

SQ BY-LAWS

1. AFFILIATIONS AND REGISTRATIONS

- a. The Association year ends on June 30 and affiliates, clubs and members must re-affiliate / renew thereafter except that affiliations and registrations then current shall remain valid until September 30 following. New clubs must seek affiliation after June 30 and all new members must be registered to be able to compete. Pursuant to Clause 10(5)(a) of the Constitution, applications for re-affiliation must be submitted annually on the prescribed form.
- b. Pursuant to Clause 12(4) of the Constitution, Affiliated Clubs must register all their members with Queensland Swimming as prescribed.
- c. Pursuant to Clause 10(2)(c) of the Constitution, all registered members of a club affiliated with a region shall become members of that region and shall pay any fee for that membership set by the Regional Association as provided for in the Regional Association constitution under Clause 10(b).
- d. Pursuant to Clause 10(3) of the Constitution, the Association shall consult the relevant Regional Association before considering any new application for membership as an Affiliated Club.

2. AFFILIATION AND MEMBERSHIP FEES

- a. The Board shall no later than May 1 each year determine the affiliation and membership fees to be paid for the year commencing July 1 next.
- b. Any member wishing to join the Association after March 1 in any year shall pay 50% of the current membership fee at the time of acceptance. Member/s shall be entitled to the rights and privileges of other members for the balance of that Association year.

3. MINIMUM MEMBERSHIP REQUIREMENTS

Clubs affected by tyranny of distance, lack of population or other acceptable reasons may apply for exemption from any minimum membership requirement. Each case will be dealt with individually by The Board.

4. AFFILIATION OF SCHOOL-BASED CLUB

The Board may grant Affiliated Club status to a swimming club associated with a school P & C, provided that the application for Affiliated Club status is supported in writing by the Principal of the school.

5. INSURANCE

- a. Insurance to protect members, authorised accredited officials, and approved volunteers shall be arranged by the Board.
- b. The cost of such insurance shall be recovered from each member by means determined by the Board.
- c. Unless otherwise determined by the Board, any excess under such insurance in respect of any claim under the policy of insurance shall be the responsibility of the person making the claim.
- d. Policies of insurance arranged by the Board shall only apply to Affiliated Clubs and their members whilst participating in activities, including swimming competitions, held under the auspices of the Association.
- e. Any participation by Affiliated Clubs and their members in activities including swimming competitions not held under the auspices of the Association shall be entirely at their own risk



6. FORUMS

- a. The Board shall, in cooperation with Affiliated Regions, arrange forums to discuss matters of mutual concern or interest.
- b. All members of the Association shall be entitled to attend such forums.

7. RECOGNITION OF MERITORIOUS SERVICE

- a. The Association may, on resolution of the Board of which at least 14 days' notice of intention to move shall be given, recognise the meritorious service to swimming of any member, official, coach, or person associated with Swimming Queensland.
- b. A meritorious service award shall not grant the recipient any greater rights than any other member of the Association.

8. HONORARY MEMBERSHIP

- a. In accordance with section 12(2) of the Constitution, the Association may, on resolution of the Board of which 14 days' notice has been given, grant Honorary Membership to any person.
- b. Honorary Membership shall entitle a person to attend, speak and participate in any activity organised by The Association but shall not entitle any person to vote at any meeting of the Association.

9. DESTRUCTION OF ALL BALLOT PAPERS

At the conclusion of all ballots conducted by the Association, or any Affiliated Region or Affiliated Club, the person responsible for the proper conduct of such ballot shall destroy all ballots cast.

10. SQ SUB-COMMITTEES

a. Competition Sub-Committee

- i. At its first meeting following the AGM, the Board shall establish a Competition Sub-Committee to:
- ii. advise the Board on policy relating to competition;
- iii. recommend to the Board a program of meets to be conducted by Swimming Queensland for the next year, including the terms and conditions of entry for such meets;
- iv. coordinate the compilation of the annual state-wide competition calendar;
- v. provide regular progress reports to the Board.

b. Technical Sub-Committee

- i. At its first meeting following the AGM, the Board shall establish a Technical Sub-Committee to:
- ii. advise the Board on policy relating to technical officiating and the Swimming Rules;
- iii. be responsible for the recruitment, training and accreditation of new officials;
- iv. appoint Assessors of Officials for each region;
- v. approve officials who have met predetermined levels of competency;
- vi. recommend to the Board an annual program of education and development for Technical Officials;
- vii. examine pools as appropriate to determine their suitability for the conduct of competitions.

c. Finance Sub-Committee

- i. At its first meeting following the AGM, the Board shall establish a Finance Sub-Committee to:
- ii. advise the Board on policy relating to the financial management of the Association;
- iii. recommend to the Board the annual budget;



- iv. regularly review and report to the Board on the annual budget and financial performance;
- v. provide progress reports to the Board on the organisation's financial performance;
- vi. oversight the preparation of the audited financial statements;
- vii. advise the Board on investments and/or business opportunities.

d. Development Sub-Committee

- i. At its first meeting following the AGM, the Board shall establish a Development Sub-Committee to:
- ii. advise the Board on policy relating to swimmer and coach development;
- iii. recommend to the Board an annual program of development for swimmers and coaches;
- iv. provide regular progress reports to the Board.

e. Awards Sub-Committee

- i. At its first meeting following the AGM, the Board shall establish an Awards Sub-Committee to:
- ii. advise the Board on policy relating to SQ awards;
- iii. recommend to the Board the names of suitable recipients of SQ awards, including Life Membership;
- iv. recommend to the Board the names of recipients suitable for nomination by SQ for other awards, as appropriate.

f. Planning Sub-Committee

- i. At its first meeting following the AGM the Board shall establish a Planning Sub-Committee to:
- ii. coordinate the formulation and review of the Association's operational and strategic planning;
- iii. provide regular progress reports to the Board.

g. Membership & Participation Sub-Committee

- i. At its first meeting following the AGM the Board shall establish a Membership & Participation Sub-Committee to:
- ii. Advise the Board on strategy and policy in relation to membership and participation;
- iii. Recommend to the Board an annual program of membership and participation activities;
- iv. Assess the effectiveness of membership and participation programs and recommend changes/modification where required;
- v. Provide regular progress reports to the Board.

11. TRANSFERS

- a. Swimmers may register with the club of their choice providing they have a financial clearance from any previous club.
- b. Any swimmer wishing to transfer from one club to another during the Association year shall pay a transfer fee of \$10 and provide a financial clearance from the club the swimmer is leaving.
- c. A club may refer any application for transfer to the Board if it wishes to oppose it, giving reasons.
- d. A swimmer who is a member of another Federation affiliated to FINA will not be eligible to represent and/or score points for a club or region.
- e. In the event that a swimmer's eligibility to represent a club or region comes into question, the swimmer affected has the liberty to refer the situation to the Technical sub-committee of Swimming Queensland and their decision will be final.



12. DELEGATES

Pursuant to Clause 18.3 of the Constitution:

- a. each Affiliated Region and Affiliated Club shall advise the CEO of its appointed delegate in writing signed on behalf of the governing body of the Affiliated Region or Affiliated Club at least four clear days prior to any General Meeting; and
- b. a delegate may represent only one Affiliated Region or Affiliated Club at any General Meeting of the Association.

13. ENTRY IN SWIMMING COMPETITIONS

- a. No swimmers shall be accepted for entry in any competition approved by the Board or any Affiliated Club or Affiliated Region unless:
 - they are registered as a swimmer with the Association by an Affiliated Club; or
 - they are registered as a swimmer with another body affiliated with Swimming Australia; or
 - they are registered as a swimmer with a body recognised by Swimming Australia as conducting swimming in another jurisdiction; or
 - they meet such criteria as Swimming Australia may determine as appropriate from time to time for entry into swimming competitions in Australia.
- b. A swimmer may be a member of any number of clubs but may only represent one club.
- c. Where a swimmer who withdraws from an event on a program conducted by Swimming Queensland or an affiliate produces a medical certificate stating the swimmer's unfitness to compete in the event, the nomination fee shall be refunded in full.

14. CERTIFICATION OF SWIMMERS BY CLUBS

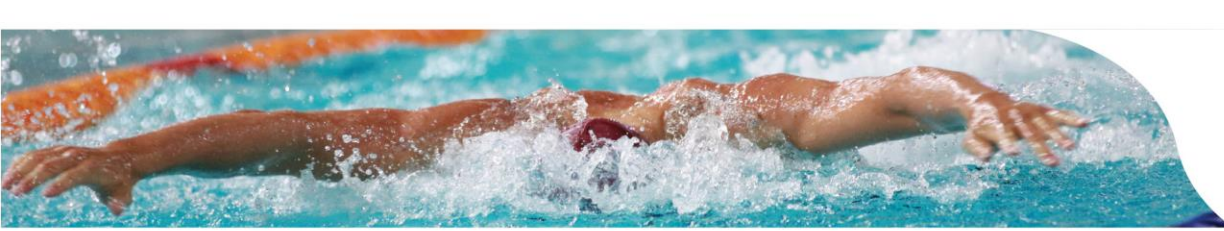
Each Affiliated Club may only enter a swimmer registered with that club in any competition held under the auspices of Swimming Queensland, and no club shall knowingly accept any entries from swimmers not registered with Swimming Queensland or similar bodies in other states or overseas.

15. ENTRY QUALIFICATION TIME

- a. Where an Affiliated Club enters swimmers for a competition held under the auspices of Swimming Queensland, the Club shall be responsible for certifying that each swimmer it enters has achieved the qualifying time set for entry in an event.
- b. Should a swimmer fail to achieve the qualifying time set for an event in which they have entered at a meet conducted by Swimming Queensland, the Affiliated Club concerned shall pay to the Association the sum of \$25 for each such event, unless it provides the Association with acceptable documentary proof that the time submitted for the event was swum prior to the closing date for the respective meet.
- c. A member who fails to achieve an entry qualification time in a Queensland championship final or timed championship final shall be ineligible to receive a medal or ribbon if placed.

16. REGIONAL CHAMPIONSHIP MEETS

- a. A Regional Championship meet shall be contested only by swimmers registered with clubs from that region unless the Board approves beforehand the participation of visiting swimmers.
- b. A swimmer who has competed in a Regional Championship may not compete in another affiliated region's championship in the same competition year unless otherwise approved by the Board.



17. DISABILITY

- a. A swimmer subject to a disability may compete in all events held under the auspices of the Association where no qualifying time is a precondition of entry
- b. Where a qualifying time is set as a precondition for entry for an event, all swimmers must comply with that qualifying time.
- c. The Association may conduct events at State championships for swimmers subject to a disability in accordance with such conditions as may be determined.

18. COMPETITION WITH NON-AFFILIATED CLUBS

If a club conducts a meet knowing that any non-affiliated clubs and/or non-members may participate, it does so at its own risk as this meet will not have the approval of the Association or attract affiliation benefits, e.g. insurance.

19. RECOGNITION OF RECORDS

- a. In order that a Queensland or Australian swimming record might be recognised, the following conditions must be complied with:
 - The affiliated body shall have obtained the prior sanction of the Board to conduct the meet under conditions prescribed by the Technical Sub-Committee from time to time.
 - The affiliated body shall within 14 days of the meet supply the Association with:
 - a copy of the program and results;
 - a complete list of entrants in all events, including a list of all entrants in all relay races conducted;
 - a complete list of all officials at the meeting, including starters and referees, accredited with the Association.

20. QUEENSLAND SELECTION

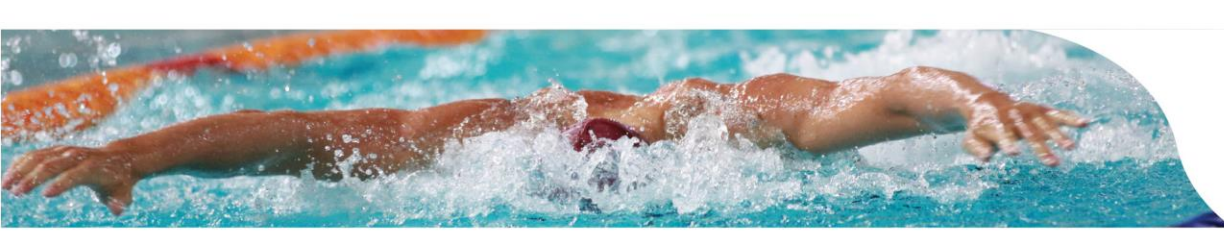
- a. The Board may appoint selectors to select swimmers to represent the Association.
- b. The decision of the selectors to select swimmers shall not be the subject of any review by the Board, save where any swimmer selected shall be the subject of disciplinary proceedings.

21. REFUSAL OF PERMISSION FOR SWIMMING MEETS

No Affiliated Club or Affiliated Region shall conduct a swim meet within three days of a Swimming Queensland meet unless approved by the Board.

22. A DISCIPLINE – MAJOR MATTERS

- a. Where the Board refers a matter for investigation or determination pursuant to Section 17 of the Constitution, it shall appoint a person or persons to conduct such investigation or determination who is independent of the Board and who possesses in the opinion of the Board the necessary skill, experience and impartiality to consider the matter and make a decision
- b. Before a matter referred for investigation or determination is considered any person, Affiliated Club or Affiliated Region likely to be adversely affected by such consideration or determination is to be notified in writing, at least 7 days prior to such investigation or determination, of the time, date and venue of such investigation or determination and of the matters which are to be investigated or determined.



- c. Any investigation or determination is to be conducted without regard to technical rules of evidence by applying principles of equity and good conscience to the merits of the matter and in accordance with principles of due process and natural justice.
- d. Any person, Affiliated Club or Affiliated Region the subject of any investigation or determination shall be entitled to appear at such investigation or determination personally or by agent, including legal representative, and to produce such evidence, in writing or by witness, that may be relevant to such investigation or determination.
- e. On conclusion of any investigation or determination, the matter may be dismissed, the penalty or adverse finding appealed against may be dismissed or confirmed or the person, Affiliated Club or Affiliated Region may be subject to a caution, reprimand, fine not exceeding \$1000 in the case of an Affiliated Club or Affiliated Region or \$250 in the case of an individual, suspension, disqualification or expulsion.
- f. Any person, Affiliated Club or Affiliated Region the subject of an adverse finding or punishment under (e) may, within 7 days of the receipt of notice in writing of such adverse finding or punishment, appeal in writing against such adverse finding or punishment to the Board, supporting such appeal with such written submissions as it considers appropriate.
- g. The Board must consider such appeal within 14 days of its receipt and notify the appellant in writing within 7 days of its decision on the appeal. The decision of the Board on any appeal shall be final.

22. B DISCIPLINE - OTHER MATTERS

- a. Where the Board considers an allegation of a breach of the Constitution or a disciplinary matter of such a nature as not to warrant consideration pursuant to By-Law 22A, it may resolve to consider and determine the matter itself.
- b. Before undertaking such consideration and determination, the Board shall notify in writing, at least 7 days prior to such consideration and determination, any person, Affiliated Region or Affiliated Club likely to be adversely affected by such consideration and determination of the matters to be considered and provide that person, Affiliated Region or Affiliated Club with the opportunity to place in writing for consideration by the Board any matter relevant to that consideration and determination.
- c. After consideration of such material as may be submitted, the Board shall consider the matter without regard to the technical rules of evidence and determine all issues by applying principles of equity and good conscience in accordance with the merits of the case, giving due regard to the principles of due process and natural justice.
- d. On conclusion of any consideration or determination, the matter may be dismissed, the penalty or adverse finding appealed against may be dismissed or confirmed, or the person, Affiliated Club or Affiliated Region may be subject to a caution, reprimand, fine not exceeding \$1,000 in the case of an Affiliated Club or Affiliated Region, or \$250 in the case of an individual, suspension, disqualification or expulsion.
- e. All decisions of the Board under this by-law shall be notified in writing within seven days to the person, Affiliated Region or Affiliated Club, the subject of the decision.



23. PUNISHMENT

- a. All suspensions, disqualifications and expulsions imposed or confirmed under the Disciplinary By-Laws are to be immediately recognised and enforced by all Affiliated Clubs, Affiliated Regions and members of the Association.
- b. No member, Affiliated Club or Affiliated Region shall knowingly permit any person, Affiliated Club or Affiliated Region to participate in any activity held under the auspices of the Association whilst any fine is unpaid or whilst any suspension, disqualification or expulsion is in existence.
- c. Any fines imposed are to be paid to the Association within 7 days of the issuance of a written notice of such fine to the last known address of the person, Affiliated Club or Affiliated Region according to the records of the Association. If the fine is not paid within that period, the person, Affiliated Club or Affiliated Region shall be immediately suspended until such time as the fine is paid.
- d. When a person has been suspended, disqualified or expelled by the Association, the Chief Executive Officer shall notify all affiliated bodies, State Associations and Swimming Australia.
- e. A competitor, on being suspended, disqualified or expelled shall forfeit any fee paid or trophies won in the event for which he is suspended, disqualified or expelled. The committee of the club holding the race shall have full power to confiscate such trophy or trophies and redistribute or deal with them when so confiscated, at its discretion.

24. NOTIFICATION OF DISCIPLINE BY AN AFFILIATED CLUB

When a person has been suspended, disqualified or expelled as a result of disciplinary proceedings undertaken by an Affiliated Club, the Affiliated Club shall notify Swimming Queensland and the Regional Association with which it is affiliated.

25. ADOPTION OF OTHER PUNISHMENT

Where the controlling body of any sport in Queensland eligible for affiliation to the Queensland Olympic Council imposes or has imposed a suspension, disqualification or expulsion on any person, the Board may determine to adopt such suspension, disqualification or expulsion for the purposes of the Association. Before making such decision, the Board shall give the person 7 days' notice in writing of its intention to make such decision and may consider any written submissions that the person may submit subsequent to the receipt of that notice prior to making its decision.

26. FEES

The Board shall from time to time determine and publish a schedule of fees and fines payable under the constitution and/or these By-Laws or for other services provided by the Association.



27. ELECTION OF DIRECTORS

- a. When nominees exceed positions to be voted for at the AGM, the order of names on the ballot paper shall be determined by lot, with retiring directors being identified with an asterisk against their names.
- b. All elections shall be by exhaustive ballot, as follows:
 - i. One vacancy
 - When only one person is to be elected and no candidate obtains a majority in the first ballot, a second ballot shall be taken after eliminating the candidate with the least number of votes.
 - If necessary, the procedure will be repeated until one candidate secures a majority of the votes cast.
 - ii. More than one vacancy
 - When two or more persons are to be elected, those candidates who obtain a majority in the first ballot shall be elected in order of votes obtained until all vacancies are filled.
 - If any vacancies remain after the first or any subsequent ballot, the candidate with the fewest votes shall be eliminated and a further ballot held.
 - Where there are two or more candidates with the same number of fewest votes, the new ballot shall be held without excluding those candidates.
- c. If two candidates receive equal votes in any final ballot for one vacancy, the Chairman shall decide between the candidates by drawing lots.

A majority shall be half the number of delegates voting plus one.

28. SPONSORSHIP OF AFFILIATED REGION

Before entering into or renewing any sponsorship agreement, Affiliated Regions must provide full details of the agreement to Swimming Queensland and obtain Swimming Queensland's written approval for such sponsorship agreement.