



BY LAWS

1 CONSTITUTION AND BY-LAWS:

- 1.1 Each member shall be entitled to a copy of the Constitution and By-Laws of the Club and a plea of ignorance will not be accepted as an excuse for any infringement.
- 1.2 The registered Constitution shall bind the Club and every member to the same extent as if the had respectively signed and sealed them, and agreed to be bound by all of the provisions thereof.

2 CODE OF PRACTICE

The Club will achieve its Objectives by:

- 2.1 Conducting, encouraging, promoting, advancing, controlling, and administering swimming activities in the Club for the benefit of the Members and the development of swimming;
- 2.2 Acting in good faith and loyalty to ensure the maintenance and enhancement of the Club and swimming, its standards, quality and reputation for the collective and mutual benefit of the Members and swimming;
- 2.3 Acting at all times on behalf of, in the interests of, and in conjunction, with the Members;
- 2.4 Promoting the economic and sporting success, strength and stability of the Club, and each Member, and acting interdependently with each Member in pursuit of these objectives;
- 2.5 Ensuring compliance with the Constitution and by-laws as amended from time to time;
- 2.6 Striving for governmental, commercial and public recognition of the Club, and swimming;
- 2.7 Through or in association with others Clubs, entities or through itself, promoting the health and safety of all members;
- 2.8 Pursuing through itself or others such commercial arrangements, including sponsorship and marketing opportunities as are appropriate, to further these objectives;
- 2.9 Formulating or adopting, and implementing appropriate policies to child safe environments and a zero tolerance of bullying and or harassment.
- 2.10 Representing the interests of its Members and of swimming generally in any appropriate forum;
- 2.11 Having regard to the public interest in its operation;
- 2.12 Encouraging and promoting performance-enhancing drug free competition;



- 2.13 Competitive members are expected to compete for the Club at least four (4) competitive meets per season for the club; and
- 2.14 Club records can only be claimed if the member is under the club coaches for 85 percent of all training. 85% of Training is used by Swimming Australia to claim a swimmers point for club and coach at Championships, Carnivals and Meet.
- 2.15 No Club Records can be claimed if swimmer has a 90 day or 120 day ruling for changing clubs.
- 2.17 Doing all that is reasonably necessary to enable these objectives to be achieved and to enable the Members to receive the benefits which, these objectives are intended to achieve.

3 OFFICE BEARERS:

- 3.1 The office bearers of the Club shall consist of a President, Vice President, Secretary, Minute Secretary, Treasurer, Nominations Officer, Registrar, Swimmers Record Recorder, Public Officer, Publicity Officer, Uniform Steward, Delegates (2) EDSA, Adelaide Hills Swimming Centre (1), Club Captains (1 Male, 1 Female), Vice Captains (1 Male, 1 Female).
- 3.2 Office bearers, with the exception of the Club Captains, Vice Captains, and Public Officer, shall be elected at each Annual General Meeting and shall hold office from the conclusion of that Annual General Meeting, or from when they are appointed, to the conclusion of the next Annual General Meeting.
- 3.3 Office bearers shall be eligible for re-election from year to year.

4 CLUB CAPTAINS AND VICE CAPTAINS:

- 4.1 Club Captains, one male and one female, and Vice Captains, one male and one female, shall be elected by the swimming members of the Club and shall hold office until their successors are elected.
- 4.2 Elections for Club Captains and Vice Captains shall take place by secret ballot at the commencement of the new swimming season yearly.

5 ELECTION OF THE OFFICE BEARERS:

- 5.1 The Management Committee shall appoint a returning officer who shall conduct the election of all committee and office bearer positions at the Annual General Meeting. If the number of candidates, exceeds the number of vacancies then returning officer shall conduct a secret ballot in a manner determined by the returning officer.

6 EXECUTIVE COMMITTEE:

- 6.1 In matters of urgency, an executive of at least three members who hold the positions of President, Vice-President, Secretary and Treasurer shall be permitted to exercise powers or authority of a full Management Committee quorum, but they will report fully to the Management Committee on the action taken.

7 CLUB PROPERTY:

- 7.1 Any member expelled in accordance with the Rules, or otherwise ceasing to be a member of the Club, shall forfeit all such rights to or claim upon the Club of its property or finds as they otherwise would have by reason of membership and if holding any Club money or property shall forthwith pay the same to the Management Committee.

8 CLEARANCE TO ANOTHER CLUB:

- 8.1 Members seeking a clearance to another club must submit the necessary clearance application to the secretary who, after determining the applicant is financial and holds no Club property will sign the application form promptly.
- 8.2 The application form will be returned to the member who shall then have the responsibility of transmitting the form to Swimming SA together with any necessary fees.
- 8.3 Names of members granted a clearance will be reported by the Secretary at the next scheduled Management Committee meeting.

9 CARNIVALS

- 9.1 Nominations for meets as listed in the Swimming SA Handbook will be in accordance with the stated procedures for entering each meet.
- 9.2 When the nomination officer is to process entries, then entries must be received by the club 10 days prior to the listed ate in the Swimming SA Handbook. This is enable a complete list of club entries to be forwarded to the convening club before nominations close listed in handbook.
- 9.3 The Head Coach, or the club delegated representative, shall be responsible for the selection of relay team members at all meets and championship events. The final selection is at the Head Coach's discretion and will be subject to change until the lodgement of relay nominations at the event. Swimmers will be notified by the Head Coach or the delegated representative immediately after lodgement.

10 COUNTRY & STATE CHAMPIONSHIPS

- 10.1 The Club may pay a subsidy or the whole nomination fees for the selected squad representing the Club at championship events.
- 10.2 The Head Coach, or their delegated representative, shall select the Representative Team to represent the Club at any Championships Meet. The Head Coach will have available the coaching staff and the Club Records Officer to assist where required.
- 10.3 The selection of relay teams for any Championship events will be as per Clause 9.3

11 PERPETUAL TROPHIES AND SHIELDS

- 11.1 Any perpetual trophy or shield shall remain the property of the Club.
- 11.2 Any person or club holding such a trophy or shield shall return to the Club on demand.

- 11.3 The Club reserves the right to instigate legal proceedings for the recovery of the same against any person or club refusing to return a trophy or shield. All expenses shall be debited against such person or club.
 - 11.4 Any person or club holding any trophy or shield shall be deemed to be responsible for its safe keeping.
 - 11.5 The Club Secretary shall maintain a register showing the name and address of all persons or clubs holding any trophy or shield.
- 12 CLUB RECORDS:
- 12.1 Two sets of Club Records shall be held; short course, twenty five (25), and long course, fifty (50), metres.
 - 12.2 For a swim to be recognised as a Club Record it shall have been swum in a twenty five (25) metre or fifty (50) metre pool and in a scratch event.
 - 12.3 Only events swum under the auspices of Swimming SA, Eastern Districts Swimming Association, or Swimming Australia Limited shall qualify for any Club Record.
 - 12.4 Records to be updated yearly.
 - 12.5 Onkaparinga registered Masters swimmers can claim club records.
- 13 DUTIES OF OFFICE BEARERS:
- 13.1 The President shall:
 - 13.1.1 Chair all general and management committee meeting. May attend ex-officio meetings of any subcommittee but shall not have a vote on a sub-committee unless a member of the committee.
 - 13.1.2 Ensure that all elected and appointed officers and committees effectively carry out their assigned duties and generally encourage and co-operate with all office bearers.
 - 13.1.3 Shall submit an accurate and concise report to the Annual General Meeting and Management Committee Meetings of the Club.
 - 13.1.4 Oversee the management of Coaching Agreement for Head Coach.
 - 13.1.5 Oversee management of Superannuation Returns yearly or as required.
 - 13.2 The Vice-President shall:
 - 13.2.1 Serve as chairperson in the absence or inability of the President at club meetings
 - 13.2.2 Carry out duties as requested by the President.
 - 13.3 The Secretary shall:
 - 13.3.1 Handle all correspondence including keeping copies of outward correspondence.
 - 13.3.2 Prepare an annual report and forward a copy of same, together with a copy of the audited financial statement, to Swimming SA.

- 13.3.3 Generally perform all such duties as shall from time to time be imposed by the Club or the Management Committee.
 - 13.3.4 Except as otherwise provided in this Constitution, the Secretary shall keep in his or her custody or under his or her control all books, documents and securities of the Club.
 - 13.3.5 Keep up to date copies of all Policies and Procedures for the club.
- 13.4 Minutes Secretary shall;
- 13.4.1 Keep minutes of meetings as requested.
 - 13.4.2 Convene and prepare agendas for general meetings and management committee meetings.
- 13.5 The Registrar shall:
- 13.5.1 Manage the Club membership activation process in a timely manner including:
 - a) Provide a current Members List for Management Committee.
 - b) If not accepting a membership due to rejection, repay any annual subscription already paid. Must consult with President on all rejected memberships as names may need to be placed on a waiting list for when a training position is available.
 - 13.5.2 Keep and maintain a register of members including full name and address; date member was admitted to Club; and if applicable the dates and reason(s) for termination of membership.
- 13.6 The Treasurer shall:
- 13.6.1 Receive all revenue of the Club and deposit same into Club accounts without unnecessary delay.
 - 13.6.2 Pay all accounts promptly signed in accordance with Clause 16 upon the authority of the Management Committee having recorded auditable endorsement from (2) authorised signatories.
 - 13.6.3 Keep correct accounts and books showing the financial affairs of the Club with full details of all receipts and expenditure connected with the activities of the Club.
 - 13.6.4 Provide a financial statement at each monthly meeting of the Management Committee.
 - 13.6.5 Provide a financial statement of accounts and a balance sheet at the Annual General Meeting.
 - 13.6.6 Provide a budget for the coming year at the Annual General Meeting.
 - 13.6.7 Submit Annual Financial Report to Secretary for copy to be sent to Swimming SA yearly.
- 13.7 The Nominations Officer:
- 13.7.1 Has the discretion to either forward or reject any nominations received after the date set for nominations.

- 13.7.2 The Nominations Officer is empowered to receive nomination fees and monies from the sale of entry cards and shall deposit these without unnecessary delay in the Nominations Account.
- 13.7.3 The Nominations Account shall be operated jointly by two signatures by cheque and can direct funds for carnival entries to hosting club electronically.
- 13.7.4 The Nominations Officer shall receive bank statements as requested.
- 13.7.5 The Nominations Officer will present cheque books and any requested paper work for annual auditing of Nomination Account.

13.8 The Auditor:

- 13.8.1 The auditor shall be a person having qualifications consistent with the requirements of the Act.
- 13.8.2 No member of the Management Committee or the Public Officer shall be eligible to hold this position.
- 13.8.3 If for any reason the auditor's position falls vacant during the year a new appointment shall be made by the management committee.
- 13.8.4 The Auditor shall in each year examine the accounts of the Club and certify the correctness thereof.
- 13.8.5 The Auditor shall make a report to the members upon the accounts to be submitted to the Annual General Meeting and in every such report state whether, in his or her opinion, they are properly drawn up and exhibit a true and correct view of the Club's financial affairs.
- 13.8.6 an audit be deemed necessary prior to the yearly audit, written notice signed by the auditor, or two officers of the Management Committee, must be handed to the Treasurer at least seven (7) days prior to the date of such audit.

13.9 Grievance Officer

- 13.9.1 The Club will identify two Grievance Officers and will adhere to the requirements of Swimming Australia and Swimming SA in the management of Grievances.
- 13.9.2 Provide and pay for the necessary training for persons holding these positions.

13.10 All other Club Office Bearers shall:

- 13.10.1 Carry out in a competent manner such duties as may be assigned to them from time to time by a meeting of the Management Committee.

14. PUBLIC OFFICER:

- 14.1 The Management Committee shall appoint a Public Officer, as required by Section 56 of the Act, who shall carry out the duties assigned to this position by the Act.

15. HEAD COACH

15.1 The Management Committee will approve every two years the coaching agreement between the Head Coach and the Club. This agreement will clearly state the obligations and responsibilities of the Head Coach.

16. SIGNATORIES:

16.1 Club payments will be endorsed jointly by any two (2) authorised signatories as assigned by the Club. Two (2) endorsements are required for a payment prior to the payment being made. Signatories to be updated yearly.

16.2 Any two (2) of the approved Signatories are authorised to jointly endorse payments payable and Treasurer to present list of accounts paid monthly.

17 SWIMMER INCENTIVE.

17.1 Members who qualify and compete at an Australian Swimming National Championship Meet or at the National School Sports Championship for Swimming will be allocated \$150 towards costs incurred for attending the event. Swimmer must notify the Management Committee in writing of their intent to compete interstate.

17.2 No swimmer can acquire more than \$300 in a 12 month period.

18 FUNDRAISING

18.1 The Committee will sanction fundraising activities before any dates are published. It is expected that all members will contribute or participate where possible in official club fundraising activities.

18.2 The Club may exercise the right to introduce a fundraising levy to members.

19 CLUB UNIFORM:

19.1 Club uniform must be worn when representing the Club at any event, carnival or championship meet.

20 GRIEVANCE MANAGEMENT

20.1 Where a member of the Club has a grievance arising from their involvement in the activities of the Club, whatever they may be, with another member, officer or employee of the Club and that member considers that the grievance warrants investigation and action by the Club that member shall be dealt with in accordance with the Member Grievance Policy of Swimming SA.

21. PATRON

21.1 The Management Committee may from time to time appoint a Patron of the Club.

22. USE OF PERSONAL INFORMATION

- 22.1 The Club will only obtain personal information in a lawful and responsible manner.
- 22.2 The collection, holding and use of personal information will only be used by the Club for the purposes of membership.
- 22.3 The Club will not disclose or transfer any personal information to another agency without the member's permission unless required to do so by law.

By-Laws adopted at Onkaparinga Swimming Committee – 12 April 2006
By-Laws endorsed at Onkaparinga Swimming Club AGM – 17 May 2006
By-Laws endorsed at Onkaparinga Swimming Club AGM – 28 May 2011
By-Laws endorsed at Onkaparinga Swimming Club AGM – June 2013
By-Laws endorsed at Onkaparinga Swimming Club Committee – 21 June 2016