



BY-LAWS OF LANE COVE SWIMMING CLUB INCORPORATED

Dated: 19 October 2018

This is the By-Laws adopted at the
Annual General Meeting of Lane Cove Swimming Club
held on 26 September 2018

INTRODUCTION

1. STATUS OF BY-LAWS

1.1 Power to Make By-Laws

These By-Laws are made by the Lane Cove 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 Club constituted under By-Law 3.

“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 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. 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 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 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 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 the member 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

The composition of the Committee as required by Clause 21 may consist of the following 16 members:

- (a) Office Bearers, being;
President, Vice President – Club, Vice President - Competitive, Secretary, Treasurer and Registrar; and
- (b) Race Secretary and up to 9 other members.

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;
 - (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.

6. POLICE CHECKS

A President or Treasurer who is elected into the role must submit to a Police Check.

7. COMMITTEE MEMBER RESPONSIBILITIES

7.1 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.

7.2 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 Committee;
- (b) be responsible for the leadership and overall administration of the Club;
- (c) represent the Club on external bodies as determined by the Committee; and
- (d) coordinate the Committee activities and ensure that the Committee properly undertakes its governance role.

7.3 Vice Presidents

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

7.4 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 their 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.

7.5 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.

8. STANDING COMMITTEES

- (a) As soon as practicable after the Annual General Meeting, the Committee shall determine the number of standing committees that the club requires for the coming year and the duties of those standing committees.
- (b) Upon determination of the number and duties of the club's standing committees, the Committee shall seek expressions of interest from members to be part of those standing committees.
- (c) Any member can nominate to be on a standing Committee by notifying the Committee of his or her desire to do so.
- (d) The Committee shall determine the make up of all standing committees.
- (e) The Committee may at any time terminate the appointment of any standing committee and any person on a standing committee may resign by notifying the committee of his or her intention to do so.
- (f) Each standing Committee shall undertake the activity allocated to it by the Committee and a representative of each standing committee shall report to the Committee on the standing committee's activities as is appropriate in the the circumstances.
- (g) The role of each standing committee is to investigate the matters allocated to it and make recommendations to the Committee for approval or otherwise.

SWIMMING BY-LAWS

9. LAWS AND RULES GOVERNING LANE COVE 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.

10. 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.

11. 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

12. 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.

13. 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 blue and yellow.
- (c) The badge of the Club shall be:



The badge shall not be made or worn without written permission of the Committee.

14. SERVICE EXCELLANCE AWARD

- (a) The club shall recognise outstanding service to the club by an individual member throughout the year.
- (b) Candidates for the award may be nominated by any member.
- (c) Nominations shall be submitted to the secretary at least six weeks prior to the club's annual awards presentation ceremony.
- (d) The winner of the award shall be the person who in the opinion of the Committee, made the greatest contribution to the club and its members in that year.
- (e) The service excellence award will be presented to the recipient at the club's annual awards presentation ceremony.

COMPETITION BY-LAWS

15. CHAMPIONSHIPS AND OTHER SWIM MEETS

The Committee 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 Committee 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.

16. CHAMPIONSHIP CONDITIONS OF ENTRY

- (a) The Committee 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.

17. 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 on the first day of the meet series and if the Committee 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.

18. EMERGENCY POWERS

Under special circumstances the Committee may cancel or suspend all or any Championships as set out in By-Law 14.