preparation, training and assessment of candidates for positions as swimming Technical Officials;
- (e) maintain a record of active qualified officials and skilled volunteers within the Association;
- (f) appoint or arrange to be appointed Officials necessary for the conduct of Association meets and other approved meets; and
- (g) liaise with the relevant NSW technical committees and implement the requirements of those committees.

#### **7.8 Property Officer**

The Property Officer shall be responsible for:

- (a) reporting disposition or acquisition of the Association equipment to the Treasurer for updating of the asset register;
- (b) causing the transporting of equipment owned by the Association from any place of safe custody storage to the Association meets or as otherwise directed by the Board;
- (c) ensuring that all equipment owned by the Association is maintained in good order, and periodically report to the Board on the condition of the equipment and recommend maintenance, repairs or replacement thereof; and
- (d) providing a capital expenditure budget item for inclusion in the annual budget.

#### **7.9 Publicity Officer**

The Publicity Officer shall be responsible for the following:

- (a) promotion of the objects of the Association;
- (b) submission by way of press releases of results, activities and upcoming events to media outlets; and

- (c) compilation and distribution of newsletters to affiliated clubs and members through electronic or traditional methods.

#### **7.10 Squad Management Manager**

The Squad Management Manager shall be responsible for overseeing the management of the activities of the squads as determined by the Board from time to time.

#### **7.11 Squad Managers**

Squad managers shall be responsible for the conduct any squad activity to which they are assigned within the guidelines set forth in the Squad Managers Handbook.

### **8. Association Staff**

Association staff shall:

- (a) be responsible for the administration of the Association and shall carry out duties as directed by the Board;
- (b) ensure Notices of Meetings and agendas for meetings of the Association are issued in accordance with the Constitution; and
- (c) oversee the conduct of all general correspondence of the Association.

## List of Changes:

<b>Date</b>	<b>Change</b>	<b>Action</b>
17 February 2010	3 (b) Clubs shall be charged a levy for each race entry for which the Club receives an entry fee. The levy payable is 10c for a designated development meet entry and 20c for entries for all other meets.	Replaced
16 March 2011	5. The composition of the Executive shall be (a) the President; (b) Vice President; (c) the Treasurer; (d) the Competitions Director; (e) an Executive Member.	Amended
	7.4 Secretary replaced by 7.4 (deleted)	Replaced
	9. Association Staff  Association staff shall:  (a) be responsible for the administration of the Association and shall carry out duties as directed by the Association and its Executive;  (b) ensure Notices of Meetings and agendas for meetings of the Association are issued in accordance with the Constitution;  (c) oversee the conduct of all general correspondence of the Association.	Inserted
	7.3 replace "Vice Presidents (2)" with "Vice President" and "The Vice Presidents shall:" with "The Vice President shall:"	Amended
	8.1 (b) insert "passed to the Association so that they can be" between "Meetings are" and "sent to all Office Bearers"	Amended
	8.4 replace "ALEC Convenor" with ATSC Co-ordinator"	Amended
16 December 2015	2. Aquatots Sea Dragons and Kings added to list	Amended
	Added to 3. (b) From 1 April 2016, clubs will be charged a fee of 5% of net income where net income is defined as entry fees received less the cost of pool hire.	Inserted
1 May 2016	3. (b) 1 April to changed 1 October	Amended
24 April 2017	Updated to align with the Constitution adopted on 22 February 2017	Updated
20 September 2017	Added to 6 (h) hold an ACT Working with Vulnerable People Registration during their term in office.	Inserted
16 May 2018	3. (b) The words "Clubs shall be charged a levy of 20c for each race entry for which the Club receives an entry fee. From 1 October 2016," deleted; "received" replaced by "deemed receivable".  3 (c) "A fee of \$1.00 shall be retained by the Association for each development meet race entry for which an entry fee is received." Replaced by "Reimbursement to be received by a club hosting a	Amended

	development meet shall be the lesser of \$1,500 or entry fees less expenses.”	