

**BY LAWS:**

**KOOTINGAL - MOONBI SWIMMING CLUB INC**

**May 2019**

<b>Adopted or Amended</b>	<b>By Whom</b>	<b>Date</b>
Amended	Board	May 2019

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# **BY-LAWS OF KOOTINGAL - MOONBI SWIMMING CLUB INCORPORATED**

## **INTRODUCTION**

### **1. STATUS OF BY-LAWS**

#### **1.1 Power to Make By-Laws**

These By-Laws are made by the Kootingal - Moonbi Swimming Club Incorporated 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 organised or conducted by the Club;
- (b) any championship, competition, series or meeting sponsored by or conducted by or on behalf of the Club.

**“Disciplinary Tribunal”** means the disciplinary tribunal of the Company constituted under By-Law 5.

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

# MEMBER BY-LAWS

## 2. FEES DUE TO THE CLUB

- (a) Fees payable in accordance with Clause 7 will be payable by all Members as defined in By-Law 2(b), provided that fees will not be payable in respect of a Life Member;
- (b) The annual registration fees payable to the Club in respect of each Individual Member will consist of a SAL and SNSW component which includes registration and insurance cover and a Club administration fee as determined by the Committee from time to time.
- (c) All registration fees are due on the first day of October in each year.
- (d) The Board may refund any fee which, in its opinion is warranted.

## 3. DISCIPLINARY BY-LAW

### 3.1 Establishment of Disciplinary Tribunal

The Board shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under Clause 11. A disciplinary action and matter must be solely and exclusively resolved by the Disciplinary Tribunal

### 3.2 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 11.2. The Board shall also appoint a member of the Disciplinary Tribunal as chair who in the opinion of the Committee is competent in dealing with disciplinary matters.
- (b) The Board may call for applications to the Disciplinary Tribunal.
- (c) No Board member or a family member dealing with a matter relating to a member of that family shall be a member of the Disciplinary Tribunal.
- (d) Three (3) members of the Disciplinary Tribunal shall constitute a quorum.

### 3.3 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 Committee; or
  - (ii) acted in a manner unbecoming of a Member or prejudicial to the Objects and interests of the Club and/or swimming; or
  - (iii) brought the Club 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 3.3(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.

### **3.4 Disciplinary Tribunal Procedures**

- (a) At a hearing of the Disciplinary Tribunal held in accordance with By-Law 3.3(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 Club 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 3.5.
- (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.

### **3.5 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 them by the Club from a specified date;
- (e) suspend for a specified period and/or terminate any rights, privileges and benefits provided to that Member by the Club;
- (f) reprimand the Member;
- (g) suspend the Member from membership of the Club for a specified period;
- (h) expel the Member from the Club;
- (i) any other such penalty as the Disciplinary Tribunal considers appropriate.

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

- (a) Any Member, the subject of an adverse finding in proceedings in accordance with By-Law 3 may appeal to The Association committee in relation to that adverse finding.
- (b) Such appeal shall be dealt with in accordance with the disciplinary procedure set out in Association by-laws, policies or rules.

# BOARD BY-LAWS

## 4. COMPOSITION OF THE BOARD

The composition of the Board as required by Clause 21 may consist of the following:

- (a) Office Bearers, being;  
President, Vice President(s), Secretary, Registrar and Treasurer
- (b) Other members;  
3 Board Members

## 5. ELECTION PROCEDURES FOR BOARD

- (a) When Calling for Nominations, details of the necessary qualifications and job descriptions for the positions shall also be provided. Qualifications and job descriptions shall be determined by the Board from time to time.
- (b) Nominations must be in writing on the prescribed form for that Purpose, certified by the Nominee (who must be a financial member of KMSC), expressing his/her willingness to accept the position for which they are nominated.
- (c) If there are no written nominations received for a Board position, nominations may be taken from the floor for that position only.
- (d) Where there is more than one nomination for any position, a ballot for that position shall be held. Where there are nominations for the positions of office bearer and Board, the positions of the office bearers shall be determined first.
- (e) The Annual General Meeting shall appoint at least two tellers for each ballot.
- (f) Members shall record their vote by placing a mark (cross or tick) opposite the name of the candidate(s) of choice for that office.
- (g) 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).
- (h) In the case of an equality of votes for any position it shall be resolved by lot to eliminate the unsuccessful candidate(s).
- (i) If a ballot paper is not completed in accordance with By-Law 5(c) the ballot paper shall be deemed to be informal.
- (j) 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 Members eligible to vote;
  - (ii) the number of votes received; and
  - (iii) the number of votes declared valid.
- (k) All ballot papers for the annual elections are to be destroyed after the declaration of the poll.

## **6. BOARD MEMBER RESPONSIBILITIES**

### **6.1 Board Members**

Board members shall:

- (a) act honestly, independently and with due diligence in all decision making;
- (b) ensure that the resources of the Club are effectively and efficiently managed to fulfil the Objects;
- (c) contribute to the development of the Clubs strategic and business plans;
- (d) attend any assigned Board and act as the Board adviser in the formulation of board work plans;

### **6.2 President**

The President shall:

- (a) promote the image of the Club at all times and lead the pursuit of the Objects and carry out such duties as requested by a General Meeting and the Board;
- (b) be responsible for the leadership and overall administration of the Club;
- (c) represent the Club on external bodies as determined by the Board; and
- (d) coordinate the Board activities and ensure that the Board properly undertakes its governance role.

### **6.3 Vice President**

The Vice President shall assist the President in carrying out their duties and shall attend to such matters as the President may, from time to time, request.

### **6.4 Secretary**

- (a) The Secretary of the Club must, as soon as practicable after being appointed as secretary, lodge notice with the Association secretary and SNSW of his address and contact details.
- (b) The Secretary must ensure full and accurate minutes of all members in attendance, questions, matters, resolutions and other proceedings of each Committee meeting and General Meeting are entered in the Club's minute book.



## **6.5 Treasurer**

The Treasurer of the Club must ensure:

- (a) that all money due to the Club is collected and received and that all payments authorised by the Club are made;
- (b) that correct books and accounts are kept showing the financial affairs of the Club, including full details of all receipts and expenditure connected with the activities of the Club; and
- (c) as soon as practicable after the end of each financial year, a statement containing the following is prepared:
  - (i) the income and expenditure for the financial year just ended, and
  - (ii) the Club's assets and liabilities at the close of the year.

## **6.6 Registrar**

The Registrar of the Club must ensure:

- (a) All members are correctly registered with Swimming NSW and all their details are kept up to date.
- (b) Compilation of forms required by the club – Code of Conduct, Medical Form, Anaphylactic Forms are up to date and accessible if needed, make sure that all forms are up to date for each member.
- (c) Make sure Coaches/Board members are aware of any medical issues or behavioural issues that might affect a swimmer's ability to train. Including restrictions regarding photography.
- (d) Encourage all members to complete their working with children check.

## **7. OFFICERS**

### **7.1 Appointment of Officers Generally**

- (a) The Board may appoint the following officers:
  - (i) Apparel/Equipment officer;
  - (ii) publicity officer,
  - (iii) Point Score Co-Ordinator
  - (iiii) Canteen BBQ/Co -Ordinator
  - (iiiii) Carnival Co-Ordinator

- (iiiiii) Delegate to the Association
- (b) Applications shall be invited for the positions specified in By-Law 7.1(a) as determined by the Board.
- (c) Applications for officer positions specified in By-Law 7.1(a) may include a précis submitted by the applicant of their background, experience and qualifications pertinent to the position.
- (d) The Board 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.

## **7.2 Apparel/Equipment Officer**

The equipment officer shall be responsible for the following:

- (a) Report disposition or acquisition of the Club equipment to the Secretary for updating of the asset register;
- (b) Cause the transporting of equipment owned by the Club from any place of safe custody storage as directed by the Board;
- (c) Ensure that all equipment owned by the Club 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) Provide a capital expenditure budget item for inclusion in the annual budget.
- (e) Order and distribute apparel and training equipment. Keep a regular stock take of apparel and training stock we have on hand.

## **7.3 Publicity Officer**

The publicity officer shall be responsible for the following:

- (a) Promotion of the objects of the club
- (b) Submission by way of press releases of club results, club activities and upcoming events to media outlets
- (c) Compilation and distribution of club newsletters
- (d) Update the club's website and Face Book page as required.

## **7.4 Point Score Co -Ordinator**

The Point Score Co -Ordinator shall be responsible for the following:

- (a) Liase with the coaches regards the Point Score program for the summer season.
- (b) Set up Point Score template on computer before the start of the summer season, so that it is already to go on the first night.

- (c) Set up weekly Point Score entries, then finalise results and points each week.
- (d) After each Point Score, print out results for coaches and Notice board and upgrade swimmers if they have broken the times.
- (e) Keep Point Score Points of each swimmer, and at the end of the season, tally up the points so the winners and runners up can be determined for overall point score and each stroke.

## **7.5 BBQ/ Canteen Co Ordinator**

The BBQ/ Canteen Co Ordinator shall be responsible for the following:

- (a) Organise and purchase food, water and cordial for each Point Score nights. Food and water to be organised for our annual carnival, Club Championships and any other events determined by the board.
- (b) Co – Ordinate a roster for Point Score for set up, wash up and clean up for each point score night.
- (c) Appoint Canteen helpers (servers) for each point score night, Club Carnival, Club Championships and any other events determined by the board.

## **7.6 Carnival Co-Ordinator**

The Carnival Co-Ordinator shall be responsible for the following:

- (a) Arrange all aspects of running the club's Annual Swimming Carnival.
- (b) Help prepare carnival program in Co-Operation with the Board.
- (c) Co -Ordinate volunteers /helpers for positions at the carnival listed in the carnival check list.
- (d) Organise hire of cool room and marquees and anything else listed in the carnival check list.
- (e) Have a copy and be familiar with Swimming NSW and Swimming Australia competition rules.
- (f) Liase with pool staff and other officials
- (g) Obtain the services of a Referee, Starter and at least 1 Judge of Stroke, these positions must be done by accredited Technical Officials.
- (h) Liase with Canteen Co-Ordinator regards purchase of food, water for both the BBQ and the food for the Technical Officials.

## **7.7 Delegate to the Association**

The Delegate to the Association shall be responsible for attending on the club's behalf the Area (Swimming New England and North West) AGM and forum on the first Sunday of May each year and any other meeting as determined by Swimming New England and North West.

## **SWIMMING BY-LAWS**

### **8. LAWS AND RULES GOVERNING KOOTINGAL – MOONBI SWIMMING CLUB INC**

The technical laws of FINA as set out in the handbook of FINA with regard to swimming shall (where practicable) be applicable and binding on all competitions held in the Club.

- 8.1** KMSC encourages all parents/guardians to complete their working with children check.
- 8.2** Every parent/guardian is required by KMSC to sign a copy of the KMSC Code of Conduct Form.
- 8.3** To be a member of the KMSC Board, registration as either a non-swimmer or swimmer is required.
- 8.4** Only financial members of KMSC that are Eighteen (18) years of age or over are allowed to vote at meetings and the AGM.
- 8.5** Members of KMSC who are under 18 years of age, must have a parent/guardian who is registered as either a non-swimmer or swimmer.
- 8.6** For a swimmer to be eligible for gifts and awards on presentation day, they must be a fully financial member of the club with no outstanding debts or fees and have swum in at least 6 carnivals and/or Point Scores (or a combination of both) throughout the financial swimming year. Special or unusual circumstances may be considered and voted on by the Board.
- 8.7** Training lanes allocated to each swimmer will be at the discretion of the Coach(s). The swimmer's ability will be assessed by the Coach(s) and this will determine the squad allocations. Training grades DO NOT reflect Point Score Grading.
- 8.8** Swimmers must be able to swim at least 25m Freestyle confidently and without the use of aids to join the training/mini squads of KMSC.
- 8.9** Point Score times that are achieved at KMSC Point Score nights, cannot be used as entry times to enter Qualifying meets or meets that have online entries.
- 8.10** In the event of grievances, the member shall contact the club's MPIO (Member Protection Officer) and advise them that they have a grievance they wish to discuss. Grievances should be submitted to the MPIO within 7 days of the incident. And refer to the club's Member Protection Policy for more information.
- 8.11** Parents are encouraged to offer their assistance wherever possible, with help with Timekeeping, Marshalling, Check Starting, Point Score dinners, Packing up after training and Point Score.

- 8.12** Children under TEN (10) years of age are not allowed entry into the pool grounds, unless under the active supervision of a person SIXTEEN (16) years or older. This is also a rule of Tamworth Regional Council.
- 8.13** At Tuesday night's Point Score, once all the events have concluded, there is strictly no body allowed back into the pool, unless they are assisting in the removal of lane ropes. This is also a rule of Tamworth Regional Council.
- 8.14** During Club Nights and Carnivals (including Club Championships), the area directly behind the blocks is out of bounds for anyone not swimming or timekeeping.
- 8.15** Children are expected to be ready for marshalling, if children are running around and miss their event, this is not the fault of the Marshal.

## **9. ELIGIBILITY**

- (a) A person who is not an Individual Member or Life Member shall not nominate for, nor hold office except the office of patron, vice patron and auditor.
- (b) A person elected patron or vice patron who is not an Individual Member or Life Member, shall be deemed to be a Member whilst holding such office. The holding of office shall not entitle a person to compete in a meet unless such person is otherwise duly eligible to compete.

## **10. FORFEIT OF FEES AND PRIZES FOLLOWING DISQUALIFICATION**

Where a Swimmer is disqualified or suspended in respect of an event, all fees paid, and prizes won by such Swimmer shall be forfeited. The Board will have full power to confiscate any prize and redistribute or deal with the matter at its discretion.

## MISCELLANEOUS BY-LAWS

### 11. PATRONS

Such persons as shall be invited annually by the Board to grant their patronage and subject to their concurrence, the Board will submit the names to the Annual General Meeting for endorsement.

### 12. LIFE MEMBERSHIP AWARD

- (a) The Kootingal-Moonbi Swimming Club shall recognise outstanding service to the club by an Individual Member who shall be eligible to receive the life membership award provided that the nominated member has given at least ten years outstanding service to swimming.
- (b) Any member may nominate candidates for this award.
- (c) The Criteria for the life membership award, is based on length of service alone but shall also include the scope of the nominee's contribution beyond the norm of ordinary duties of office.
- (d) Nominations shall be submitted in writing to the Secretary each year on the approved nomination form and shall include swimming specific qualifications.
- (e) The club board will determine from the nominations the recipients of the life membership awards. No more than five life membership awards will be awarded in any one (1) year.
- (f) The life membership award will be presented to the recipient at an Annual General Meeting.

### 13. SERVICE EXCELLENCE AWARD

- (a) The Club shall recognise outstanding service to the Club by an Individual Member who shall be eligible to receive the service excellence award provided that the nominated member has given at least ten years outstanding service to swimming.
- (b) Any member may nominate candidates for the award
- (c) The criteria for the service award, is based on length of service alone but shall also include the scope of the nominee's contribution beyond the norm of ordinary duties of office.
- (d) Nominations shall be submitted in writing to the Secretary each year on the approved nomination form and shall include swimming specific qualifications.
- (e) The Board will determine from the nominations the recipients of the service excellence award. No more than five service excellence awards will be awarded in any one year.

- (f) The service excellence award will be presented to the recipient at an Annual General Meeting.

#### 14. COLOURS & BADGE

- (a) The colours and badge of the Club shall be as determined at a General Meeting.
- (b) The colours of the Club will be Purple and White.



- (c) The badge of the Club shall be a seal. **SWIMMING CLUB** The badge shall not be made or worn without written permission of the Committee.

#### 15. AVAILABILITY OF AMENDED PAGES

Where an addition to, amendment or rescission, wholly or in part, is made to the Constitution, By-Laws, Policies or rules, updated copies of the relevant pages shall be available on request to the Members within two calendar months of any such addition to, amendment or rescission of, whether wholly or in part or otherwise shall be posted on the Clubs website.

## COMPETITION BY-LAWS

#### 16. CHAMPIONSHIPS AND OTHER SWIM MEETS

The Board shall determine the order of events and the duration of the Championships and such other swim meets as it determines from time to time, giving as much notice as possible to Members. The Board shall also determine annually the format for the conduct of the Championships Meet for the ensuing year. PROVIDED THAT, the format so determined shall be advertised at the time of calling entries for the Meet.

#### 17. CHAMPIONSHIP CONDITIONS OF ENTRY

- (a) The Board may approve qualifying times (if any) for entry to championship events and other conditions of entry as appropriate to the meet.
- (b) All entrants in the Club Championship shall abide by and be subject to the By-Laws and the SNSW general rules, swimming rules, by-laws, policies, and published procedures as applicable.
- (a) In order to achieve Age Champion or Runner – Up swimmers must compete in the number of eligible events, as determined by the Board and Coaches in order to be considered for Age Champion or Runner – Up.



- (d) For a swimmer to be eligible to compete in Club Championships, they must be fully financial with no outstanding debts owing in training, apparel or any miscellaneous fees
- (e) For Club Championships, at least two (2) Timekeepers per lane will be required.
- (f) The swimmer must have swum in at least 6 Point Score and/or 6 carnivals (or a combination of both) throughout the summer season. If a swimmer has not met the above criteria to enter the Club Championships, they may still enter but will be deemed as an exhibition swimmer only and will not receive any points towards age champion or be able to set club records. Special Circumstances (i.e. if the swimmer has only joined the club within the last month of the summer season but turns up to training every week) will be considered and voted on by the board.
- (e) Club records can only be achieved at Club Championships.

**KOOTINGAL – MOONBI SC CLUB CHAMPIONSHIP POINTS TABLE**

1 <sup>st</sup> Place	35 Points		6 <sup>th</sup> Place	17 Points
2 <sup>nd</sup> Place	30 Points		7 <sup>th</sup> Place	14 Points
3 <sup>rd</sup> Place	26 Points		8 <sup>th</sup> Place	11 Points
4 <sup>th</sup> Place	23 Points		9 <sup>th</sup> Place	8 Points
5 <sup>th</sup> Place	20 Points		10 <sup>th</sup> Place	5 Points

**18. CHAMPIONSHIP ENTRY FORM, AGE DETERMINATION**

- (a) The Club Championship entry and age determination shall require:
  - (i) an entry for a Championship event shall be made at the direction of the Board either electronically or on the official Club form or card provided which shall include the entrant’s best time for the distance, in accordance with the conditions of entry, showing the meet and date when the time was established, being equal to or better than the qualifying time approved for this event (if any), current registration number, and in the case of an age event, date of birth; and
  - (ii) an entrant in an Age Championship shall be of the specific age on the first day of the meet series and if the Board so desires, shall produce a certificate of registration of birth or other satisfactory evidence of date of birth signed by the parent or guardian of the entrant.

**19. EMERGENCY POWERS**

Under special circumstances the Board may cancel or suspend all or any Championships as set out in By-Law 18.