

# Parramatta Memorial Swimming Club Inc. **By-Laws**

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# INTRODUCTION

## 1 STATUS OF BY-LAWS

### 1.1 Power to Make By-Laws

These By-Laws are made by the Parramatta Memorial 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's.

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

**"SNSW"** means Swimming New South Wales

**"SAL"** means Swimming Australia Ltd.

**"SMNW"** means Swimming Metro North West

**"AQUA"** means World Aquatics

# **MEMBER BY-LAWS**

## **2 FEES DUE TO THE CLUB**

- a) Fees payable in accordance with Clause 7 of the constitution 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, SNSW and SMNW component which includes registration and insurance cover and a Club administration fee as determined by the Committee from time to time.
- c) All Members must be financial before the first club race meet of each season.
- d) All registration fees, including national, state, regional and club components, must be paid through Swim Central unless otherwise approved by the Committee.
- e) The Committee may refund any fee which, in its opinion is warranted.

## **3 DISCIPLINARY BY-LAW**

### **3.1 Establishment of Disciplinary Tribunal**

The Committee shall establish a Disciplinary Tribunal to deal with all disciplinary actions and matters under Clause 11 of the constitution. 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 of the constitution. The Committee 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 Committee may call for applications to the Disciplinary Tribunal.
- c) No Committee member or a family member dealing with a matter

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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 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 Club and/or swimming; or
  - iii. brought the Club or swimming into disrepute, the Committee 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/she do one or more of the following:
- c) attend that hearing;
- d) 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.

# COMMITTEE BY-LAWS

## 4 COMPOSITION OF THE COMMITTEE

In addition to the Office Bearers listed in Clause 21 of the Constitution, the Committee includes the following positions:

- Handicapper
- Lifesaving
- Social
- Swim Training
- Swimming Metro North West Delegate
- Member Protection Information Officer
- Race Secretary

All Committee positions may have an assistant, as per Clause 7.1.

## 5 ELECTION PROCEDURES FOR COMMITTEE

- a) 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 Committee, the positions of the office bearers shall be determined first.
- b) The Annual General Meeting shall appoint at least two tellers for each ballot.
- c) Members shall record their vote by 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 5(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 Members eligible to vote;Parramatta Memorial Swimming Club Inc.

- i. the number of votes received; and
  - ii. the number of votes declared valid.
- h) All ballot papers for the annual elections are to be destroyed after the declaration of the poll.

## **6 COMMITTEE MEMBER RESPONSIBILITIES**

### **6.1 Committee Members Committee 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 Committee;
- b) act honestly, independently and with due diligence in all decision making;
- c) ensure that the resources of the Club are effectively and efficiently managed to fulfil the Objects;
- d) contribute to the development of the Clubs strategic and business plans;
- e) attend any assigned committee and act as the Committee adviser in the formulation of committee work plans;
- f) present recommendations and reports of any assigned standing committee to the Committee.

### **6.2 President**

The President shall:

- g) 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 Committee;
- h) be responsible for the leadership and overall administration of the Club;
- i) represent the Club on external bodies as determined by the Committee; and
- j) coordinate the Committee activities and ensure that the Committee 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/her 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:
- d) the income and expenditure for the financial year just ended, and
- e) the Club's assets and liabilities at the close of the year.

## **7 OFFICERS**

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

- a) The Committee may appoint the following officers:
  - i. Child Safety Officer
  - ii. Each Committee position may have an assistant appointed by the Committee.
- b) Applications shall be invited for the positions specified in By-Law 7.1 (a) as determined by the Committee.
- c) Applications for officer positions specified in By-Law 7.1(a) may include a summary submitted by the applicant of their background, experience and qualifications pertinent to the position.
- d) The Committee 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 STANDING COMMITTEES**

- a) Standing committees specified in By-Law 8 (1) shall be elected at the Annual General Meeting for a one year term.
- b) Every person appointed, unless ceasing to hold office in consequence of death, resignation or removal from office, will continue to hold office until the completion of their respective term or the appointment of the new standing committee.
- c) Nominations shall be invited for the positions on standing committees specified in By-Law 8 (1) at least forty-five (45) days prior to the date of the Annual General Meeting and the closing date for nominations shall be at least thirty (30) days prior to the date of the Annual General Meeting. A list of nominees shall be included on the agenda paper for the Annual General Meeting.
- d) Nominations for positions on standing committees may include a precis submitted by the nominee, of their background, experience and qualifications pertinent to the position.
- e) The Committee may at any time terminate the appointment of any standing committee and any such person may resign from a standing committee by letter delivered to the Secretary.

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- f) A member of any standing committee who is absent from three consecutive meetings without explanation acceptable to the Committee shall be declared to have vacated such standing committee membership and the Committee shall appoint another member in his place.
- g) A quorum for a meeting shall be fifty percent plus one (50% + 1) of the voting members on each standing committee.
- h) The President shall be ex-officio member of all standing committees.
- i) Each standing committee shall receive and consider all matters, correspondence and proposals which are referred to it by the Committee and which fall within the scope of the functions of the standing committee as stated in these By-Laws.
- j) All standing committees shall:
  - i. identify and minimise areas of risk within the standing committee's area of responsibility;
  - ii. contribute to the administration of all phases of their particular facet of the sport within the rules and policy limits, delegated to the standing committee;
  - iii. refer any undecided policy items to the Committee for determination;
  - iv. where necessary work in conjunction with other standing committees within the Club;
  - v. if so decided by the standing committee invite a person to attend a meeting to speak on a specific matter;
  - vi. subject to the approval of the Committee, have the power to coopt additional members as deemed necessary; those members
  - vii. will be entitled to voice without vote;
- k) The standing committee secretary shall:
  - i. in consultation with the standing committee chairman issue, through the Secretary, notices convening meetings;
  - ii. cause accurate minutes to be kept of all meetings;
  - iii. deliver to the Secretary within seven days, in the format approved by the Committee, a copy of all minutes, reports and recommendations arising from standing committee meetings for reference to and consideration by the Committee; and
  - iv. cause all standing committee correspondence to be directed through the Secretary.

- l) Subject to the Constitution there shall be a standing committee for

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the following:

- i. a selection committee;
  - ii. a competition committee
- m) The composition of each standing committee and the duties and terms of reference relating to each standing committee are set out in By-Laws 9 to 10.

## **9 SELECTION COMMITTEE**

- a) The selection committee shall comprise of three (3) Individual Members selected at the Annual General Meeting;
- b) On every occasion when a team is to be selected to represent the Club, the Committee shall notify the selection committee of its requirements. The selection committee shall by a specified time submit to the Committee a list of names of Individual Members totalling the number required by the Committee and graded in such a manner as the selection committee, in the absence of any direction from the Committee, considers appropriate to the type of team or squad required. The selection committee may further, at its discretion, recommend an increase or decrease in the team complement. The Committee shall have the right to adopt the recommendations in whole or part. It may reject any recommended Individual Member but shall not add to the list without a prior recommendation from the selection committee.

## **10 COMPETITION COMMITTEE**

- a) The functions of the competition committee shall be to:
  - i. review the competitive swimming programme of the Club at the completion of each year and recommend to the Committee alterations where necessary;
  - ii. carry out at the request of the Committee any duty related to the conduct of Club meets; and
  - iii. generally, comply with the provisions of By-Law 8.
- b) The membership of the competition committee shall be:
  - i. a Committee member appointed by the Committee who shall be the Chairman;
  - ii. two (2) suitably qualified Members elected at the Annual General meeting in accordance with By-Law 8:
- c) The chair shall have a deliberative as well as a casting vote; each other member shall have one (1) vote.
- d) The operation of the competition committee shall be as agreed by the competition committee members from time to time.

# **SWIMMING BY-LAWS**

## **11 LAWS AND RULES GOVERNING PARRAMATTA MEMORIAL SWIMMING CLUB**

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

## **12 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 or 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 does not entitle a person to compete in a meet unless they are otherwise eligible to do so.
- c) A Member is not eligible to enter the pool for any official Club meet or event unless they are a financial Member at the time of participation and hold a membership type that permits swimming, as determined by the Club.
- d) A swimmer must be a First Claim Member of Parramatta Memorial Swimming Club Inc. to compete in Championship events. A First Claim Member is defined as a swimmer who is registered with Swimming NSW under PMSC and does not represent another club in competitions or championships during the same season.

## **13 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 Committee will have full power to confiscate any prize and redistribute or deal with the matter at its discretion.

## **MISCELLANEOUS BY-LAWS**

### **14 CLUB CAPTAINS Role**

Elections - vote by members 14 years and over.

### **15 PATRONS**

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

### **16 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) Candidates for the award may be nominated by any Member.
- c) The criteria is not 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 by 31 March each year on the approved nomination form and shall include swimming specific qualifications.
- e) The Committee 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.

## **17 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 Dark Blue, Light Blue and White.
- c) The badge of the Club shall be:
- d) The badge shall not be made or worn without written permission of the Committee.

## **18 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

## 19 CHAMPIONSHIPS AND OTHER SWIM MEETS

The Committee shall determine the order of events, structure, and duration of the Championships and any other swim meets held by the Club. These details must be communicated to Members with as much notice as practicable.

The format for the conduct of the Championship Meet shall be reviewed and confirmed annually and must be published prior to the opening of entries.

The Committee may amend the Championship structure or schedule at its discretion to increase participation or respond to changing membership demographics.

## 20 CHAMPIONSHIP CONDITIONS OF ENTRY

- a) The Committee may approve qualifying times (if any) and set other conditions of entry as appropriate to the Championship meet.
- b) All entrants must abide by and be subject to these By-Laws, as well as the general rules, swimming rules, by-laws, policies, and published procedures of Swimming NSW.
- c) All participants in Championship events must be financial Members as defined in the Constitution and these By-Laws.
- d) The Committee may offer an "Open Race" option to accommodate late joiners, which does not contribute to Championship point scores.

## 21 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 Committee 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 as at 31st March of the current season. If the Committee so

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desires, the entrant 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.

b) EMERGENCY POWERS

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