

**ASSOCIATIONS INCORPORATION ACT 2015 WESTERN
AUSTRALIA**



ARTISTIC SWIMMING W.A. INCORPORATED

By-laws

December 2021

Version 1.7

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Artistic Swimming WA (ASWA) has established the following By-laws. These should be read in conjunction with the *Associations Incorporation Act 2015 (WA)*, the Constitution and By-laws of Artistic Swimming Australia Inc. and the relevant FINA rules.

1. INTERPRETATION

In these By-laws:

- Words importing the singular include the plural and vice versa.
- Words importing any gender include all other genders.
- References to any office of the Association include any person acting for the time being as such Officer.
- References to persons include corporations and bodies politic.
- A reference to "writing" shall unless the contrary intention appears, be construed as including references to printing, lithography, photography and other modes of representing or reproducing words in a visible form, including messages sent by electronic means.
- Act refers to the *Associations Incorporation Act 2015 (WA)*

2. MEMBERSHIP

2.1 New Club Membership

2.1.1 New Clubs are to complete a "New Club Membership Application" form indicating the number of registered members, colours, logos and name of new Club prior to incorporating.

2.2 Renewing Club Membership

2.2.1 Existing member clubs are to renew their membership one (1) month prior to the end of financial year by submitting the prescribed "Application for Affiliation" form.

2.2.2 Do we charge clubs to be affiliated? Same as ASAI charges States - \$50 fees nominal fee

2.3 Member Club Requirements

2.3.1 A bona fide Synchronised Swimming Club, to affiliate or re-affiliate with Artistic Swimming WA (ASWA):

1. Must be not fewer than seven (7) members, four (4) of whom must be participating swimmers (i.e.: involved in competition, displays, star awards, club artistic swimming activities).
2. The Club must have one (1) President, one (1) Secretary and one (1) Treasurer.
3. The President and Treasurer must be two (2) different people.
4. Competing members must be eligible to compete as defined by FINA and ASAI.
5. Must pay to Artistic Swimming WA the annual subscription prescribed by ASWA.
6. Must ensure that no athletic member is registered with more than one club and that no swimming member shall represent more than one club in interclub or championship competitions.
7. Must have in its constitution, objects similar to this association.

2.3.2 Clubs are to request Artistic Swimming WA Board approval for any change of name, colour or logo of the Club.

- 2.3.3 Clubs must ensure an unregistered swimmer is not to be allowed to partake in an artistic swimming class.
- 2.3.4 Clubs must ensure all coaches are accredited and this accreditation is maintained. Where an uncredited coach is providing coaching, Clubs must ensure that they are supervised at all times by an accredited coach. Ultimate responsibility for supervision of the unaccredited coaches remains with the State Coach.
- 2.3.5 Clubs are to submit their final annual reports to the ASWA Executive Officer by 30 September each year.
- 2.3.6 Clubs are to submit their financial reports, and any associated documents, to the ASWA Executive Officer by 30 September each year. ASWA reserves the right to request an audit of the financial records of the Club. The expense of the Audit will be borne by the club.
- 2.3.7 Clubs are to revise their Constitutions to ensure compliance with the Artistic Swimming WA constitution within twelve (12) months of the ASWA Constitution being accepted at a Special General meeting.
- 2.3.8 Clubs are to submit their Constitutions to the ASWA Executive Officer two (2) weeks from their date of acceptance from the applicable government department.
- 2.3.9 Clubs are to provide notification of Board member changes within seven (7) days of the Board being changed.
- 2.3.10 Clubs are to submit a copy of their Workers Compensation insurance certificates upon renewal each year.

2.4 Artistic Swimming Members

- 2.4.1 All child competitive and recreational swimming members (under the age of 18 years at the time of registration) must have guardian details recorded as part of their registration details.
- 2.4.2 The minimum age for an artistic swimming member to participate in any recreational or competitive program is 6 years and able to swim 25 meters without flotation aids.

2.5 Club Transfers

- 2.5.1 Swimmers desiring a transfer to another club must submit a "Transferring Competitor" form to the club they are transferring from. The original club must verify that there are no financial encumbrances and then shall forward the completed form to the ASWA Executive Officer within fourteen (14) days of receipt.
- 2.5.2 This transfer policy applies to members transferring from within the State of WA and into a WA Club from another Australian State.
- 2.5.3 Swimmers transferring from interstate are not subject to an exclusion unless they are not in good standing, such as having outstanding fees owing.
- 2.5.4 Swimmers who transfer after July 1 will be subject to a non-competitive period of three (3) months.
- 2.5.5 Swimmers who transfer after Nationals and before July 1 will not be subject to a non-competitive period.
- 2.5.6 If a member leaves one club and does not join another club for 3 months or greater, then the competition ban does not apply.

2.5.7 Members placed on a competition ban can formally appeal by submitting a completed "Notice of Appeal" form and submitting to the ASWA Board.

2.6 Life Members

2.6.1 Life membership is an honour bestowed on members whose exceptional, loyal and outstanding service and contribution has a provided measurable benefit to the sport of synchronised swimming with a minimum of eight (8) years of service (not necessarily over consecutive years).

2.6.2 Life membership is the highest recognition that can be provided by ASWA and it should retain its prestige and not be awarded easily.

2.6.3 Any member can be nominated by any other member with the nomination seconded by at least one other member.

2.6.4 Nominations should include the nominator's reasons for putting forward the candidate with the support of favourable applications demonstrating minimum service requirements and examples meeting the criteria.

2.6.5 Life membership cannot be nominated or supported by an immediate family member.

2.6.6 The nomination for Life membership must be submitted to the Board at least fourteen (14) days before the date set down for the AGM.

2.6.7 In the event that the Nominee is serving on the Board at the time of nomination, that person must be disqualified from any deliberation on the nomination.

2.6.8 A simple majority of the quorum of the general Board is sufficient for the nomination to be pursued.

2.6.9 For any of the relevant criteria the nominee should have demonstrated an exceptional contribution for a minimum of eight (8) years, which has a measurable benefit to ASWA and membership. The following will be taken into consideration when considering a nomination:

1. The nominee's length of service to either a Club, State or National association related to the sport must be at least eight (8) years of active membership;
2. The general attitude and overall demeanour of the nominee to ensure that the attitude is one that reflects a dedication to the values of ASWA.
3. Positions held and length of time;
4. The nominee will have demonstrated a commitment to the principles of fair play and good sportsmanship;
5. The nominee will have provided valued leadership and/or been an outstanding role model to the members in general.

2.6.10 In the event the Board believes the nomination is worthy of life membership, a 75% majority is required to formalise the nomination.

2.6.11 The general Board will present the nomination to the Annual General Meeting for the final ratification of the nomination and awarding of life membership.

2.6.12 Life membership must be recorded in the official Register.

2.6.13 Full membership is awarded for life and for that period of time, no ASWA fees are to be charged to that life member with ASWA paying all the relevant ASAI membership fees.

2.6.14 In the case of an objection, the objecting member must provide strong reasons and/or evidence that counteracts the fundamental Life Membership criteria.

2.6.15 Retraction of Life Membership may occur where the recipient has conducted themselves in a manner that reflects directly and adversely on the image or activities of ASWA. This will only be exercised in exceptional circumstances and will require the full support of the Board. As part of the deliberation the Life Member in question is also to be given an opportunity to present their case for retention of their status.

2.7 Membership Categories

2.7.1 Membership categories will align with ASAI's membership categories that are valid at that time.

2.7.2 Members will register on-line using ASWA registration system.

2.8 Acceptance and Rejection of Membership

2.8.1 Acceptance of membership will be made when a member has entered their details into the online registration system and paid their membership fees.

2.8.2 A copy of the ASWA Constitution and By-laws must be made available for new members via their public website.

2.8.3 A membership may be rejected if:

2.8.3.1 Membership fees have not been paid for more than one (1) month.

2.8.3.2 A member refuses to pay for the appropriate membership type.

2.8.3.3 An accredited Coach does not have the appropriate qualifications including "Working With Children Check".

2.8.3.4 The Board has indicated that the removal of membership is an appropriate disciplinary action when one of the terms has been breached in section 11.1 "Disciplinary Action" of ASWA's Constitution.

2.8.4 Rejected members will be informed within seven (7) days of the rejection along with a refund of fees (less transaction charges) and the reason for rejection.

2.8.5 A rejected member can appeal the decision by completing the prescribed "Notice of Appeal" form.

2.8.6 A rejected member can re-apply the following membership year or a time prescribed by the Board.

2.9 Annual Fee Subscription

2.9.1 Artistic Swimming WA will determine and communicate to the membership the fees that will be charged against each membership category by the 15th of June every year.

2.9.2 A paid membership fee is valid until the end of the financial year. As at 1 July, the member will be required to renew their membership fees.

2.9.3 ASAI membership fees will be refunded by ASWA for the following members:

- A. ASWA Board Members;
- B. Referee(s);
- C. Judges;
- D. State Competition Manager;
- E. Relationship Manager;
- F. Swimmers Representative;
- G. Nominated WA ASAI Official;
- H. WA Based ASAI Officials;

I. WA Club Board Members.

- 2.9.4 Each member club shall pay ASWA the prescribed membership fee by 31 May each year - prior to any individual members being registered.
- 2.9.5 The current annual ASWA fee for Club members and all other membership categories (except artistic swimming members who are Competitors as defined by ASAI) is \$0.
- 2.9.6 The current annual ASWA fee for artistic swimming members who are Competitors and Recreational members (as defined by ASAI) is \$11.80 payable at the time of registration. Recreation swimmers at no charge.

3. ELECTED VOTING DIRECTORS (4)

3.1 Chairperson

3.1.1 The Chairperson is to be elected by the Board at the first Board Meeting held post the Annual General Meeting when the previous Chairperson's role has expired.

3.1.2 The Chairperson shall:

1. Preside at every meeting of the Board.
2. Be the senior spokesperson on behalf of ASWA representing it to further the objectives of the Association.
3. Ensure the Board functions properly.
4. Ensure ASWA is managed effectively by ensuring that appropriate policies and procedures are in place.
5. Provide support and supervision to Paid Employees.
6. In conjunction with other Board members, monitor, review, revise and implement the current Strategic plan with attention to new and emerging issues.
7. Conduct and control Meetings to ensure members do not interrupt each other, conversations are focussed and votes are conducted appropriately.
8. Liaise with Member Associations to ensure a commitment from Clubs to a State and National direction.
9. Other activities as may be deemed necessary from time to time.

3.2 Portfolio – Financial

3.2.1 An Elected Director (who is not the Chairperson) is to be allocated the Financial portfolio at the first Board Management Meeting held post each Annual General Meeting.

3.2.2 At the first meeting of the board held after the AGM, the Board is to elect at least two voting members, from its membership, to ensure suitable authorisation of payments and the appropriate use of negotiable instruments.

3.2.3 The Treasurer shall:

1. Be responsible for the receipt of all moneys paid to or received by, on behalf of, the Association and must provide receipts for those moneys in the name of ASWA if requested;
2. Pay all moneys into such account or accounts of ASWA as the Board may from time to time direct;
3. Prepare and monitor against annual financial budgets;
4. Ensure any payments to be made by the Association have been authorised by at least one of the voted members of the Board and are made on time and recorded appropriately;
5. Provide the necessary financial guidance, delegation, and assistance to enable the Sports Officer to administer payments to the expectations of the Board;
6. Submit to the Board a report, Balance Sheet, Budget vs Actual year-to-date report, a Profit and Loss Statement for the previous month and year-to-date and any other report the Board may require to enable sound financial decisions;
7. Highlight to the Board all overdue invoices owed at every Board Meeting.
8. Provide any assistance required by an Auditor or reviewer conducting an audit or review of ASWA's financial statements;

9. Comply on behalf of the Act with respect to the accounting records of the Association.
10. Have custody of all securities, books and documents of a financial nature and accounting records for previous 7 years.
11. Other tasks as agreed with the Board relevant to the Financial portfolio.

3.3 Portfolio – Secretarial

- 3.3.1 An Elected Director (who is not the Chairperson) is to be allocated the Secretarial portfolio at the first Board Meeting held post each Annual General Meeting.
- 3.3.2 At the discretion of the Board, this Portfolio can be assigned to an appointed Executive Officer who will be able to attend meetings but will not be able to vote.
- 3.3.3 The Executive Officer shall manage the affairs of the Association on a day to day basis and their tasks and responsibilities include but are not limited to:
 1. The receipt, maintenance, management and dissemination of all correspondence.
 2. Ensuring meetings are effectively organised and minuted.
 3. Upholding the requirements of the Act and ASWA's constitution.
 4. Maintaining the Register of members.
 5. Preparing and continually updating calendar of events.
 6. Maintaining a current copy of the Constitution, By-laws, policies and processes.
 7. Ensuring the safe custody of ASWA records.
 8. Employing personnel on behalf of the Board.
 9. Other tasks as agreed with the Board.

4. APPOINTED INDEPENDENT DIRECTORS (Minimum of 2 – Maximum of 3)

4.1 Appointments

- 4.1.1 Board members for expired positions are to be appointed each year at the first Board meeting held post the Annual General Meeting.
- 4.1.2 An Independent Director cannot have served more than four (4) consecutive years as a Director on the Board.
- 4.1.3 Appointed Independent Directors are entitled to one (1) vote.

5. CASUAL VACANCIES IN MEMBERSHIP OF BOARD

5.1.1 A casual vacancy occurs in the office of a Board member and that office becomes vacant if the Board member:

- dies;
- resigns by notice in writing delivered to the Chairperson or, if the Board member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Board;
- is convicted of an offence under the Act;
- is permanently incapacitated by mental or physical ill-health;
- is absent from more than:
 - three (3) consecutive Board meetings; or three (3) Board meetings in the same financial year without tendering an apology to the person presiding at each of those Board meetings;
 - of which meetings the member received notice, and the Board has resolved to declare the office vacant;
- ceases to be a member of ASWA; or
- is the subject of a resolution passed by a general meeting of members terminating their appointment as a Board member.

5.1.2 If a position on the Board becomes vacant and there are still enough Board members to form a quorum, the Board may either call:

- A Board meeting to appoint an eligible person to fill the vacancy until the next Annual General Meeting; or
- A General Meeting of members to fill the vacancy.

5.1.3 If a member has been removed by Special Resolution, or there are no longer enough Board members to form a quorum, the Board must call a General meeting to fill the vacancy.

6. RESIGNATIONS OF BOARD MEMBERS

6.1.1 Notices of resignation are to appear on the Agenda of the next Board meeting.

6.1.2 Within seven (7) days of the resignation, all ASWA documents, records and intellectual property is to be forwarded to the Board.

6.1.3 Within seven (7) days of the resignation all loaned equipment is to be returned.

7. NON-VOTING CASUAL BOARD POSITIONS

7.1 Appointments

7.1.1 Other than the Club Delegates, non-voting casual Board positions are to be appointed each year at the first Board meeting held post the Annual General Meeting.

7.2 State Competition Manager

7.2.1 The State Competition Manager is responsible for:

1. Liaising with the appointed Referee to ensure the competition is setup to meet State, National and FINA requirements;

2. Collecting and distributing entry related information for competitions and skills assessments including payments;
3. Convenes and chairs the Competition Management Sub-Committee;
4. Provide a written report for the next Board meeting following each competition that includes a summary of financial related information, attendance information equipment status and lessons learned.
5. Liaising with the ASWA Treasurer to ensure relevant financial information (including budget and fees) is provided, expense approvals attained and approve invoices received;
6. Preparing and distributing Competition related Bulletins and information including schedules and programmes, etc;
7. Scheduling and training competition volunteers;
8. Ensuring all required equipment is provided including music systems, banners, staging, presentation dais, etc;
9. Booking venues and facilities required to support competitions and skills assessments e.g. meeting rooms, catering;
10. Liaising with venues to ensure the requirements of both ASWA and the venue are met;
11. Collecting music in the required format for routines and ceremonies;
12. Ensuring all awards are made available including certificates, ribbons and trophies;
13. Ensuring the appropriate level of catering is provided;
14. Ensuring draws and rotations are performed appropriately;
15. Ensuring competitors, athletes displaying, officials and volunteers meet ASWA requirements;
16. Liaising with the State Judging Coordinator and the State Coaching Director in preparing the Technical Package each year;
17. Ensuring key information is communicated and disseminated before, during and post competitions and skills assessments e.g. scratch and reserve forms, penalty processes; manual scoring sheets, results reports timekeeping slips, judges slips, start lists
18. Ensuring appropriate protest and appeal processes are in place;
19. Collecting and communicating Lessons Learned with the SASWA Board; and
20. Other tasks as agreed by the Board relevant to the Competition Management Portfolio.

7.3 Club Delegates

- 7.3.1 A Club Delegate is to be nominated by each Club at the Annual General Meeting. This Club delegate is to be a financial and registered member.
- 7.3.2 The Club Delegate will be required to attend ASWA Board meetings on a quarterly basis and at ASWA's invitation.
- 7.3.3 The Club Delegate is to prepare and submit Club reports at least one week in advance of the meeting indicating the following:
 - Initiatives/achievements since the last report;
 - An overview of planned activities;
 - Current member registrations; and
 - Concerns or issues encountered.
- 7.3.4 Club related proposals are to be submitted on a Board Proposal form ten (10) days in advance of the next meeting.

7.3.5 If the Club Delegate resigns from their position, the Club is to indicate in advance of the next Board meeting who the new Club Delegate is.

7.3.6 If the nominated Club Delegate cannot attend the scheduled Board meeting, it is the Club's responsibility to provide an alternate Club Delegate for that Board meeting.

7.4 Relationships Manager

7.4.1 The Relationships Manager will be responsible for:

1. Maintaining communication with all major stakeholders including Government departments, Sponsors, and invited Officials;
2. Securing sponsorship and grants for ASWA;
3. Ensuring sponsor and grant requirements are met;
4. Ensuring sponsors are advertised appropriately; and
5. Other tasks as agreed by the Board.

7.5 Swimmers Representative

7.5.1 The Swimmer's representative is responsible for:

1. Arranging feedback sessions with Club swimmer representatives post each Competition;
2. Representing swimmer's interests in the sport;
3. Communicating issues of note to the executive body;
4. Collecting feedback from competitor and recreational athletes on a regular basis; and
5. Other tasks as agreed by the Board.

7.6 State Judging Coordinator

7.6.1 The appointed Coordinator is to have a minimum of 3 years judging experience.

7.6.2 The appointed State Judging Coordinator is responsible for working with and disseminating information from the National Judging Director appointed by ASAI.

7.6.3 The State Judging Coordinator is responsible for:

1. Representing the interests of Judges and communicating issues of note to the executive body;
2. Proposing and implementing Judge recruitment programmes;
3. Proposing and implementing Judge training programmes;
4. Convening and chairing the ASWA Judging Sub-Committee;
5. Assigning a Referee to Competitions;
6. Coordinating the panels of Western Australian Judges at State competitions and ensuring the details are provided to the Competition Manager at least fourteen (14) days prior to the competition / skills assessment;
7. Ensuring judging required resources are made available when required e.g. scoring cards;
8. Preparing judging slips and evaluation slips for competitions;
9. Liaising with the State Coaching Director to develop coaching and High Performance strategies;
10. Liaising with the State Coaching Director to develop the Technical Package;
11. Liaising with the State Competition Manager to ensure competition requirements are met;

12. Running the Judging meetings throughout and post competitions;
13. Attending training programmes or professional development opportunities;
14. Scheduling and planning judging workshops throughout the season and appointing a suitable presenter for each workshop; and
15. Other tasks as agreed by the Board relevant to the Judging Portfolio.

8. PAID EMPLOYEES

8.1 Employee Contracts

8.1.1 All ASWA Employees will be placed on employment contracts specifying their:

- Term of employment;
- Salary;
- Leave entitlements;
- Allowances;
- Travel Allowance (if applicable);
- Performance review schedule.

8.1.2 Employee contracts will be reviewed by the Board every twelve (12) months.

8.1.3 Employee visas will be facilitated by the Board on an as-required basis and at its sole discretion.

8.1.4 Superannuation and Workers compensation insurance will be kept valid at all times.

8.1.5 All employees will be provided with pay slips.

8.1.6 All expense reimbursements will be provided within one month of the valid claim being accepted.

8.1.7 Annual Performance Reviews will be conducted by the Board.

8.1.8 All positions are to provide monthly reports to the Board.

8.2 State Coaching Director

8.2.1 The State Coaching Director's responsibilities shall include but are not limited to:

1. Representing the interests of Coaches and communicating issues of note to the executive body;
2. Proposing and implementing Coach recruitment programmes;
3. Ensuring all state coaches have met accreditation standards;
4. Scheduling and running at least two coaching accreditation courses per year;
5. Developing Coaching strategies;
6. Developing the following year's Technical Package for discussion prior to the end of April.
7. Mentoring club coaches to improve their technical capabilities;
8. Implementing coaching strategies aimed at the selection and training of swimmers for National and International representation;
9. Liaising with the State Competition Manager to ensure competition requirements are met;
10. Running the Coaching meetings throughout and post competitions;
11. Attending training programmes or professional development opportunities;
12. Establishing regional Clubs where requested;
13. Scheduling and planning coaching workshops throughout the season and appointing a suitable presenter for each workshop; and
14. Other tasks as agreed by the Board related to the State Coaching Director's portfolio.

8.3 High Performance Coach

8.3.1 The High-Performance Coach's responsibilities shall include but are not limited to:

1. Developing High Performance program strategies;
2. Representing the interests of high-performance members and communicating issues of note to the Board;
3. Implementing coaching strategies aimed at the selection and training of swimmers for National and International representation;
4. Attending training programmes or professional development opportunities;
5. Arranging and running High Performance Workshops;
6. Arranging and running High Performance programmes;
7. Liaising with WAIS in relation to scholarships;
8. Liaising with Clubs to arrange audition events enabling high performance members to trial for competitive positions;
9. Identifying and arranging opportunities for high performance competitors to compete at international competitions;
10. Ensuring equipment and resource requirements are made available to support high performance activities; and
11. Other tasks as agreed by the Board related to the High-Performance Coach's portfolio.

8.4 Recreational Manager

8.4.1 The Recreational Manager's responsibilities shall include but are not limited to:

1. Representing the interests of recreational members and communicating issues of note to the Board;
2. Developing Recreational program strategies;
3. Contributing to the following year's Technical Package in relation to recreational member requirements to improve their technical capabilities;
4. Attending training programmes or professional development opportunities;
5. Establishing regional Clubs where requested;
6. Proposing and implementing Recreational programmes;
7. Allocating Coaches to Recreational programmes;
8. Coordinating Come and Try events or any recreational based events required to support sponsorship arrangements;
9. Preparing recreational displays for competitions;
10. Liaising with Clubs to arrange audition events enabling recreational members to trial for competitive positions;
11. Ensuring equipment and resource requirements are made available to support recreational activities; and
12. Other tasks as agreed by the Board related to the Recreational Manager's portfolio.

8.5 Sports Officer

8.5.1 The State Development Officer's responsibilities shall include but are not limited to:

1. Maintaining an up to date annual planning calendar of ASWA events, meetings, competitions, recreational programs, school programs, holiday programs, coaching development activities, judging education activities, national team camps, regional FINA judging and coaching clinics as well as notification of international competitions.
2. Maintaining the ASWA website and social media stream to develop a presence as an online entity;
3. Marketing and promoting the sport of artistic swimming to the wider community and key businesses; and
4. Other tasks as agreed by the Board.

9. OTHER ARTISTIC SWIMMING WA POSITIONS

9.1 Responsibilities

9.1.1 The following positions are appointed by the ASWA Board but do not attend Board meetings unless requested.

9.2 Referees

9.2.1 A Referee is appointed by the Judging Director with the Board's approval at least four weeks prior to the event at which they are to officiate;

9.2.2 A Referee is to have had a minimum of three (3) years judging experience including international experience and is to be a current FINA G Judge (or more) where possible.

9.2.3 A Referee shall have sole authority for conducting all aspects of the events except the Jury of Appeal.

9.2.4 A Referee shall conduct the event in accordance with FINA and any Australian rules.

9.3 Auditor

9.3.1 An Auditor is to be appointed within three (3) months of the commencement of each financial year by the Chairperson.

9.3.2 The Auditor is to be appointed until the end of the financial year.

9.3.3 The appointed Auditor must be a registered company auditor, a firm or a company that is an authorised audit company.

9.3.4 The Auditor is responsible for:

1. Auditing the financial transactions of ASWA before presentation to the Annual General Meeting of ASAI and at other times when requested.
2. Providing recommendations for improvement;
3. Audit Club financial records if requested by the ASWA Board; and
4. Other tasks as agreed by the Board.

10. SUB-COMMITTEES

- 10.1.1 Sub-Committees are to be formed on an as-required basis as agreed by a majority of the Board.
- 10.1.2 Each Sub-Committee is to have a Director of the ASWA Board assigned to oversee the Sub-Committee.
- 10.1.3 Sub-Committees are to be given a “Sub-Committee Scope Form” which details:
- a scope;
 - a list of proposed members;
 - the head of the Sub-Committee;
 - the Board contact;
 - a clear schedule of deliverables and delivery dates;
 - reporting requirements; and
 - any budget amount allocated.
- 10.1.4 The Sub-Committee may consist of any number of people, whether or not members, as the Board considers appropriate.
- 10.1.5 The Sub-Committee is to prepare and submit a report at least one week prior to every General meeting clearly indicating the following:
- achievements;
 - a summary of meetings held;
 - updated financial reports clearly showing income and expenditure amounts.

11. MEETINGS

11.1 Board Meetings

- 11.1.1 The Chairman or at least half the members of the Board, may at any time convene a Board meeting.
- 11.1.2 A Board meeting must be held at least six (6) times within a calendar year.
- 11.1.3 Members and Board Members can submit non-standard Agenda items on the prescribed form for discussion. This is to be received within ten (10) days of the next Board meeting to be included on that meeting’s agenda. Otherwise, the Board Proposal will be added to the Agenda of the following Board Meeting.
- 11.1.4 An Agenda for the Board Meeting is to be distributed at least seven (7) days prior to the meeting together with any Board Proposals received from the members or Board Directors.
- 11.1.5 Club Delegates are to be invited to quarterly Board Meetings.
- 11.1.6 Sub-Committee Leaders are to be invited to report at Board Meetings on an as required basis.
- 11.1.7 At a Board Meeting four (4) voting members must be in attendance to constitute a quorum.
- 11.1.8 The presence of a member at a meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- 11.1.9 A member who participates in a Board meeting as allowed is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

- 11.1.10 If a quorum does not exist within twenty (20) minutes of the scheduled start time on the previously submitted agenda, the meeting is to be cancelled. A second meeting is to be re-scheduled within two weeks of the originally scheduled meeting.
- 11.1.11 Each Elected Director and Appointed Independent Director is entitled to one (1) vote.
- 11.1.12 A question arising at a Board meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Board meeting will have a casting vote in addition to their deliberative vote.
- 11.1.13 A Board member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Board (except if that pecuniary interest exists only by virtue of the fact that the member of the Board is a member of a class of persons for whose benefit ASWA is established), must as soon as he or she becomes aware of that interest, disclose the nature and extent of their interest to the Board; and not take part in any deliberations or decision of the Board with respect to that contract. This does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Board is an employee of ASWA.
- 11.1.14 The Executive Officer must cause every disclosure made by a member of the Board to be recorded in the minutes of the meeting of the Board at which it is made.
- 11.1.15 A register of standing conflicts of interest must be maintained along with the measures determined by the Board to mitigate the risks associated with the Conflict.

11.2 General Meetings / Special General Meetings

- 11.2.1 The Chairman or the lesser of ten (10) voting members or 20% of the voting members, may at any time convene a General meeting.
- 11.2.2 A Notice of Meeting is to be issued to the members of ASWA by the Executive Officer 14 days in advance of the meeting. The Notice of Meeting is to specify the place and time of the General Meeting.
- 11.2.3 Members can submit a Notice of Motion on the prescribed form for discussion. This is to be received within 10 days of the next General Meeting to be included on that meeting's agenda.
- 11.2.4 An Agenda for the General Meeting is to be distributed at least 7 days prior to the meeting, together with any Notice of Motion received from the members or Notice of Special Resolution.
- 11.2.5 Only financial members can take part in a General Meeting.
- 11.2.6 No business other than that stated on the Agenda shall be transacted at that General Meeting.
- 11.2.7 The following scenarios require a Special Resolution to be passed:
- Changing the rules, objects or name of the association;
 - Applying for voluntary cancellation;
 - Amalgamating with another association;
 - Questioning the legality of a Board decision; or
 - By petition of a certain percentage of the membership to deal with a particular issue.
- 11.2.8 A Special General Meeting must be requested by submission of a "Request for Special General Meeting Form".

- 11.2.9 The Special General Meeting must be convened within twenty-eight (28) days after submission of the completed "Request for Special General Meeting" form, provided the written notice has been given, the notice of the business to be considered is provided, and each requesting member has signed the notice.
- 11.2.10 If the Board does not convene a Special General Meeting within that twenty-eight (28) day period, the members making the requirement (or any of them) may convene the Special General Meeting:
- 11.2.11 Must be held within three (3) months after the date the original requirement was made; and
- 11.2.12 May only consider the business stated in the notice by which the requirement was made.
- 11.2.13 ASWA must reimburse any reasonable expenses incurred by the members convening a Special General Meeting.
- 11.2.14 If a quorum does not exist within thirty (30) minutes of the scheduled start time on the Notice of Meeting, the meeting is to be adjourned.
- 11.2.15 If a meeting is adjourned by the Chairperson, it must be re-held within a thirty (30) day period from the adjournment. There must not be transacted at an adjourned General Member meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 11.2.16 If within thirty (30) minutes of the time appointed for the resumption of an adjourned General Member meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of that general meeting as if a quorum were present.
- 11.2.17 If a General Member meeting is not arranged within thirty (30) days of receiving a request to do so, the members who made the request concerned may themselves convene a special general meeting as if they were the Board.
- 11.2.18 A declaration by the Chairperson of a General Meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded.
- 11.2.19 At a General Member meeting, a poll may be demanded by the Chairperson or by three (3) or more members present in person and, if so demanded, must be taken in such manner as the Chairperson directs.
- 11.2.20 If a poll is demanded in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

11.3 Annual General Meetings

- 11.3.1 An Annual General Meeting (AGM) is to be held every calendar year within 6 months after the end of ASWA's financial year.
- 11.3.2 If it is proposed to hold the Annual General Meeting more than six months after the end of ASWA's financial year, the Executive Officer must apply to the Commissioner for permission within four months after the end of the financial year.
- 11.3.3 Notice of the AGM is to be sent to all members, irrespective of voting rights.
- 11.3.4 The Executive Officer must give to all members a Notice of Meeting for the AGM not less than twenty-one (21) days before the Annual General Meeting. The Notice of Meeting must specify:
- when and where the Annual General Meeting is to be held;
 - positions nominations are to be provided for;
 - required nomination forms.
- 11.3.5 Nominations for positions are to be received by the Executive Officer ten (10) days prior to the Annual General Meeting. Nominations will not be accepted after this time.
- 11.3.6 The Executive Officer must give to all members an Agenda not less than seven (7) days prior to the Annual General Meeting and that Agenda must specify the:
- particulars and order in which business is to be transacted, as follows:
 - confirmation of the minutes of the previous Annual General Meeting and of any General Meeting held since then;
 - consideration of the accounts and reports of the Board;
 - election of Board members to replace outgoing Board members;
 - election of Life Members;
 - announcement of Club delegates;
 - appointment of Auditor and Auditors reports;
 - subscription fees to be paid by members;
 - Notices of Motion or Special Resolutions; and
 - any other business requiring consideration by ASWA at the General Meeting.
 - Nominees for the Elected Director positions.
- 11.3.7 If the Chairperson is standing for re-election, another ASWA Director will chair the meeting for the time required to conduct the election for that position.
- 11.3.8 Each artistic swimming member, non-artistic swimming member, life member and club member shall be entitled to one (1) vote at Annual General Meetings.
- 11.3.9 Child artistic swimming members (under 18) are not permitted to vote directly or via proxy at Annual General Meetings.
- 11.3.10 Nominations for Elected Directors not meeting the specifications documented in the Constitution or in the By-laws will not be accepted.
- 11.3.11 If there are more applicants than vacant Elected Director positions, a secret ballot is to be conducted with voting forms requiring completion by voting members and a count being conducted by a nominated Board member.

11.4 Postal Ballots

- 11.4.1 If a postal ballot is called, the results are to be recorded in the minutes of the next Board meeting. This is to include the number in favour of the motion and the number against.
- 11.4.2 An email is to be sent to each member over the age of eighteen (18) years with the results of the postal ballot communicated within seven (7) days of the ballot closing.

11.5 Minutes of Meetings

- 11.5.1 The Executive Officer must cause proper minutes of all proceedings of all General Meetings (including Special General Meetings and Annual General Meetings) and Board meetings to be taken and distributed within fourteen (14) days after the holding of each General Meeting or Board meeting.
- 11.5.2 The Chairperson must ensure that the minutes taken of a General Meeting or Board meeting are checked and signed as correct by the Chairperson of the General Meeting or Board meeting to which those minutes relate or by the Chairperson of the next succeeding General Meeting or Board meeting, as the case requires.
- 11.5.3 Resolutions to Notices of Motions are binding and must be recorded in the Minutes along with the name of the mover and second mover.
- 11.5.4 The minutes of meetings must include the number in favour of and the number against any determination.

12. RULES

- 12.1.1 ASWA may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in the Act.
- 12.1.2 Within one (1) month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by Artistic Swimming WA), ASWA must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a notice given by a member of the Board certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of the Act.
- 12.1.3 The revised rules come into effect once the Commissioner has given approval to accept the changes.

13. INSPECTION OF RECORDS

- 13.1.1 A member may at any reasonable time inspect without charge the books, documents, records, minutes, Register and securities of ASWA.
- 13.1.2 No fees are to be charged for making this request.
- 13.1.3 The Board will honour a request made on the prescribed form within ten (10) days of the request being made.

14. PRIVACY OF INFORMATION

- 14.1.1 ASWA shall request personal details from members only when the information is relevant to the day-to-day business of ASWA.

15. ASSOCIATION COLOURS

15.1.1 ASWA's colour is a medium blue.

16. COMPETITIONS

16.1 Competitions and Skills Assessments

- 16.1.1 Entry fees are to be set by the ASWA Board for the following season prior to April 30th so the competition fees can be included in the Technical Package.
- 16.1.2 ASWA will release a Technical Package detailing the following season's competitions and related policies prior to the end of May each financial year.
- 16.1.3 Entries are to be finalised fourteen (14) days prior to the competition or skill assessment start date. No entries beyond this time will be accepted.
- 16.1.4 Competition entry fees will be invoiced by ASWA to Clubs and must be paid prior to the competition.
- 16.1.5 Scratches made seven (7) days prior to the competition / skills assessment will receive a refund. Scratches made after this time will not be refunded unless a medical certificate is provided.
- 16.1.6 All swimmers must be registered and financial members prior to entering in ASWA competitions. Swimmers registered with another State or Country shall compete as visitors, which means they can be judged but may not be entitled to awards. In events where there are non-WA athletes competing, WA athletes must be awarded appropriately for domestic competition and, if required, the medal placings will be shared with the non-WA athlete(s).
- 16.1.7 Swimmers competing in routines where figures scores are included as part of the result calculation, must compete in figures for that age group.
- 16.1.8 Athletes may compete in figures only and be awarded accordingly except at States or Nationals. At States and Nationals, athletes may not compete in figures only. However, swimmers aged 15 Years and Under who are competing in routines with no figure component (Free Combination or Free Age Team), may (optional) compete in their relevant age group figure competition for development or selection purposes. (Exhibitor).
- 16.1.9 Competitions will be conducted according to the latest ASAI/FINA Rules except as they may be varied elsewhere in these By-Laws or in ASWA's Technical Package,
- 16.1.10 If swimwear does not conform to the required standards, the Referee has the authority to refuse to permit the swimmer(s) to compete until their swimwear conforms to the required standards.
- 16.1.11 Theatrical make-up should not be worn and use of accessory equipment, goggles or additional clothing is not permitted unless required by medical reasons or unless stated in the Rules. Jewellery may not be worn.
- 16.1.12 The Referee shall be informed in writing if there are any changes to the listed members of duet, team, and free combination routines no later than two hours before the scheduled start time of the event. Withdrawals from any events must be provided in writing to the Referee no later than two hours before the scheduled start time of the event. Changes after this time can only be made in case of sudden illness or accident and if the reserve is ready to compete without delaying the competition. The final decision in such a situation shall be made by the Referee.

- 16.1.13 Failure to notify the Referee of substitution or withdrawal shall result in disqualification of the routine.
- 16.1.14 ASWA recommends swimmers adhere to their club uniform for athlete parades and awards ceremonies.
- 16.1.15 A Jury of Appeal is to be assigned by the ASWA Board prior to the beginning of the season and will stay in effect until the completion of States.
- 16.1.16 All protests are to be considered by the Referee and in the event of a Protest Appeal, by the Jury of Appeal.
- 16.1.17 Swimmers and parents are responsible for paying pool entry. Pool entry for ASWA-designated volunteers and officials will be paid by ASWA. Coaches nominated for that competition by the Clubs will have their entry paid.
- 16.1.18 Results are to be signed off by the Referee prior to the departure of the Scorer and Referee.
- 16.1.19 The change room must be left in a clean and tidy state – Clubs will be charged a cleaning fee if the change rooms are left in an untidy manner.
- 16.1.20 All team personnel are to keep clear of music centres, scoring tables and judge panels.
- 16.1.21 Only the competitors Coach and the Referee are to approach a Competitor reluctant to compete.
- 16.1.22 Competition results are to be kept for a period of seven (7) years.
- 16.1.23 The Referee is in charge of the competition from the standpoint of ensuring the rules are followed.
- 16.1.24 Competition volunteer assignments are to be submitted to the Competition Manager prior to the end of July each financial year.
- 16.1.25 If a swimmer performs figures for two (2) Age Groups, an additional entry fee will be charged.

16.2 Competition Scoring

- 16.2.1 Enhancements and feature changes are to be reviewed with any new upgrade.
- 16.2.2 An assistant electronic scorer is to be assigned from a different Club to the Chief Electronic Scorer.
- 16.2.3 The scoring system must be used to calculate averages – no manual average scores are to be entered.
- 16.2.4 Scoring is to be conducted using the following setup:

ACTUAL NO. OF JUDGES	FIGURES PANEL SETUP	ROUTINES PANEL SETUP	DESCRIPTION
2 Judges	4x3	3x3	Uses 2 raw judge scores. Adds a 3 rd system calculated average. Averages the 3 scores.
3 Judges	4x3	3x3	Averages the 3 original Judges scores.
4 Judges	4x4	3x4	The system calculates a 5 th judge score. Top and bottom scores removed, 3 middle scores used in calculation.

5 Judges	4x5	3x5	Top and bottom score removed, 3 middle scores used in calculation.
6 Judges	4x6	3x6	Top removed, bottom removed, 4 middle scores used in calculation.
7 Judges	4x7	3x7	Top removed, bottom removed, 5 middle scores used in calculation.

16.3 WA State Championships

- 16.3.1 WA State Championships will be held annually in the month of February or March.
- 16.3.2 All swimmers must compete in at least 50% of competitions during the season to be eligible to compete in the WA Championships. This does not include skills assessment or figures only competitions.

16.4 Australian National and Open Age Group Championships

- 16.4.1 ASWA is to ensure that competitors are correctly registered and competing in the correct age group and division and that all Club nominations are correct according to FINA and ASAI rules.

16.5 Overseas Competitions

- 16.5.1 Swimmers must have competed in the previous State championships to be eligible to represent WA in an overseas competition, with clearance obtained from both State and National bodies. Exceptions may be granted in extraordinary circumstances
- 16.5.2 If the State Representative Team visit involves overseas travel, the responsibility for a swimmer or other representative obtaining a passport lies with the individual. If visas are required, the individual passports must be in the hands of the accompanying Team Manager in sufficient time to allow for the team obtaining the required visas as a group.

17. AWARDS & GRANTS

- 17.1.1 The ASWA Board will confirm the criteria for the Marsea Nelson award winner on an annual basis.
- 17.1.2 The Daphne Robert Memorial trophy will be awarded to the best performing Junior Athlete.

18. HIGH PERFORMANCE PROGRAMMES

- 18.1.1 All eligible synchronised swimming members will be offered an opportunity to trial for high performance programmes operated by ASWA.
- 18.1.2 To be eligible to participate in the selection process, athletes must meet the following criteria:
- Be a registered athlete of Synchro Australia;
 - Be a registrant in good standing with ASWA;
 - Not have any outstanding fees/fines payable to ASWA; and
 - Be a member of an ASWA recognised club.
- 18.1.3 Selection and appeal processes will be detailed in the Technical Package released by ASWA at the commencement of each financial year.

19. COACHES

- 19.1.1 As per ASAI policy, all Coaches must be accredited.
- 19.1.2 A Coach must have a current Working with Children Check and CPR qualifications.
- 19.1.3 Coaches that are not accredited must be supervised at all times.
- 19.1.4 The Coach to pupil ratio must not exceed one (1) coach to ten (10) students for a general class, or twelve (12) for a routine.

20. VOLUNTEERS

- 20.1.1 All volunteers must be registered members of ASWA whether they are volunteering for a competition role or for a Club fundraising activity or event.

21. EQUIPMENT

21.1 Register

- 21.1.1 A register of Fixed Assets purchased by ASWA is to be maintained indicating items purchased and their current location.
- 21.1.2 People borrowing ASWA equipment are to agree to report any losses or thefts as soon as possible.
- 21.1.3 The theft of any ASWA loaned equipment is to be reported to the Police and a Police Report provided to ASWA within one (1) month of the theft.
- 21.1.4 Loaned equipment remains the property of ASWA.

21.2 Maintenance

- 21.2.1 It is the responsibility of the person borrowing any ASWA equipment to ensure it is electronically tagged.

21.3 Sound Systems

- 21.3.1 One sound system is to be provided by ASWA for the use of every member Club.
- 21.3.2 Sound systems loaned to Clubs are to be maintained by the Club.
- 21.3.3 Sound systems loaned to Clubs are to be returned to ASWA for use in competitions or activities if required.
- 21.3.4 Given as a starting grant – training systems – one speaker – one amp – one microphone. The Club needs to maintain and ensure the asset, if the club becomes insolvent or closes within the first 12 months, then the equipment must be returned to ASWA, in reasonable working order.

21.4 Laptops

- 21.4.1 Loaned ASWA Laptops are to be used for synchronised swimming purposes only and are not to be used for personal use or to store personal information. Virus management software is to be maintained and active on the laptops at all times. Only ASWA approved software is to be installed.

22. GRIEVANCE PROCEDURE AND DISPUTE RESOLUTION

22.1 Grievance Lodgement

- 22.1.1 The grievance procedure applies to disputes between:
- a member and another member; or
 - a member and ASWA; or
 - if ASWA provides services to non-members, those non-members who receive services from ASWA, and ASWA.
- 22.1.2 Grievances are to be recorded on the prescribed “Notice of Grievance” form. Details of the issue are to be provided with any supporting materials.

22.2 Dispute Consideration

- 22.2.1 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within fourteen (14) days after the dispute comes to the attention of all of the parties.
- 22.2.2 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within ten (10) days, hold a meeting in the presence of a mediator.
- 22.2.3 The mediator must be:
1. a person chosen by agreement between the parties; or
 2. in the absence of agreement:
 - in the case of a dispute between a member and another member, a person appointed by the Board of ASWA;
 - in the case of a dispute between a member or relevant non-member and ASWA, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 22.2.4 A member of ASWA can be a mediator.
- 22.2.5 The mediator cannot be a member who is a party to the dispute.

- 22.2.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 22.2.7 The mediator, in conducting the mediation, must:
1. give the parties to the mediation process every opportunity to be heard;
 2. allow due consideration by all parties of any written statement submitted by any party; and
 3. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 22.2.8 The mediator must not determine the dispute.
- 22.2.9 The mediation must be confidential and without prejudice.

22.3 Resolution

- 22.3.1 The parties involved are to be informed in writing the outcome of the complaint and of any consequence or penalties within seven (7) days of an issue. A description of the appeal process is to be included.

22.4 Appeal Process

- 22.4.1 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

23. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION

- 23.1.1 If upon the winding up or dissolution of ASWA there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

END OF DOCUMENT
