

BY-LAWS OF

NuSwim Swimming Club Inc. SWIMMING CLUB INCORPORATED

INTRODUCTION

1. STATUS OF BY-LAWS

1.1 Power to Make By-Laws

These By-Laws are made by the *NuSwim Swimming Club Inc. Swimming Club* Incorporated under Clause 36. 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.

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

MEMBER BY-LAWS

2. MEMBERSHIP OF THE CLUB

(a) Three options will be offered for membership of the Club:

(i) NuSwim Full Swimmer membership;

Swimmers that wish to compete at NuSwim Club Nights and external meets, as well as area, Country, State and National Championships.

To be eligible for this membership swimmers must not hold a Full Swimming membership at another swimming club. If the swimmer joins another swimming club this membership will be terminated once the transfer is complete.

This membership requires any Swimmer under 18 years of age to also have a NuSwim Parent/Caregiver/Technical Official member join the Club.

(ii) NuSwim Club Night Only Swimmer membership;

Swimmers who only want to compete at NuSwim Club Nights. This membership DOES NOT allow swimmers to enter external meets.

To be eligible for this membership swimmers must not hold a membership at another swimming club. If the swimmer pays membership fees to another swimming club this membership will be terminated.

This membership requires any Swimmer under 18 years of age to also have a NuSwim Parent/Caregiver/Technical Official member join the Club.

(iii) NuSwim Parent/Caregiver/Technical Official membership;

Members that are parents/caregivers or technical officials within the club or wish to be part of the Board.

(b) NuSwim Swimming Club Inc. does not accept second claim members.

3. FEES DUE TO THE CLUB

(a) Fees payable in accordance with Clause 6 will be set each year by the Executive Board and will be ratified by the Full Board.

(b) Fees payable in accordance with Clause 6 will be payable by all Members as defined in By-Law 2(c), provided that fees will not be payable in respect of a Life Member and Coaches memberships.

- (c) 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 Board from time to time.
- (d) All registration fees are due on the first day of October in each year.
- (e) The Board may refund any fee which, in its opinion is warranted.

4. DISCIPLINARY BY-LAW

4.1 Safe Sport Framework

- (a) NuSwim Swimming Club Inc. has adopted the Safe Sport Framework (Safe Sport Framework) in accordance with Clause 36.5 which:
 - (i) specifically commits to keeping children and young people safe in swimming;
 - (ii) clarifies and raises the standards of behaviour for dealing with Children and Young People through a “Code of Conduct for dealing with Children and Young People”
 - (iii) includes a General Code of Conduct;
 - (iv) provides processes and procedures when safe sport concerns or incidents arise;
 - (v) requires rigorous recruitment and screening procedures, as well as reporting by all organisations in swimming; and
 - (vi) provides guidance, advice, tips and tools to assist us to keep each other and our sport safe.
- (b) The Board has adopted the Safe Sport Framework, as amended from time to time, as a By-Law which is binding on the Club and all Members.
- (c) Clause 10.2 outlines the process for matters not being dealt with under the Safe Sport Framework.

BOARD BY-LAWS

5. COMPOSITION OF THE BOARD

The composition of the Board as required by Clause 14 may consist of the following:

- (a) Office Bearers, being;
President, Vice President(s), Secretary, Treasurer, and Registrar
- (c) Other general board members including:
Race Secretary, and Apparel Officer/s and two (2) delegates to the Area Association as well as other positions as deemed necessary by the Board from time to time.
- (d) Head Coach:
The Head Coach of the NuSport program shall be appointed to the Board.

6. BOARD MEMBER RESPONSIBILITIES

6.1 Board Members

Board members shall:

- (a) guide any standing Boards 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 Board;
- (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 Board and act as the Board adviser in the formulation of Board work plans;
- (f) present recommendations and reports of any assigned standing Board to the Board.

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 Board 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 shall be responsible for the following:

- (a) the registration of all club members;
- (b) maintaining an up to date register of club member documents and information;
- (c) upholding the registration policies of the club.

7. OFFICERS

7.1 Appointment of Officers Generally

- (a) The Board may appoint the following officers:
 - (i) race secretary;
 - (ii) registrar;
 - (iii) apparel officer;
 - (iv) two (2) delegates to the Area Association;
 - (v) other positions as deemed necessary by the Board from time to time.
- (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 Race Secretary

The Race Secretary shall be responsible for the following:

- (a) planning, running and administration of the club's swimming competitions. Including creating meet programs, advertising meets, accepting entries and entry fees, running the club competitions, and posting results.

7.4 Apparel Officer/s

The apparel officer/s shall be responsible for the following:

- (b) report disposition or acquisition of the Club apparel to the Secretary for updating of the asset register;
- (c) cause the transporting of apparel owned by the Club from any place of safe custody storage as directed by the Board;
- (d) maintain the record of purchases and sales of the clubs apparel;
- (e) ensure that all apparel 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
- (f) provide a capital expenditure budget item for inclusion in the annual budget.

SWIMMING BY-LAWS

8. LAWS AND RULES GOVERNING NUSWIM 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.

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.

COMPETITION BY-LAWS

11. 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.

12. 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.

13. 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 or any other date as decided by the Board 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.

14. EMERGENCY POWERS

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