



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

Adopted or Amended	By Whom	Date
Adopted	Executive	18 December 2008
Amended	Executive	17 February 2010

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 28. 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.

MEMBER BY-LAWS

2. AFFILIATED CLUBS

The following Clubs are Members of the Association:

Club Name	Contact Details	Date Admitted	Date Ceased
Burley Griffin		1981	
Canberra		1981	
CRUIZ		2004	
Dickson		1981	
Ginninderra		1990	
Goulburn			
Queanbeyan Leagues		1981	
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 20.
- (b) Clubs shall be charged a levy of 20c for each race entry for which the Club receives an entry fee.
- (c) The Executive may refund any fee which, in its opinion, is warranted.

4. DISCIPLINARY BY-LAW

4.1 Establishment of Disciplinary Tribunal

The Executive shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under Clause 30. 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 Committee for the purpose of hearing disciplinary actions and matters under Clause 30. The Executive shall also appoint a member of the Disciplinary Tribunal as chair who in the opinion of the Executive is competent in dealing with disciplinary matters.
- (b) The Executive may call for applications to the Disciplinary Tribunal.
- (c) No Executive member 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 Committee 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 Committee; 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 Executive 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;
- (iv) informing the Member that he 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.

OFFICE BEARERS BY-LAWS

5. COMPOSITION OF THE EXECUTIVE

The composition of the Executive shall be

- (a) the President;
- (b) two Vice Presidents;
- (c) the Secretary;
- (d) the Treasurer; and
- (e) the Competitions Director.

6. ELECTION PROCEDURES FOR OFFICE BEARERS

- (a) Where there is more than one nomination for any position, a ballot for that position shall be held.
- (b) The Annual General Meeting shall appoint at least two tellers for each ballot.
- (c) Delegates shall record their vote by writing the name(s) or placing a mark (cross or tick) opposite the name of the candidate(s) of choice for that office.

- (d) On the count of votes in respect of any position, the candidate(s) who has received the highest number of votes shall be declared elected to that position(s).
- (e) In the case of an equality of votes for any position it shall be resolved by lot to eliminate the unsuccessful candidate(s).
- (f) If a ballot paper is not completed in accordance with By-Law 6(c) the ballot paper shall be deemed to be informal.
- (g) The result of the ballot shall be declared at the Annual General Meeting. The declaration of the poll by the chairperson shall include the following information:
 - (i) the number of Delegates eligible to vote;
 - (ii) the number of votes received; and
 - (iii) the number of votes declared valid.
- (h) All ballot papers for the annual elections are to be destroyed after the declaration of the poll.

7. EXECUTIVE MEMBER RESPONSIBILITIES

7.1 Executive Members

Executive members 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 Executive;
- (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 Executive adviser in the formulation of committee work plans;
- (f) act at the Executive 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; and
- (g) present recommendations and reports of any assigned standing committee to the Executive.

7.2 President

The President shall:

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

7.3 Vice Presidents (2)

The vice presidents shall:

- (a) assist the President in carrying out their duties and shall attend to such matters as the President may, from time to time, request;
- (b) represent the President when so required by the President;
- (c) in the absence of the President preside at any General Meeting, Special General Meeting, the Annual General Meeting or meeting of the Executive;
- (e) supervise the activities of any ad hoc or Special Committees and represent such Committees at meetings of the Executive and the Association; and
- (f) be entitled to attend any Committee meeting of the Association without vote.

7.4 Secretary

The Secretary 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) ensure all duties as specified in the Constitution relating to the position of Secretary are carried out in accordance with the Constitution;
- (d) oversee the conduct of all general correspondence of the Association;
- (e) supervise the activities of Association staff; and
- (f) as soon as practicable after being appointed as secretary, lodge notice with SNSW of his/her address and contact details.

7.5 Treasurer

The Treasurer shall:

- (a) convene and chair the Finance and Planning Committee;
- (b) represent the Finance and Planning Committee at Association and Executive meetings;
- (c) prepare a budget to be approved by the Executive for submission to the Association;
- (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 Executive and Association as required;
- (g) formulate plans for the overall financial policy of the Association and the submission of the plans to the Executive;
- (h) keep the Finance and Planning Committee informed of policy matters which may effect the considerations of the Committee;
- (i) recommend to the Executive methods of increasing Association funds;
- (j) be entitled to attend any 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.

7.6 Competitions Director

The Competitions Director shall

- (a) convene and chair the Competitions Committee;
- (b) represent the Competitions Committee at Association and Executive meetings;
- (e) 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;
- (f) present the calendar/programs to the Executive for endorsement.

8. OFFICERS

8.1 Appointment of Officers Generally

- (a) The Executive may appoint the following officers:
 - (i) Member Protection Officer;
 - (ii) Property Officer;
 - (iii) Web Master;
 - (iv) Publicity officer;
 - (v) Squad Management Manager; and
 - (vi) Squad Managers.
- (b) Applications shall be invited for the positions specified in By-Law 8.1(a) as determined by the Executive.
- (c) Applications for officer positions specified in By-Law 8.1(a) may include a précis submitted by the applicant of their background, experience and qualifications pertinent to the position.
- (d) The Executive may at any time terminate the appointment of any person appointed to an officer position and any such person may resign from such position by letter delivered to the Secretary.

8.2 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 sent to all Office Bearers, Life Members and Club Secretaries within fourteen days of the meeting.

8.3 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.

8.4 ALEC Convenor

The ALEC convenor 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 SNSW technical committees and implement the requirements of those committees.

8.5 Public Officer

The Public officer shall:

- (a) be appointed by the Executive;
- (b) use their best endeavours to ensure compliance with the requirements of the Associations Incorporation ACT 1991 (ACT);
- (c) use their best endeavours to ensure that all documents, financial statements, reports and statutory declarations are lodged by the prescribed date; and
- (d) Inform the President if any item to be lodged is not available.

8.6 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 Executive;
- (c) ensuring that all equipment owned by the Association is maintained in good order, and periodically report to the Executive 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.

8.7 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.

8.8 Squad Management Manager

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

8.9 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.

