



Masters Swimming Western Australia Inc.

Bylaws

Updated June 2023

Update endorsed by
MSWA Board 14 June 2023

Previous Version April
2021

BYLAWS OF THE ASSOCIATION

Contents

BL1	CONDUCT.....	3
BL2	INTERPRETATION.....	3
BL3	AMENDMENTS TO RULES OF ASSOCIATION.....	3
BL4	AMENDMENTS TO BY-LAWS.....	3
BL5	MOTTO.....	3
BL6	LOGO.....	3
BL7	GRANTS.....	3
BL8	MEMBERSHIP.....	4
BL9	DISPUTES AND MEDIATION.....	5
BL10	BOARD MEETINGS.....	5
BL11	COUNCIL OF CLUBS MEETINGS.....	5
BL12	ANNUAL GENERAL MEETING.....	5
BL13	BOARD PORTFOLIOS.....	6
BL14	COMMITTEES.....	6
BL15	ADMINISTRATION AND SWIMMING AWARDS.....	8
BL16	SERVICE AWARDS.....	8
BL17	BANK SIGNATORIES.....	9
BL18	STATE SWIM MEETS.....	9

BYLAWS OF THE ASSOCIATION

BL1 CONDUCT

- BL1.1 In the event of any inconsistency between the provisions of the Rules of Association and the provisions of these By-Laws, the provisions of the Rules of Association shall prevail.

BL2 INTERPRETATION

- BL2.1 All terms in these By-Laws have the same meaning as the same terms in the Rules of Association, unless expressly defined otherwise or the context requires otherwise.

BL3 AMENDMENTS TO RULES OF ASSOCIATION

- BL3.1 The Rules of Association shall be subject to amendment according to the following procedures:
- BL3.1.1 Proposals for amendment of the Rules of Association may be initiated by the Board or by written submission to the Executive Officer by any Club.
 - BL3.1.2 Each proposed amendment shall be considered by the Board before being submitted to the Council of Clubs. The Board shall determine its support for or opposition to the amendment and the view of the Board shall be expressed to the Clubs prior to the Council of Clubs meeting.
 - BL3.1.3 The amendments to be voted on and the Board's support or opposition shall be circulated to Club secretaries at least twenty-one (21) days prior to the meeting at which it is to be voted upon.

BL4 AMENDMENTS TO BY-LAWS

- BL4.1 These By-Laws may be amended by Board resolution at any time.
- BL4.2 Proposals for amendment of these By-Laws may be initiated by the Board, or by written submission to the Executive Officer by any Club.

BL5 MOTTO

- BL5.1 The Association's motto shall be 'fitness, friendship and fun' until such a time as the Board deems to recommend a change and is endorsed by the Council of Clubs.

BL6 LOGO

- BL6.1 The Association's logo shall be the National logo (as described in the National By-Laws) with the word 'Australia' replaced by the words 'Western Australia'.

BL7 GRANTS

- BL7.1 All monies allocated to Clubs from the Association or Board shall be subject solely to the conditions laid down by the Association or Board, and shall be used for the purposes stipulated by the Association or Board and for no other purposes.

BYLAWS OF THE ASSOCIATION

BL8 MEMBERSHIP

- BL8.1 Association life membership conditions:
- BL8.1.1 Criteria for the granting of Life Membership:
- i. Life membership will only be considered after 10 years distinguished service to the Association or for a contribution of sustained excellence.
 - ii. The nomination must come from at least two (2) Clubs which will submit the application to the Board for endorsement. The nomination will then be submitted to the Council of Clubs as a Special Resolution at the Annual General Meeting.
 - iii. Any such nomination must be received by the Board no later than sixty (60) days prior to the Annual General Meeting, and must then be circulated (with a full history of service) to Clubs a minimum of thirty-five (35) days prior to the Annual General Meeting.
- BL8.1.2 Life Membership fees, privileges and responsibilities:
- i. Fees:
 - a. Active Life Members are required to pay Club and national fee components each registration year, but are exempt from the Branch fee. If the Members are also Club and/or National Life Members, the Club and/or National associations are responsible for their respective fee components.
 - b. If a Life Member no longer wishes to register as a Member of a Club, they will retain the status of honorary life membership but will not be registered at Branch or National level.
 - ii. Life Members shall be presented with a gold life membership lapel badge and a certificate. Further privileges of life membership shall include being listed on any Branch Roll of Honour plus such invitations as the Board deems proper to issue.
 - iii. Life Members are expected to behave in a responsible manner when representing the Association.
- BL8.2 Individual Members of a Club that dissolves shall be invited to join a nearby Club or, if none, to join the Sandgropers Club.
- BL8.3 Associate Members: Non-swimming Members that are based in Western Australia and who have registered with MSA as a Coaching, Technical or Volunteer Member shall be considered Associate Members of this Association. An Associate Member has all the rights of an Individual Member except they shall have not voting rights. No other Associate Member categories have currently been defined.
- BL8.4 The registration fee structure shall be the same as that applying to Masters Swimming Australia as detailed in the National By-Laws.
- BL8.5 Club Affiliation fees and the Branch component of Member registration fees shall be reviewed annually and set by the Board with the Council of Clubs advised of the fees at the first meeting following the Boards decision.
- BL8.6 An individual shall be deemed to be a financial Member of the Association when an affiliated Club accepts the membership. However, participation in Association events is subject to acknowledgment of registration by the Association.

BL9 DISPUTES AND MEDIATION

- BL9.1 For details relating to Complaints, Disputes and Mediation procedures, please refer to the MSA Member Protection Policy and MSWA Member Protection Policy Addendum

BL10 BOARD MEETINGS

- BL10.1 The Board shall generally meet approximately every 6 weeks.
- BL10.2 The Board and Executive Officer shall provide an update to clubs on financial and operating activities at each Council of Clubs.

BL11 COUNCIL OF CLUBS MEETINGS

- BL11.1 The Council of Clubs has the following responsibilities as per the Rules:
- BL11.1.1 Endorse Club affiliation and Branch component of the Member registration fees (Rule 14).
 - BL11.1.2 Approve any changes to the Rules of Association (Rule 38).
 - BL11.1.3 Have the power to suspend Club affiliation.
 - BL11.1.4 Approve the investment strategy in accordance with the Trust Agreement.
 - BL11.1.5 Upon Board recommendation, approve appointment of Trustees as required (Rule 3.19).
 - BL11.1.6 Approve any application for mortgage as recommended by the Board
 - BL11.1.7 Approve any special payments to Board Members (Rule 6.1 (c)).
- BL11.2 Council of Clubs meetings shall be held quarterly.
- BL11.3 The Association shall endeavour to make the minutes of each meeting available to Clubs within fourteen (14) days of the meeting.

BL12 ANNUAL GENERAL MEETING

- BL12.1 The Annual General Meeting shall be held in March each year, separately to and immediately after the Council of Clubs meeting.
- BL12.2 The business of the Annual General Meeting shall be:
- BL12.2.1 Accreditation of delegates and apologies;
 - BL12.2.2 To confirm the minutes of the previous Annual General Meeting;
 - BL12.2.3 To receive the Annual Financial Statement which will have been audited, and the Annual Reports of officers and Clubs for the preceding year;
 - BL12.2.4 To receive the proposed budget for the current year;
 - BL12.2.5 To elect officers of the Board;
 - BL12.2.6 To appoint a registered Auditor for the current year (Rule 34);
 - BL12.2.7 Approve any Life Member appointments as recommended by the Board
 - BL12.2.8 Approve the appointment of Patrons as recommended by the Board
 - BL12.2.9 Such other matters as the Executive Officer has been notified of in writing at least thirty-five (35) days prior to the meeting; and
 - BL12.2.10 Consider General Business, provided that such business shall not involve a resolution other than:

BYLAWS OF THE ASSOCIATION

- i. To make a recommendation to the incoming officers of the Council of Clubs; and/or
 - ii. To deal with a matter of procedure in the conduct of the meeting and then only subject to and in accordance with the Rules of Association.
- BLI2.3 Any business transacted at meetings of the Association may, at the discretion of the Council of Clubs, be published for the information of the public and the advantage of the Association.

BLI3 THE BOARD

- BLI3.1 The following portfolios will be elected at the AGM in alternate years:
- BLI3.1.1 PRESIDENT**
- The President shall provide leadership and strategic direction for the Board and the Council of Clubs in accordance with the current Strategic and Operational Plan of the Association. The President shall also represent the Association as National Delegate on National matters including attending National General Meetings. Should the President be unwilling or unable to fulfil the National Delegate role, they may delegate responsibility to another Director of the Board.
- BLI3.1.2 DIRECTOR OF FINANCE**
- The Director of Finance shall ensure effective and accountable financial management of the Association in accordance with the current Strategic and Operational Plan of the Association.
- BLI3.2 Additional portfolios and associated duties shall be allocated to members of the Board according to the needs of the organisation.
- BLI3.3 Board Members will have a maximum tenure on the Board of ten (10) years, unless a position is not filled and then the Board Member shall remain in that position until it is filled. Following a three (3) year break, a former Board Member may return to the board for a further ten years with a maximum tenure of two terms of ten years.
- BLI3.4 Board Meetings will be held eight (8) times per year. All Board Members are expected to attend Board Meetings. Board Members should attend a minimum of five (5) Board Meetings per year to remain on the Board.
- BLI3.5 Council of Clubs Meetings including the AGM will be held four (4) times per year. All Board Members are expected to attend Council of Clubs Meetings. Board Members should attend a minimum of two (2) Council of Clubs Meetings per year to remain on the Board.
- BLI3.6 Board Members who do not attend the minimum number of meetings per year will be asked to resign their position.

BLI4 COMMITTEES

- BLI4.1 The committee detailed below shall be set up at or immediately following the Annual General Meeting each year and shall have a term of two (2) years.
- BLI4.2 Other committees may be set up during the year at the discretion of the Board, for terms set by the Board.
- BLI4.3 All committees shall report to the Board.
- BLI4.4 The tenure for State Officer and Committee positions shall be a maximum of five (5) terms of two (2) years.
- BLI4.5 Vacancies arising shall be filled by seeking EOIs from candidates with the pre-requisite skills required for the role.
- BLI4.6 FINANCE, AUDIT & RISK COMMITTEE**
- BLI4.6.1 The Finance, Audit & Risk Committee shall consist of:
- i. Chair (Director of Finance)

BYLAWS OF THE ASSOCIATION

- ii. Secretary (Executive Officer)
- iii. President of MSWA
- iv. Up to two members with investment and accounting experience as selected by the Chair

BLI4.7 POOL COMPETITION COMMITTEE

BLI4.7.1 The Pool Competition Committee shall consist of:

- i. Chair (Board Director)
- ii. Secretary (Executive Officer)
- iii. Swim Meet Coordinator
- iv. Technical Representative
- v. State Recorder
- vi. Two (2) Host Club representatives as selected by the Chair

BLI4.7.2 The Pool Competition Committee shall coordinate the compilation and running of the Pool Competition calendar in accordance with the current Strategic and Operational Plans.

BLI4.8 OPEN WATER SWIM COMMITTEE

BLI4.8.1 The committee shall consist of:

- i. Chair (Board Director)
- ii. Secretary (Executive Officer)
- iii. Director of Finance
- iv. Open Water Sanctioning Coordinator
- v. Technical Representative
- vi. Representatives from each of the host clubs

BLI4.8.2 The Open Water Committee shall coordinate the compilation and running of the Open Water calendar in accordance with the current Strategic and Operational Plans.

BLI4.9 COACHING COMMITTEE

BLI4.9.1 The committee shall consist of:

- i. Chair (Board Director)
- ii. Secretary (Executive Officer)
- iii. Club Coach Educator
- iv. Coach & Swimmer Education Coordinator (Contractor)
- v. Up to two (2) qualified Masters Swimming Club Coaches selected by the Chair

BLI4.9.2 The Coaching Committee shall coordinate the development of new and existing coaches in accordance with the current Strategic and Operational Plans.

BLI4.10 TECHNICAL COMMITTEE

BLI4.10.1 The committee shall consist of:

- i. Chair (Board Director)
- ii. Secretary (Executive Officer)
- iii. The Technical Education Officer
- iv. Up to two (2) qualified Masters Referees

BYLAWS OF THE ASSOCIATION

- BLI4.10.2 The Technical Committee shall coordinate the development of new and existing officials in accordance with the current Strategic and Operational Plans.

BLI5 ADMINISTRATION AND SWIMMING AWARDS

- BLI5.1 The following awards will be presented annually at the AGM
- BLI5.1.1 A State Endurance 1000 Trophy shall be awarded each year to the top point-scoring Club based on Award points as set down in the Rules for the Endurance 1000 Trophy.
 - BLI5.1.2 The State Endurance 1000 Country Club Trophy shall be awarded each year to the top point-scoring Country Club in the State Endurance 1000 Trophy. Country Clubs eligible for this Trophy are those whose swimming venue is situated outside the metropolitan area.
 - BLI5.1.3 The “McDonald Shield” shall be awarded annually to the Club of the Year award winner, determined by the Executive Officer with reference to prevailing award criteria.
 - BLI5.1.4 The ‘Perc Edwards Volunteer of the Year’ Awards shall be awarded annually and will be determined by the Board following invitations for nomination.
 - BLI5.1.5 A ‘Coach of the Year’ Award shall be awarded annually and will be determined by the Board following invitations for nomination.
 - BLI5.1.6 An ‘Official of the Year’ Award shall be awarded annually and will be determined by the Board following invitations for nomination.
- BLI5.2 A State Shield shall be awarded each year to the top point-scoring Club at the State Pool Swim Meet.
- BLI5.3 The President’s Trophy shall be awarded each year to the male and female swimmer of the State Pool Swim Meet. This award shall be awarded according to the MSA points schedule, closest to FINA points and be presented at the pool during the meet.
- BLI5.4 A Most Improved Club of the Year Award shall be awarded annually, determined by the Executive Officer with reference to prevailing criteria.
- BLI5.5 An Event of the Year Award shall be awarded annually, determined by the Executive Officer with reference to prevailing criteria.
- BLI5.6 Such other awards as may be determined from time to time by the Board.

BLI6 SERVICE AWARDS

BLI6.1 MERIT AWARD FOR 5 YEARS SERVICE

A Club Member may be nominated by their Club or the Board to receive a 5-year service award after completion of five years significant voluntary service to the Association at a State level. The Board will consider and, if appropriate, approve such award at the next Annual General Meeting.

BLI6.2 MERIT AWARD FOR 10 YEARS SERVICE

A Club Member may be nominated by their Club or the Board to receive a 10-year service award after completion of ten years significant voluntary service to the Association at a State level. The Board will consider and, if appropriate, approve such award at the next Annual General Meeting.

BLI6.3 MERIT AWARD FOR 15 YEARS SERVICE

BYLAWS OF THE ASSOCIATION

A Club Member may be nominated by their Club or the Board to receive a 10-year service award after completion of ten years significant voluntary service to the Association at a State level. The Board will consider and, if appropriate, approve such award at the next Annual General Meeting.

BL16.4 MERIT AWARD FOR 20 YEARS SERVICE

A Club Member may be nominated by their Club or the Board to receive a 10-year service award after completion of ten years significant voluntary service to the Association at a State level. The Board will consider and, if appropriate, approve such award at the next Annual General Meeting.

BL16.5 CRITERIA FOR MERIT AWARDS FOR SERVICE

Awards under this By-Law may only be made to a person who has been a Club Member for the entire period of service. National and State Life Members are not eligible for these Awards. The Awards shall be a plaque and a certificate, and the plaque is to be identical for both Awards apart from the wording.

BL16.6 SERVICE TO MSWA AWARD

This award is presented annually. The winner is selected from nominees received. Clubs are invited to nominate a WA member (from any club) whose efforts have been outstanding in supporting the management (at any level) of MSWA.

BL17 BANK SIGNATORIES

BL17.1 The signatories of all accounts shall be any two (2) conjointly of the President, Executive Officer, Director of Finance and one other Director.

BL18 STATE SWIM MEETS

- BL18.1 The Association shall conduct a State Pool Swim Meet and a State Open Water Swim Event annually.
- BL18.2 The State Pool Swim Meet shall be held as a Short Course Meet at least once every five (5) years.
- BL18.3 The State Open Water Swim Event may be held in conjunction with another event sanctioned by the Association.
- BL18.4 The State Pool Swim Meet shall be held at a regional centre at least once every five (5) years.