



**BY-LAWS OF
SOPAC SWIM CLUB INCORPORATED**

14 October 2020

INTRODUCTION

1. STATUS OF BY-LAWS

1.1 Power to Make By-Laws

These By-Laws are made by the **SOPAC Swim 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. FEES DUE TO THE CLUB

- (a) Fees payable in accordance with Clause 6 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 Area component which includes registration and insurance cover and a Club administration fee as determined by the Board 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 Safe Sport Framework

- (a) SOPAC Swim Club 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.

3.2 Code of Conduct

- (a) The SOPAC Swim Team board shall every year review and re-communicate the SOPAC Swim Team Code of Conduct. This code shall compliment the Safe Sport Framework general code of conduct and be enforced in a manner consistent with section 9 of the SOPAC Swim Team Constitution

BOARD BY-LAWS

4. COMPOSITION OF THE BOARD

The composition of the Board should not total more than ten or be less than eight as required by Clause 14 may consist of the following:

- (a) Elected Board Members who will be allocated positions of office, being;
President, Vice President(s), Secretary, Treasurer (Public Officer), two Club Coaches. One of the Club Coaches will share the position of Registrar.
- (b) Two elected Board members who may or may not hold other positions of office or be a member of a standing committee
- (c) Two appointed Directors with specialist expertise as appointed by the Board. Appointed Directors may be appointed at discretion of the Board.

5. ELECTION PROCEDURES FOR BOARD

- (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 Board, 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 submission is not completed in accordance with By-Law 5(c) the ballot submission 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 submissions (electronic or paper) 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) 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 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.

7. OFFICERS

7.1 Appointment of Officers Generally

- (a) The Board may appoint the following officers:
 - (i) Communications Officer,
 - (ii) Technical Officer / s
 - (iii) Race Secretary / s
 - (iv) Registrar
 - (iv) one delegate to the Area 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.
- (a) provide a capital expenditure budget item for inclusion in the annual budget.

7.2 Communications Officer

The purpose of the Communications Officer role is to ensure that all SOPAC Swim Club members remain informed of key initiatives, competitions and results, health and safety information, and other events run by the club.

The Communications Officer shall be responsible for the following:

- (a) Maintaining, in collaboration with the Registrar, the swimming club membership database,
- (b) Coordinating, writing, designing and distributing communications material including:
 - i. Monthly coaches newsletters
 - ii. Special announcements
 - iii. Special event or competition invitations
- (c) Recruiting and working with other volunteers to support the communications activities
- (d) Maintaining the SOPAC Swim Club website <https://sopac.swimming.org.au/>
- (e) Regularly posting on social media networks including the club Twitter, Facebook and Instagram sites
- (f) Coordinating media inquiries and supporting press releases and media opportunities that promote the club and minimise risk from incidents should they arise
- (g) Support photography for competitions and club nights
- (h) Support the committee in developing a club communications plan each year and ensure it is implemented on time and in collaboration with stakeholders

7.3 Technical Officer

The Technical Officer shall be responsible for the following:

- (a) promoting and facilitating achievement of technical qualifications for parents and members for the purposes of running club nights, invitational meets and contribution to Area events
- (b) supporting the smooth running of club nights and invitational meets
- (c) co-ordinating SOPAC Swim Club and external technical officials for Club nights and the SOPAC Swim Club invitational meets and club championships

7.4 Race Secretary

(a) The function of the race secretary shall be to:

- (i) be a standing member of the competitions committee

- (ii) plan, create, and ensure smooth running of SOPAC Swim Club club night, club championships and the SOPAC Swim Club invitational meets.
 - (iii) be a member liaison for external meet entries
 - (iv) liaise with Swimming NSW, Swimming Metro North West to ensure timely validation of times.
 - (v) in the event of selections (for example relays) provide the coaches with requested information
- (b) The race secretary position may, if required, be split into 2 roles; external race secretary (responsible for SOPAC invitational meets and external meet entry liaison) and club race secretary (responsible for club night racing and club championships).

7.5. Registrar

- (a) The function of the registrar shall be to:
- (i) oversee new member administration, inter-club transfers and member departures
 - (ii) liaise with the board regarding details and fees for annual renewal and make adjustments to the SOPAC Swim Club page on Swimming New South Wales portal accordingly
 - (iii) maintain an accurate, confidential database through the Swimming New South Wales portal
 - (iv) adhere to all privacy and data collection regulations consistent with Swimming New South Wales policy and procedure.
 - (v) advise the board of new member applications and seek approval.

8. STANDING COMMITTEES

- (a) Standing committees specified in By-Law 8(l) 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(l) at least thirty (30) days prior to the date of the Annual General Meeting and the closing date for nominations shall be at least fourteen (14) 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 précis submitted by the nominee, of their background, experience and qualifications pertinent to the position.

- (e) The Board may at any time terminate the appointment of any standing committee and any such person may resign from a standing board by letter delivered to the Secretary.
- (f) A member of any standing committee who is absent from three consecutive meetings without explanation acceptable to the Board shall be declared to have vacated such standing committee membership and the Board 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 boards.
- (i) Each standing committee shall receive and consider all matters, correspondence and proposals which are referred to it by the Board 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 Board 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 Board, have the power to co-opt additional members as deemed necessary; those members 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 Board, a copy of all minutes, reports and recommendations arising from standing board meetings for reference to and consideration by the Board; and
 - (iv) cause all standing board correspondence to be directed through the Secretary.

- (l) Subject to the Constitution there shall be a standing committee for the following:
 - (i) a competition committee
 - (ii) a uniform committee
 - (iii) a social and fundraising 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.

8.1 COMPETITION COMMITTEE

- (n) The functions of the competition committee shall be to:
 - (i) review the competitive swimming program (club nights, club championships and SOPAC Swim Club invitational meets) of the Club at the completion of each year and recommend to the Board alterations where necessary;
 - (ii) provide recommendations to the Board on plans for club racing nights, club championships and SOPAC Swim Club invitational meets
 - (iii) Plan, administer and run events as agreed by the competitions plan approved by the Board.
 - (iv) carry out at the request of the Board any duty related to the conduct of Club meets; and
 - (v) generally, comply with the provisions of By-Law 8.
- (o) The membership of the competition board shall be:
 - (i) a Board member appointed by the Board who shall be the Chairman;
 - (ii) at least one coach
 - (iii) the race secretary/s
 - (iv) the technical officer/s
- (p) The operation of the competition committee shall be as agreed by the competition committee members from time to time.

8.2 UNIFORM COMMITTEE

- (a) The functions of the uniform committee shall be to
 - (i) provide recommendations to the Board regarding uniform items for club members

- (ii) manage uniform orders, minimal stock on hand and the distribution of club uniform to members
- (iii) to liaise with all stakeholders to recommend, source and order representative uniforms for all eligible team members

8.3 SOCIAL AND FUNDRAISING COMMITTEE

(a) The functions of the social and fundraising shall be to:

- (i) provide recommendations to the Board for a calendar of events that provide opportunities to build club culture and social connections between squads and parents
- (ii) provide recommendations to the Board for a program of fund raising sponsorship and grants activity that is aligned to the goals of the squads and the Board
- (iii) plan and run social and fund raising sponsorship and grants activities that benefit the members and the program and are aligned to squad goals.

SWIMMING BY-LAWS

9. LAWS AND RULES GOVERNING SOPAC SWIM CLUB

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

- (q) 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.
- (r) 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 Board 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 Board to grant their patronage and subject to their concurrence, the Board will submit the names to the Annual General Meeting for endorsement.

13. SERVICE EXCELLENCE AWARD

- (s) 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.
- (t) Candidates for the award may be nominated by any Member.
- (u) 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.
- (v) Nominations shall be submitted in writing to the Secretary by each year 14 days before the date of the Annual General Meeting on the approved nomination form and shall include swimming specific qualifications.
- (w) 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.
- (x) The service excellence award will be presented to the recipient at an Annual General Meeting.

14. COLOURS & BADGE

- (y) The colours and badge of the Club shall be as determined at a General Meeting.
- (b) The colours of the Club will be yellow, teal, grey & black, In line with the colours of the Sydney Olympic Park Aquatic Centre.
- (c) The badge of the Club shall be "O" as in line with the Logo of the Sydney Olympic Park Aquatic Centre. The badge shall not be made or worn without written permission of the Board.

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.

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.

20. INTER-CLUB COMPETITIONS

- a) All swimmers should wear, whenever possible, Club uniforms.
- b) In line with NSW swimming regulations, no parents are to be on pool deck during carnivals.
- c) All parents are expected to participate in the rostered timekeeping and in technical roles.

21. TRAINING AND PARENT COMMUNICATION

SOPAC Swim Club recognises the importance of parents and care givers as key stakeholders critical for both the success of the athletes and the club. A partnership between the coach, parent / caregiver, swimmer and Board is paramount. To ensure the quality of coaching experience and to avoid unreasonable intrusion on the coach's personal time the following applies:

- (a) Parents are required to not be on pool deck during training. This facilitates a safe and focused coaching experience for both the swimmer and the coach. Members of the Board, officers and members of standing committees may be on pool deck for the purposes of their role
- (b) Parents are not to become involved in training sessions unless there is an issue of health concern
- (c) Parents who wish to talk to coaches must make an appointment outside training times so that a focused conversation can occur and so that the training experience of other swimmers in the squad is not impacted
- (d) Swimmers are required to commence training on time whenever possible and to the extent it is possible should provide notice of absence if a swimmer is going to miss a session or number of sessions

22. COMPETITIVE SWIMMER FINANCIAL ASSISTANCE

- (a) The SOPAC Swim Club Board will decide how much financial assistance and to whom this assistance is given. Must have competed at State Championships as part of the SOPAC team prior.
- (b) The intention of this rule is that swimmers who gain considerably from Club funding should assist in the running and organisation of the Club.
- (c) Members who wish to apply to the Board for special consideration with regard to financial assistance need to apply in writing.
- (d) In the case of hardship, the Board will consider written applications.
- (e) Swimmers who participate in teams to national and international events travel (where possible) and participate with or close to the team.

- (f) Swimmers must obey all club rules and follow guidelines.
- (g) Decisions made by the Board regarding applications for special financial assistance are final and confidential.
- (h) The following conditions apply to all competition funding:
 - i. All swimmers must apply for all funding on appropriate forms by the stated date.
 - ii. The swimmer must have entered the competition and represent the SOPAC Swim Club at the event.
 - iii. The swimmer and/or their parents must have taken part in all fund-raising events and club night / SOPAC Swim Club invitational meet duties of the previous year or for the duration of their membership unless an acceptable reason is submitted.
 - iv. Participate in fundraising events SOPAC Swim Club Carnivals and others as prescribed in the fund-raising initiatives that are approved by the Board
 - v. Acceptable reasons: Sickness or illness, holidays, emotional distress.
 - vi. Recognition will also be given for contributions to non-fundraising events such as Club days, senior swimmers time keeping at club nights and work related to Board, committee and support positions.